

2017 No. 1140

POLICE, ENGLAND AND WALES

The Police Federation (England and Wales) Regulations 2017

<i>Made</i> - - - -	<i>22nd November 2017</i>
<i>Laid before Parliament</i>	<i>30th November 2017</i>
<i>Coming into force</i> - -	<i>31st December 2017</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 50(1), (2)(i), (7) and 60 of the Police Act 1996(a).

The Secretary of State has consulted the three Central Committees of the Police Federation of England and Wales, sitting together as a Joint Committee, in accordance with section 60(4) of that Act.

The Secretary of State has also supplied a draft of the Regulations to the Police Advisory Board for England and Wales, and taken the representations of the Board into consideration in accordance with section 63(3)(b) of that Act.

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Federation (England and Wales) Regulations 2017 and come into force on 31st December 2017.

(2) These Regulations extend to England and Wales.

Interpretation

2.—(1) In these Regulations—

“branch fund” has the meaning given in regulation 18(2);

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- (a) 1996 c. 16. Amendments have been made to section 50, but none are relevant to this instrument. Section 60 was amended by paragraph 80 of Schedule 9 to the Police Act 1997 (c.50); paragraph 75 of Schedule 4 and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c.15); paragraph 37 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13), and by S.I. 2013/602. Other amendments have been made to section 60 which are not relevant to this instrument.
- (b) Section 63 was amended by S.I. 2013/602. Section 63(3) was substituted by paragraphs 68, 78(1) and (3) of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15) and was further amended by paragraph 6(1) and (2) of Part 1 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4). There have been other amendments to section 63 which are not relevant to this instrument.

“elected representatives” has the meaning given in regulation 9(1);

“the Federation” means the Police Federation for England and Wales;

“Federation body” means any of the following bodies of the Federation—

- (a) a branch council;
- (b) a branch board;
- (c) the national council;
- (d) the national board;
- (e) any other body of the Federation provided for in Federation rules under regulation 22(1)(a);

“Federation branch” means a branch of the Federation;

“Federation funds” means any funds—

- (a) held by or on behalf of the Federation, or
- (b) in respect of which the Federation is the beneficiary;

“Federation property” means any property—

- (a) held by or on behalf of the Federation, or
- (b) in respect of which the Federation is the beneficial owner;

“Federation officer” means any of the following officers of the Federation—

- (a) a branch chair, branch secretary or branch treasurer;
- (b) any additional branch officer provided for by Federation rules;
- (c) the national chair, national secretary or national treasurer; and
- (d) any additional national officer provided for by Federation rules;

“Federation rules” means rules made by the Federation under regulation 22;

“a metropolitan executive committee” has the meaning given in regulation 9(4);

“the metropolitan police force branch” means the branch of the Federation for the members of the metropolitan police force;

“the national chair” has the meaning given in regulation 11(5);

“the national fund” has the meaning given in regulation 18(3);

“the national secretary” has the meaning given in regulation 12(1)(b);

“the national treasurer” has the meaning given in regulation 12(6);

“relevant period” means the period of 18 months after these regulations come into force.

(2) For the purposes of these Regulations, “protected characteristic” is to be read in accordance with the Equality Act 2010(a).

(3) In these Regulations—

- (a) a reference to the relevant Federation branch—
 - (i) in relation to a member of the Federation, 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;
 - (ii) in relation to a branch council or branch board, is a reference to the Federation branch in respect of which the council or board is constituted;
 - (iii) in relation to a metropolitan executive committee, is a reference to the metropolitan police force branch;
- (b) a reference to the relevant police force—

(a) 2010 c.15.

- (i) in relation to a Federation branch, is a reference to the police force whose members belong to that branch;
 - (ii) in relation to a branch council or branch board, is a reference to the police force whose members belong to the Federation branch in respect of which the council or board is constituted;
 - (iii) in relation to a metropolitan executive committee, is a reference to the metropolitan police force;
- (c) a reference to the relevant chief officer—
- (i) in relation to a Federation branch, is a reference to the chief officer of police of the police force whose members 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 whose members belong to the Federation branch in respect of which the council or board is constituted;
 - (iii) in relation to a metropolitan executive committee, is a reference to the chief officer of police of the metropolitan police force;
- (d) a reference to the relevant local policing body—
- (i) in relation to a Federation branch, is a reference to the local policing body which maintains the police force whose members 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 whose members belong to the Federation branch in respect of which the council or board is constituted;
 - (iii) in relation to a metropolitan executive committee, is a reference to the local policing body of the metropolitan police force;
 - (iv) in relation to a member of the national board, means the local policing body which maintains the police force of which the person is a member;
- (e) a reference to the relevant branch council—
- (i) in relation to a branch board, is a reference to the branch council constituted in respect of the same Federation branch as the board;
 - (ii) in relation to a metropolitan executive committee, is a reference to the council for which that metropolitan executive committee is constituted;
- (f) a reference to the relevant branch board—
- (i) in relation to a member of the Federation who is, or is training to become, a member of a police force, is a reference to the branch board constituted in respect of the branch to which the members of that force belong;
 - (ii) in relation to a Federation branch, is a reference to the branch board constituted in respect of the same branch.

