

2022 No. 505

POLICE, ENGLAND AND WALES

The Special Constables (Membership of the Police Federation etc.) (England and Wales) Regulations 2022

<i>Made</i> - - - -	<i>3rd May 2022</i>
<i>Laid before Parliament</i>	<i>10th May 2022</i>
<i>Coming into force</i> - -	<i>28th June 2022</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 51(1) and (2)(a), (ba) and (ca) and 60(1)(a) and (2)(a) and (b) of the Police Act 1996(a), and section 36(1)(b) of the Police Reform Act 2002(b).

In accordance with section 60(4)(a) of the Police Act 1996(c), the Secretary of State has consulted the national board of the Police Federation of England and Wales.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Special Constables (Membership of the Police Federation etc.) (England and Wales) Regulations 2022.

(2) These Regulations come into force on 28th June 2022.

(3) These Regulations extend to England and Wales.

Amendment of the Special Constables Regulations 1965

2.—(1) The Special Constables Regulations 1965(d) are amended as follows.

(2) In regulation 1 (qualifications for appointment), for paragraph (1)(c), substitute—

“(c) must have attained the age of 17 years;

(ca) must have attained the age of 18 years before being appointed as a special constable;”.

Amendment of the Police Regulations 2003

3.—(1) The Police Regulations 2003(e) are amended as follows.

(a) 1996 c. 16. Section 51(2)(ba) was inserted by section 35 of the Police Reform Act 2002 (c. 30) and amended by paragraphs 1 and 4(1) and (2) of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4); section 51(2)(ca) was inserted by section 4(2) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

(b) 2002 c. 30.

(c) Section 60(4) was substituted, in relation to England and Wales, by paragraph 1 of Schedule 1 to S.I. 2017/1140.

(d) S.I. 1965/536, amended by S.I. 2002/3180, S.I. 2006/2278 and S.I. 2019/745. There are other amending instruments, but none is relevant.

(e) S.I. 2003/527, amended by S.I. 2017/1140. There are other amending instruments, but none is relevant.

(2) In regulation 23 (meetings of the Police Federation treated as police duty), after “a member of a police force”, in each place it occurs, insert “or a special constable”.

Amendment of the Police Federation (England and Wales) Regulations 2017

4.—(1) The Police Federation (England and Wales) Regulations 2017^(a) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), at the appropriate place, insert—

““police officer” means a member of a police force or a special constable;”;

(b) for paragraph (3)(a)(i), substitute—

“(i) in relation to a member of the Federation who is a member of a police force or a police cadet, is a reference to the Federation branch for the members of the police force of which he is or she is, or training to become, a member,

(ia) in relation to a member of the Federation who is a special constable, is a reference to the Federation branch for the special constables appointed for the police area to which he or she is appointed as a special constable;”;

(c) for paragraph (3)(b)(i) and (ii), substitute—

“(i) in relation to a Federation branch, is a reference to the police force—

(aa) whose members belong to that branch, or

(bb) maintained for the police area whose special constables belong to that branch;

(ii) in relation to a branch council or branch board, is a reference to the police force—

(aa) whose members belong to the Federation branch in respect of which the council or board is constituted, or

(bb) maintained for the police area whose special constables belong to the Federation branch in respect of which the council or board is constituted;”;

(d) for paragraph (3)(c)(i) and (ii), substitute—

“(i) in relation to a Federation branch, is a reference to the chief officer of police of the police force—

(aa) whose members belong to that branch, or

(bb) maintained for the police area whose special constables belong to that branch;

(ii) in relation to a branch council or branch board, is a reference to the chief officer of police of the police force—

(aa) whose members belong to the Federation branch in respect of which the council or board is constituted, or

(bb) maintained for the police area whose special constables belong to the Federation branch in respect of which the council or board is constituted;”;

(e) for paragraph (3)(d)(i) and (ii) substitute—

“(i) in relation to a Federation branch, is a reference to the local policing body which maintains the police force—

(aa) whose members belong to that branch, or

(a) S.I. 2017/1140. There is an amending instrument, but it is not relevant.