The Federation and its structure

3.—(1) There is to continue to be a Federation branch for each police force in England and Wales.

(2) Each Federation branch is to have a branch council constituted in accordance with regulation 8.

(3) The metropolitan police force branch is to have any additional branch council or branch councils as may be provided for by Federation rules, constituted in accordance with regulation 9.

(4) Each metropolitan police force branch council is to have a committee as provided for in regulation 9(4).

(5) Each Federation branch is to have a branch board constituted in accordance with regulation 10.

(6) The Federation is to have—

- (a) a national council constituted in accordance with regulation 11, and
- (b) a national board constituted in accordance with regulation 12.

PART 2

Membership and voluntary subscriptions

Membership of the Federation

4.—(1) Each of the following is eligible to be a member of the Federation—

- (a) a member of a police force in England and Wales below the rank of superintendent;
- (b) a police cadet undergoing training with a view to becoming a member of a police force in England and Wales.

(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 joining a police force in England and Wales or starting that person's cadet training with a view to becoming a member of that force.

(3) A person who joins the Federation under paragraph (2) may at any time after so joining opt to pay voluntary subscriptions to the Federation.

(4) A member of the Federation is entitled, on giving not less than one month's notice to the branch secretary of that member's Federation branch, to terminate that member's membership of that branch and the Federation, but a shorter period of notice may be given where the Federation agrees to this.

Effect of paying voluntary subscriptions

5.—(1) A member of the Federation who pays voluntary subscriptions is entitled to the provision of advice and representation by the Federation in accordance with any conditions set out in Federation rules in relation to the specified matters mentioned in paragraph (2).

(2) The specified matters are—

- (a) disciplinary proceedings under the Police (Conduct) Regulations 2012(a);
- (b) unsatisfactory performance procedures under the Police (Performance) Regulations 2012(b);
- (c) complaints or other matters falling within section 12 of the Police Reform Act 2002(c);
- (d) complaints relating to police cadets in training.

New members

6.—(1) The Federation must—

- (a) notify each new member of a police force below the rank of superintendent, and each new police cadet in training with a view to becoming a member of a police force, that the member or cadet may opt to join the Federation;
- (b) notify each member of a police force below the rank of superintendent, and each police cadet in training with a view to becoming a member of a police force, who wishes to join the Federation that—

(a) S.I. 2012/2632.

(b) S.I. 2012/2631.

(c) 2002 c.30. Section 12 was amended by paragraph 3 of Schedule 12 to the Serious Organised Crime and Police Act 2005, and paragraph 8 of Schedule 14 and paragraph 277 and 280 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), s.2 of the Police (Complaints and Conduct) Act 2012 (c. 22), s.135 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and prospectively by s.14 and 41 of, and paragraph 19 of Schedule 9 to, the Policing and Crime Act 2017 (c. 3).

- (i) the member or cadet may opt to pay voluntary subscriptions to the Federation, and
- (ii) the payment of such subscriptions will entitle the member or cadet to the provision of advice and representation by the Federation in accordance with any conditions set out in Federation rules in relation to the specified matters mentioned in regulation 5(2).

(2) The notifications required under paragraph (1) must be given as soon as reasonably practicable, and for notifications under paragraph (1)(a), within one month after the date on which any Federation body learns of the new member or police cadet.

(3) Nothing in this regulation requires the Federation—

- (a) to notify existing members of the Federation that they may opt to join the Federation, or
- (b) to notify existing members of the Federation who are already paying voluntary subscriptions to the Federation that they may opt to pay such subscriptions.

(4) For the purposes of paragraph (3), an “existing member” is a person who is already a member of the Federation when these Regulations come into force.

PART 3

Constitution and proceedings of the Federation branches, Federation bodies and annual conference

Federation branches

7.—(1) Each Federation branch is to have a chair (“the branch chair”), elected by the members of the branch from among the members of the branch board in accordance with Federation rules.

(2) Each Federation branch is to have a secretary (“the branch secretary”) and a treasurer (“the branch treasurer”) elected by the members of the branch board from amongst their number in accordance with regulation 10(7).

(3) A meeting of all or some of the members of a Federation branch (“a branch meeting”) may be held in accordance with arrangements made by—

- (a) the relevant branch board, or
- (b) the national board.

(4) The chief officer of the police force in whose area a branch meeting is to be held is to be given at least 14 days’ notice of the meeting.

(5) The arrangements referred to in paragraph (3) may provide for the attendance at a branch meeting of—

- (a) the relevant local policing body or, where the relevant local policing body is the Common Council of the City of London, the members of the Common Council;
- (b) other members of the Federation;
- (c) other persons only to the extent, and subject to such conditions, as may be determined—
 - (i) by the relevant chief officer, where the arrangements are made under paragraph (3)(a);
 - (ii) by the Secretary of State, where the arrangements are made under paragraph (3)(b).

(6) Subject to these Regulations and Federation rules, a Federation branch may regulate its own proceedings.

Branch councils

8.—(1) A branch council constituted in respect of a Federation branch other than the metropolitan police force branch is to comprise the following members—

- (a) the number of members determined under paragraph (2) elected by the members of the relevant Federation branch from among their number in accordance with Federation rules;
- (b) the following officers—
 - (i) the branch chair of the relevant Federation branch, who is to chair the branch council;
 - (ii) the branch secretary of the relevant Federation branch, who is to be the secretary of the branch council;
 - (iii) the branch treasurer of the relevant Federation branch, who is to be the treasurer of the branch council;
- (c) any additional officers provided for by Federation rules.

(2) Unless Federation rules provide otherwise, the number of members mentioned in paragraph (1)(a) to be elected by the members of the relevant Federation branch from among their number is 1 member for every 65 police officers in the relevant police force, subject to a minimum of 20.

(3) For the purposes of paragraph (2), the number of police officers in a force is the total number of police officers in that force on 31st March in the year that was two years before that in which the election is held.

(4) Elections for the purposes of this regulation are to be held before the end of the relevant period and in every third year after that.

(5) A branch council may hold up to three meetings per year, each lasting no more than one day (unless the relevant chief officer agrees otherwise) and, with the consent of the relevant chief officer, additional meetings of the branch council may be held.

(6) Subject to these Regulations and Federation rules, a branch council may regulate its own proceedings.

Metropolitan police force: branch council and representation

9.—(1) Unless Federation rules provide otherwise, the members of the metropolitan police force branch are to elect in accordance with Federation rules one representative for every 65 police officers in the metropolitan police force (“elected representatives”).

(2) One or more branch councils are to be constituted in respect of the metropolitan police force branch, comprising—

- (a) the number of elected representatives determined in accordance with Federation rules, elected by the elected representatives from amongst their number;
- (b) any additional members provided for in Federation rules.

(3) Federation rules may make different provision for the number of members in different branch councils, taking into account the number of members represented by each branch council.

(4) Each branch council is to elect an executive committee (a “metropolitan executive committee”) from amongst its members in accordance with Federation rules.

(5) Elections for the purposes of this regulation are to be held before the end of the relevant period and in every third year after that.

(6) Federation rules may provide for additional members for metropolitan executive committees.

(7) A branch council may hold up to three meetings per year, each lasting no more than one day and, with the consent of the relevant chief officer, additional meetings of the branch council may be held.

(8) A metropolitan executive committee may hold up to four meetings per year, each lasting no more than one day and, with the consent of the relevant chief officer, additional meetings of the metropolitan executive committee may be held.

(9) Subject to these Regulations and Federation rules, a branch council and a metropolitan executive committee may each regulate their own proceedings.

Branch boards

10.—(1) A branch board constituted in respect of a Federation branch other than the metropolitan police force branch, or a branch board constituted in respect of the metropolitan police force branch where there is only one branch council, is to comprise the number of members determined under paragraph (3), elected by the members of the relevant branch council from among their number in accordance with Federation rules.

(2) Federation rules may also provide for the attendance at meetings of the branch board of any members of the relevant Federation branch who are members of the national board, and the extent to which they may participate in such meetings.

(3) Unless Federation rules provide otherwise, the number of members mentioned in paragraph (1) to be elected by the members of the relevant branch council from among their number is—

- (a) 10 where the number of members of the relevant police force is less than 1500;
- (b) 12 where the number of members of the relevant police force is between 1500 and 4499;
- (c) 14 where the number of members of the relevant police force is more than 4499.

(4) For the purposes of paragraph (3), the number of police officers in a force is the total number of police officers in that force on 31st March in the year that was two years before that in which the election is held.

(5) The branch board constituted in respect of the metropolitan police force branch where there are two or more branch councils is to comprise—

- (a) the members of the metropolitan executive committees elected for each branch council; and
- (b) any additional members provided for in Federation rules.

(6) Elections for the purposes of this regulation are to be held before the end of the relevant period and in every third year after that.

(7) The members of the branch board must elect from among their number in accordance with Federation rules—

- (a) the branch secretary of the relevant Federation branch;
- (b) the branch treasurer of the relevant Federation branch.

(8) A branch board may hold up to four meetings per year, each lasting no more than one day (unless the relevant chief officer agrees otherwise) and, with the consent of the relevant chief officer, additional meetings of the branch board may be held.

(9) Subject to these Regulations and Federation rules, a branch board may regulate its own proceedings.

The national council

11.—(1) The national council is to comprise the following members—

- (a) the branch chair and branch secretary of each branch;
- (b) any additional members of the branch board for the Metropolitan police force branch provided for in Federation rules elected by members of that branch board in accordance with Federation rules;
- (c) any additional members elected in accordance with Federation rules pursuant to paragraph (3);
- (d) any additional members provided for in Federation rules, which may also provide for the extent to which such additional members may participate in the proceedings of the national council.