- (bb) maintained for the police area whose special constables belong to that branch;
 - (ii) in relation to a branch council or branch board, is a reference to the local policing body which maintains the police force—
 - (aa) whose members belong to the Federation branch in respect of which the council or board is constituted, or
 - (bb) maintained for the police area whose special constables belong to the Federation branch in respect of which the council or board is constituted;”;
- (f) after paragraph (3)(f)(i), insert—
 - “(ia) in relation to a member of the Federation who is a special constable appointed for a police area, is a reference to the branch board constituted in respect of the branch to which special constables appointed for that police area belong;”.
- (3) In regulation 4 (membership of the Federation)—
 - (a) after paragraph (1)(b), insert—
 - “(c) a special constable appointed for a police area in England and Wales.”;
 - (b) for paragraph (2), substitute—
 - “(2) A person who is eligible to be a member of the Federation may opt to join it by joining the relevant Federation branch at any time after—
 - (a) becoming a member of a police force in England and Wales,
 - (b) starting cadet training with a view to becoming a member of such a police force, or
 - (c) being appointed as a special constable for a police area in England and Wales.”.
- (4) In regulation 6 (new members)—
 - (a) in paragraph (1)(a)—
 - (i) after “below the rank of superintendent,”, omit “and”;
 - (ii) after “a member of a police force”, insert “and each new special constable appointed for a police area”;
 - (iii) for “member or cadet”, substitute “member, cadet or special constable”;
 - (b) in paragraph (1)(b)—
 - (i) after “below the rank of superintendent,”, omit “and”;
 - (ii) after “a member of a police force”, insert “and each special constable appointed for a police area”;
 - (iii) for “member or cadet”, in both places it occurs, substitute “member, cadet or special constable”.
- (5) In regulation 10 (branch boards), in paragraph (3), after “number of members of the relevant police force”, in each place it occurs, insert “and special constables appointed for the police area for which the relevant police force is maintained”.

Amendment of the Police (Complaints and Misconduct) Regulations 2020

- 5.—**(1) The Police (Complaints and Misconduct) Regulations 2020(a) are amended as follows.
- (2) In regulation 18 (special procedure: police friend), in paragraph (2)(d), after “a member of a police force”, insert “or a special constable”.

(a) S.I. 2020/2.

Amendment of the Police (Performance) Regulations 2020

6.—(1) The Police (Performance) Regulations 2020(a) are amended as follows.

(2) In regulation 4 (interpretation and delegation), in paragraph (1), in the definition of “staff association”, after “chief inspector or below”, insert “or to a special constable”.

(3) In the following places, omit “where the officer concerned is a member of a police force,”—

- (a) regulation 5(1)(c) (police friend);
- (b) regulation 20(1)(d) (arrangement of first stage appeal meeting).

(4) In the following places, omit “where the officer is a member of a police force,”—

- (a) regulation 16(1)(g) (arrangement of first stage meeting);
- (b) regulation 23(1)(h) (arrangement of second stage meeting);
- (c) regulation 28(1)(d) (arrangement of second stage appeal meeting);
- (d) regulation 31(1)(j) (arrangement of a third stage meeting);
- (e) regulation 33(1)(n) (arrangement of a third stage meeting without a prior first or second stage meeting).

Amendment of the Police (Conduct) Regulations 2020

7.—(1) The Police (Conduct) Regulations 2020(b) are amended as follows.

(2) In regulation 2 (interpretation and delegation), in paragraph (1), in the definition of “staff association”, after “chief inspector or below”, insert “or a special constable”.

(3) In regulation 7 (police friend), in paragraph (1)(c), omit “where the officer is a member of a police force,”.

3rd May 2022

Kit Malthouse
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Special Constables Regulations 1965 (S.I. 1965/536), lowering the age at which an applicant can apply to become a special constable to 17. A successful applicant must still obtain the age of 18 before being appointed as a special constable. This brings the minimum age requirements in line with those applicable to those applying to become a constable under regulation 10 of the Police Regulations 2003 (S.I. 2003/527) (“the 2003 Regulations”).

These Regulations also make the following amendments further to section 4 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32). Section 4 enables special constables to become members of the Police Federation of England and Wales (“the Federation”).

Regulation 3 amends the 2003 Regulations to enable special constables’ attendance at some meetings of the Federation to be treated as an occasion of police duty.

Regulation 4 amends the Police Federation (England and Wales) Regulations 2017 (S.I. 2017/1140) to allow constables to join the Federation, and sets out the requirements of the Federation to notify new special constables of their right to join the Federation and to pay a voluntary subscription to receive certain benefits associated with membership.

(a) S.I. 2020/3.

(b) S.I. 2020/4.

Regulations 5, 6 and 7 amend the Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), the Police (Performance) Regulations 2020 (S.I. 2020/3) and the Police (Conduct) Regulations 2020 (S.I. 2020/4) respectively to enable special constables to seek advice from a representative from the Police Federation for England and Wales at proceedings under those regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary of public sectors is foreseen.

© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2022/505>

ISBN 978-0-34-823489-3



9 780348 234893