(2) The national council is to be constituted as soon as the following elections have taken place—

- (a) the elections of branch chairs and branch secretaries required under regulation 7(1) and (2); and

(b) the elections of members required under paragraph (1)(b) and (c).

(3) Federation rules may provide for additional members sharing a particular protected characteristic if the Federation considers that this is appropriate.

(4) In determining what, if any, provision to make under paragraph (3), the Federation must take into account the findings of the most recent equality assessment carried out under regulation 15, if such an assessment has been carried out.

(5) A chair (“the national chair”) is to be elected by the members of the Federation from among the members of the national council in accordance with Federation rules.

(6) Any elections held for the purposes of this regulation are to be held before the end of the relevant period, and in every third year after that.

(7) Subject to these Regulations and Federation rules, the national council may regulate its own proceedings.

The national board

12.—(1) The national board is to comprise the following members—

(a) the national chair, who is to chair the national board;

(b) a secretary (“the national secretary”) appointed by the other members of the national board in accordance with Federation rules;

(c) the number of members determined under paragraph (2), elected by the members of the national council from among their number in accordance with Federation rules.

(2) Unless Federation rules provide otherwise, the number of members mentioned in paragraph (1)(c) to be elected by the members of the national council from among their number is 22.

(3) Federation rules may make appropriate provision to ensure that the members elected under paragraph (2) include members sharing a particular protected characteristic if the Federation considers that this is appropriate.

(4) In determining what if any provision to make under paragraph (3), the Federation must take into account the findings of the most recent equality assessment carried out under regulation 15, if such an assessment has been carried out.

(5) Federation rules may provide that the national secretary is not entitled to vote in the national board’s proceedings.

(6) A treasurer (“the national treasurer”) is to be elected by the members of the national board from among their number in accordance with Federation rules.

(7) Elections for the purposes of this regulation are to be held before the end of the relevant period and in every third year after that.

(8) The national board may once a year hold an ordinary meeting lasting not more than two days with the Joint Central Committee of the Scottish Police Federation, and the Joint Central Committee of the Police Federation for Northern Ireland.

(9) The national board may hold any other meetings it considers appropriate.

(10) Subject to these Regulations and Federation rules, the national board may regulate its own proceedings.

Terms of office

13.—(1) This regulation is subject to Federation rules—

(a) concerning the filling of vacancies made under regulation 22(1)(b)(vi) (elections to Federation bodies and the filling of vacancies), (vii) (elections of Federation officers and the filling of vacancies), (viii) (appointment of national secretary), and

(b) made under regulation 22(1)(b)(xv) (removal from membership or office).

(2) A person elected to be an elected representative or a member of a Federation body becomes an elected representative or a member of that body on the first day of the month following that in

which the election is held (or on such earlier date as is provided for in Federation rules) and ceases to be an elected representative or member of that body on the last day of the month in which the next following election for elected representatives or membership of that Federation body is held (or on such other date as may be provided for in Federation rules).

(3) A person elected to be a Federation officer (other than the national secretary) takes office on the first day of the month following that in which the election is held and vacates office on the last day of the month in which the next following election to that office is held.

(4) A person holds and vacates office as the national secretary in accordance with the terms of his or her appointment, and may be appointed for one or more terms, provided that no person holds office as national secretary for a period of more than ten years.

The annual conference

14.—(1) The national board is to arrange an annual conference of the Federation on a date agreed by the Secretary of State.

(2) The following are entitled to attend the annual conference as delegates—

- (a) the number of delegates determined under paragraph (3) elected by each branch from the members of the relevant branch in accordance with Federation rules;
- (b) the members of the national council and the national board;
- (c) the trustees appointed under regulation 20(2).

(3) The number of delegates mentioned in paragraph (2)(a), to be elected in accordance with Federation rules by each branch from the members of the relevant branch, is two plus an additional delegate for every 500 members or part thereof of the relevant police force, unless Federation rules provide otherwise.

(4) For the purposes of paragraph (3), the number of police officers in a force is the total number of police officers in that force on 31st March in the year that was two years before that in which the election is held.

(5) The annual conference must not last more than two days or, with the consent of the Secretary of State, three days.

(6) Subject to these Regulations and Federation rules, the annual conference may regulate its own proceedings.

Equality assessment and report

15.—(1) The Federation must, in accordance with Federation rules, carry out or arrange an assessment within six months after the election of members of the national board under regulation 12(1)(c) and in every third year after that of the representation of persons with a protected characteristic in the Federation.

(2) Following that assessment, the Federation must publish information, in accordance with Federation rules, relating to protected characteristics of the persons described in paragraph (3).

(3) The persons referred to in paragraph (2) are—

- (a) members of—
 - (i) the Federation;
 - (ii) the Federation branches;
 - (iii) the Federation bodies;
- (b) the Federation officers;
- (c) delegates to the annual conference.

(4) The duty imposed in paragraph (2) applies only insofar as it is possible to publish information in a manner that ensures that no person to whom the information relates can be identified from that information.

(5) The Federation must report annually on the steps it is taking to advance equality of opportunity in the Federation between those who share a protected characteristic, and those who do not share it.

(6) The report made under paragraph (5) must include information on the steps the Federation is taking to encourage persons who share a particular protected characteristic to participate in the Federation where participation by such persons is disproportionately low.

(7) The national board must provide a copy of the report prepared under paragraph (5) to the Secretary of State and publish it on the internet and in any other way the national board considers appropriate.

(8) Federation rules may provide that the assessment carried out under paragraph (1), the information to be published under paragraph (2) and the report required under paragraph (5) must relate to all protected characteristics, or only to such characteristics as are specified in the rules.

(9) Nothing in this regulation authorises the Federation to require a person to provide information to it.

PART 4

Financial arrangements

Remuneration etc. of members of the national board

16.—(1) The national board must make an appropriate contribution out of the national fund to the relevant local policing body in respect of the pay, pension or allowances payable by the body to or in respect of a member of the national board (other than the national secretary where he or she is not a member of a police force).

(2) In paragraph (1), “appropriate contribution” means such contribution as may be agreed between the national board and the relevant local policing body, or in default of agreement, as may be determined by the Secretary of State.

(3) Regulations made under the following provisions are to have effect in relation to the national chair and the national secretary (where the national secretary is a member of a police force) as provided by paragraph (4)—

- (a) section 50 of the Police Act 1996^(a), in so far as they relate to leave, pay and allowances, and
- (b) the Police Pensions Act 1976^(b) or the Public Service Pensions Act 2013^(c) (in its application to members of a police force in England and Wales), except in so far as they relate to compulsory retirement on account of age.

(4) Subject to paragraph (5), the Regulations mentioned in paragraph (3) are to have effect as if the national chair and the national secretary held the rank of chief inspector in the metropolitan police; but nothing in this paragraph transfers any rights or liabilities to the local policing body maintaining that force.

(5) Any London weighting or London allowance or supplement provided for under the Regulations mentioned in paragraph (3) is to not apply in the case of an officer mentioned in that paragraph unless it would apply to that person apart from paragraph (4).

(a) 1996 c.16. Section 50 was amended by paragraph 3 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4); s.3 of the Policing and Crime Act 2009 (c. 26); s.82 of, and paragraph 32 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; paragraph 23 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); s.123 of the Anti-Social Behaviour, Crime and Policing Act 2014; ss.29 and 48 of, and paragraph 65 of Schedule 9 to, the Policing and Crime Act 2017.

(b) 1976 c.35.

(c) 2013 c.25.

Raising of Federation funds

17.—(1) The Federation may only raise funds by—

- (a) the collection of voluntary subscriptions from its members as mentioned in paragraph (2);
- (b) the acceptance of donations from—
 - (i) its members;
 - (ii) reversionary members of home police forces or servicemen within the meaning of the regulations from time to time in force under the Police Pensions Act 1976; or
 - (iii) any other donors authorised by Federation rules;
- (c) charging fees for the provision of services to members and other persons;
- (d) such other means as Federation rules may provide.

(2) Voluntary subscriptions may be collected by the national board from members of the Federation who have opted to pay voluntary subscriptions to the Federation under regulation 4(3).

(3) The amount which is to be paid as a voluntary subscription is to be determined by the national board, subject to the approval of the annual conference.

(4) If the Federation fails to give a member of the Federation (“M”) a notice which is required under regulation 6(1)(b), the Federation must—

- (a) notify M of that failure,
- (b) ask M whether M wishes to continue to be a member of the Federation and if so, whether M wishes to start or continue (as the case may be) to pay voluntary subscriptions to the Federation, and
- (c) subject to paragraph (5), repay any voluntary subscriptions paid by M before the date of the notification under sub-paragraph (a) within 3 months from that date.

(5) The requirement in paragraph (4)(c) does not apply where, following the notification under paragraph (4)(a), M waives his or her entitlement under paragraph (4)(c) in writing.

(6) Where the Federation has repaid voluntary subscriptions to M under paragraph (4)(c), that repayment does not affect M’s entitlement to any benefits, facilities or services that result from payment of those voluntary subscriptions.

Management of Federation funds and property

18.—(1) Subject to these Regulations, Federation funds raised in accordance with regulation 17(1) and Federation property are to be managed in accordance with Federation rules.

(2) Each branch board must maintain a fund (“the branch fund”) for the purposes of the relevant branch.

(3) The national board must maintain a fund (“the national fund”) for any purpose of the Federation.

Use of Federation funds

19.—(1) Subject to these Regulations and to Federation rules, the branch board may use its branch fund for any purpose which the branch board may determine to be necessary or expedient in the interests of the Federation or its members.

(2) Subject to these Regulations and to Federation rules, the national board may use the national fund for any purpose which the national board may determine to be necessary or expedient in the interests of the Federation or its members.

(3) The Federation funds used by a Federation body must not exceed any maximum amount in respect of any purpose or any specified purpose during any specified period provided for by Federation rules.

(4) Federation funds must not be used—

- (a) to support a political party or to promote, directly or indirectly, a person’s candidature in any election or any outcome in a referendum;
- (b) to support the candidature of any individual in an election held under these Regulations or Federation rules (but this does not prevent Federation funds being used in respect of the distribution of factual information about a candidate in such an election); or
- (c) to contribute to the funds of a political party, trade union or any other body or organisation, other than one—
 - (i) connected with the police service or its welfare, or
 - (ii) carrying out charitable work for the welfare of others.

Trustees of Federation property and funds

20.—(1) Each branch board must appoint in accordance with Federation rules three trustees in whom the branch fund and branch property is to be vested.

(2) The national board must appoint in accordance with Federation rules three persons as trustees (“the national trustees”) in whom the national fund and national property is to be vested.

(3) Federation rules must make provision for the term of office of the national trustees, and the manner in which vacancies among the national trustees are to be filled.

(4) Subject to paragraph (5) where Federation funds are vested in trustees in accordance with this regulation those trustees must not invest the funds or vary any investment except in pursuance of the powers of investment conferred on trustees generally by the Trustee Act 2000^(a) and in accordance with the directions of the Federation body which appointed them.

(5) Where Federation property or Federation funds are vested in 3 trustees in accordance with this Regulation, any 2 of those trustees are to have the like powers to deal with that property or those funds as they would have had if they had been the sole trustees of the property or funds.

(6) The national fund and property mentioned in paragraph (2) may, at the direction of the national board, be used by way of investment in the building of property, whether to provide office accommodation for the Federation or otherwise.

(7) The national board may, for any of the purposes authorised under these Regulations or Federation Rules, establish a limited company and the Federation property mentioned in paragraph (2) may, at the direction of the national board, be used to establish, administer and fund such a company.

(8) For the purposes of this regulation—

- (a) “branch property” is Federation property which is held by or on behalf of a branch, or in respect of which the branch is the beneficial owner;
- (b) “national property” is Federation property which is not branch property.

Accounts

21.—(1) Each branch treasurer must, in relation to Federation funds and property held by or on behalf of the Federation branch, or in respect of which the Federation branch is beneficiary, and in accordance with Federation rules—

- (a) keep accounting records recording—
 - (i) all monies received and paid out by the branch; and
 - (ii) the assets and liabilities of the branch;
- (b) prepare annual accounts for the branch (“branch accounts”) recording the income and expenditure of the branch for each financial year, and the assets and liabilities of the branch at the end of the financial year, and send the branch accounts to the national treasurer.

(a) 2000 c.29.

- (2) The national treasurer must, in accordance with Federation rules—
- (a) keep accounting records recording—
 - (i) all monies received and paid out by the Federation; and
 - (ii) the assets and liabilities of the Federation;
 - (b) prepare annual accounts for the Federation (“Federation accounts”) recording—
 - (i) the income, and expenditure of the Federation (including the income and expenditure of the Federation branches), for each financial year; and
 - (ii) the assets and liabilities of the Federation (including the assets and liabilities of the branches of the Federation) at the end of the financial year; and
 - (c) must arrange for the Federation accounts for each year to be audited by an auditor who satisfies the requirements in paragraph (3).
- (3) The auditor must be a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006^(a) and is not a member or officer of the Federation.
- (4) After the end of each financial year the national treasurer must publish the branch accounts and the Federation accounts for that year, together with a copy of the auditor’s report on the Federation accounts, on the internet and in any other way the national treasurer considers appropriate.
- (5) A branch treasurer must on request send the national treasurer any accounts or information from the accounting records held by a branch treasurer in relation to Federation funds and property held by it specified by the national treasurer in the request.
- (6) The Secretary of State may at any time request from the national treasurer—
- (a) any Federation accounts;
 - (b) any branch accounts transmitted to the national treasurer by a branch treasurer under paragraph (1).
- (7) A request made under paragraph (5) or (6) must be complied with, so far as is reasonably practicable, within 28 days from the date of the request.

PART 5

Federation rules, amendments to other enactments and transitional and savings provisions

Federation rules

- 22.**—(1) The Federation is authorised to make rules concerning the following matters—
- (a) provision for a body, committee or officer of the Federation other than those provided for in these Regulations;
 - (b) further provision relating to the branches of the Federation, the Federation bodies, the Federation officers and the annual conference, including among other things provision relating to—
 - (i) in the case of the metropolitan police force branch, an additional branch council or branch councils;
 - (ii) the number of elected representatives on metropolitan branch councils;
 - (iii) additional members for branch councils, branch boards, metropolitan executive committees and the national council;
 - (iv) a different number of—

^(a) 2006 c.46.

- (aa) members elected to a branch council from the number calculated in accordance with regulation 8(2);
- (bb) elected representatives from the number calculated in accordance with regulation 9(1);
- (cc) members elected to a branch board from the number calculated in accordance with regulation 10(3);
- (dd) members elected to the national board from the number calculated in accordance with regulation 12(2);
- (ee) delegates elected to the annual conference from the number calculated in accordance with regulation 14(3);
- (v) the number of members of a metropolitan executive committee;
- (vi) elections (including the conduct of elections) to the Federation bodies and the filling of vacancies;
- (vii) elections (including the conduct of elections) of Federation officers (except the national secretary) and the filling of vacancies;
- (viii) the appointment of the national secretary including, where the national secretary is not a member of a police force, the setting of his or her terms of employment;
- (ix) elections (including the conduct of elections) of delegates to the annual conference and the filling of vacancies;
- (x) the role of each Federation branch, Federation body, Federation officer and the annual conference in the constitution and proceedings of the Federation;
- (xi) the proceedings of a Federation branch, a Federation body and the annual conference;
- (xii) different provision in relation to different Federation branches or different regions of England and Wales;
- (xiii) the equality assessment, publication of information and report provided for in regulation 15;
- (xiv) the ethics, standards, conduct and performance to be expected of a member of the Federation or a Federation officer;
- (xv) the removal of a person from membership of a Federation body or the removal from office of a Federation officer;
- (c) further provision about Federation funds and Federation property, including among other things provision relating to—
 - (i) the raising of Federation funds by means other than those specified in regulation 17(1)(a), (b) or (c), including—
 - (aa) the borrowing of money;
 - (bb) the acceptance of donations from individuals or bodies not mentioned in regulation 17(1)(b)(i) to (iii);
 - (cc) the sale of publications or other articles, and the receipt of commission in connection with any such sale;
 - (ii) the use and management of Federation funds and Federation property, including among other things—
 - (aa) the maximum expenditure which may be incurred by a Federation body during a specified period in respect of any purpose or any specified purpose;
 - (bb) the expenses of any Federation body;
 - (cc) the policies to be followed in relation to payment of expenses and the provision of hospitality by or to any Federation body or representative;
 - (dd) any payments to be made to any Federation representative;
 - (ee) the accounting procedures to be followed by Federation bodies;

- (ff) the systems to be followed by Federation bodies for the internal audit of their accounting records and internal controls;
 - (iii) the trustees of Federation funds and Federation property, including—
 - (aa) the procedure for the appointment of trustees under regulation 20;
 - (bb) the term of office of trustees appointed under paragraph (1) or (2) of regulation 20;
 - (cc) the manner in which vacancies among such trustees are filled;
 - (d) provision relating to the keeping of records about members of the Federation, and the information members are to provide to the Federation;
 - (e) provision relating to services and benefits provided to members and other persons, including the provision of advice and representation on any issue;
 - (f) provision relating to the consequences of a breach of Federation rules;
 - (g) provision relating to the publication of material by the Federation;
 - (h) transitional and savings provision;
 - (i) any other provision which the Federation reasonably believes is necessary to fulfil its purpose.
- (2) Federation rules may define the different regions of the Federation.
- (3) Federation rules must be prepared by the national board and are to have no effect unless they are approved by the Secretary of State.
- (4) For the purpose of this regulation, “Federation representative” means any of—
- (a) the national chair;
 - (b) the national secretary;
 - (c) the national treasurer;
 - (d) any trustee appointed under regulation 20;
 - (e) any other member of the national council or the national board;
 - (f) any member of a branch council or branch board;
 - (g) any elected representative, within the meaning of regulation 9(1).

Consequential and supplementary amendments

23. Schedule 1 makes consequential and supplementary amendments.

Revocations

24.—(1) Subject to paragraph (2), Schedule 2 makes revocations.

(2) The instruments specified in the Table in Schedule 2 are revoked to the extent specified subject to the transitional and savings provisions in Schedule 3.

Transitional and savings provisions

25. Schedule 3 makes transitional and savings provisions.

Home Office
22nd November 2017

Nick Hurd
Minister of State

Consequential and supplementary amendments

Amendment of the Police Act 1996

- 1.—(1) The Police Act 1996 is amended as follows.
- (2) In section 60(a) (regulations for Police Federations) for subsection (4) substitute—
- “(4) Before making any regulations under this section the Secretary of State shall consult—
- (a) for regulations extending to England and Wales, the national board of the Police Federation for England and Wales, and
 - (b) for regulations extending to Scotland, the three Central Committees of the Police Federation for Scotland, sitting together as a Joint Committee.”

Amendment of the Working Time Regulations 1998

- 2.—(1) The Working Time Regulations 1998(b) are amended as follows.
- (2) In regulation 41(c) (police service)—
- (a) in paragraph (2), for “a joint branch board” substitute “a branch board or a joint branch board (as the case may be)”;
 - (b) in paragraph (3)—
 - (i) at the beginning insert the following definition—

““a branch board” means a branch board constituted in accordance with regulation 10 of the Police Federation (England and Wales) Regulations 2017;”;
 - (ii) in the definition of “a joint branch board” omit the words “regulation 7(3) of the Police Federation Regulations 1969 or”.

Amendment of the Police Regulations 2003

- 3.—(1) The Police Regulations 2003(d) are amended as follows.
- (2) For regulation 23(e) (meetings of the Police Federation treated as police duty) substitute—

“Meetings of the Police Federation treated as police duty

- 23.—(1) The attendance of a member of a police force at any of the following meetings of the Police Federation for England and Wales shall be treated as an occasion of police duty—
- (a) a meeting of a branch council or a committee of a branch council;
 - (b) a meeting of a metropolitan executive committee;
 - (c) a meeting of a branch board or a committee of a branch board;
 - (d) a meeting of the national council or a committee of that council;
 - (e) a meeting of the national board or a committee of that board;
 - (f) the annual conference;

(a) 1996 c.16. There are amendments to s.60 which are not relevant to this instrument.

(b) S.I. 1998/1833.

(c) Regulation 41 was amended by paragraph 190 of Part 4 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), S.I. 2005/2241; 2006/594.

(d) S.I. 2003/527.

(e) Regulation 23 was amended by S.I. 2016/1090.

(g) a meeting of the national board with the Joint Central Committee of the Scottish Police Federation and the Joint Central Committee of the Police Federation for Northern Ireland.

(2) Subject to the approval of the chief officer, the attendance of a member of a police force at an additional meeting of a branch council or a branch board of the Police Federation for England and Wales or at a meeting of a committee of a branch council or branch board is to be treated as an occasion of police duty.

(3) Subject to the approval of the Secretary of State, the attendance of a member of a police force at a meeting of the Police Federation other than a meeting referred to in paragraph (1) or (2) is to be treated as an occasion of police duty.”

SCHEDULE 2

Regulation 24

Revocations

<i>Instrument revoked</i>	<i>Statutory instrument number</i>	<i>Extent of revocation</i>
The Police Federation Regulations 1969	S.I. 1969/1787	The whole Regulations
The Police Federation (Amendment) Regulations 1971	S.I. 1971/1498	The whole Regulations
The Police Federation (Amendment) Regulations 1973	S.I. 1973/706	The whole Regulations
The Police Federation (Amendment) Regulations 1975	S.I. 1975/1739	The whole Regulations
The Police Federation (Amendment) Regulations 1986	S.I. 1986/1846	The whole Regulations
The Police Federation (Amendment) Regulations 1990	S.I. 1990/1575	The whole Regulations
The Police Federation (Amendment) Regulations 1995	S.I. 1995/2768	The whole Regulations
The Police Federation (Amendment) Regulations 2004	S.I. 2004/2060	The whole Regulations
The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006	S.I. 2006/594	Paragraph 1 of the Schedule to the Order
The Police Federation (Amendment) Regulations 2007	S.I. 2007/2751	The whole Regulations
The Police Federation (Amendment) Regulations 2011	S.I. 2011/230	The whole Regulations
The Local Policing Bodies (Consequential Amendments) Regulations 2011	S.I. 2011/3058	Regulation 3
The Police Federation (Amendment) Regulations 2013	S.I. 2013/3189	The whole Regulations
The Police Federation (Amendment) Regulations 2015	S.I. 2015/630	The whole Regulations
The Police Federation (Amendment) Regulations 2016	S.I. 2016/1090	The whole Regulations

SCHEDULE 3

Regulation 25

Transitional and savings provisions

1.—(1) This paragraph applies for the purposes of the interpretation of this Schedule.

(2) In this Schedule—

“1969 Regulations” means the Police Federation Regulations 1969(a),

“corresponding Federation body” means, in relation to an existing body mentioned in the 1969 Regulations specified in the first column of Table 1, the Federation body established under these Regulations specified in the second column of the same row—

Table 1

<i>Existing body</i>	<i>Federation body established under these Regulations</i>
A branch board	The branch board belonging to the Federation branch
A joint branch board	The branch board belonging to the Federation branch
The Metropolitan Police Joint Executive Committee (also referred to as the Joint Executive Committee)	The branch board belonging to the metropolitan police force branch
A liaison committee	The branch board belonging to the Federation branch
A central committee	The national board
The joint central committee	The national board

“corresponding Federation officer” means, in relation to the officer mentioned in the 1969 Regulations specified in the first column of Table 2, the Federation officer mentioned in these Regulations specified in the second column of the same row—

Table 2

<i>Officer mentioned in 1969 Regulations</i>	<i>Officer established under these Regulations</i>
The chairman of the joint central committee	The national chair
The secretary of the joint central committee	The national secretary
The treasurer of the joint central committee (also referred to as the national treasurer)	The national treasurer
Trustees appointed by a central committee or by the joint central committee	The national trustees
The chairman or vice chairman of the Joint Executive Committee	The branch chair of the metropolitan police force branch
The secretary or deputy secretary of the Joint Executive Committee	The branch secretary of the metropolitan police force branch
The chairman of a branch board or a joint branch board	The branch chair of the Federation branch
The secretary of a branch board or a joint branch board	The branch secretary of the Federation branch
Trustees appointed by a branch board or by a joint branch board	Trustees appointed by a branch board

“existing body” means a body of the Federation mentioned in the 1969 Regulations.

(3) A reference to a Federation branch is to be read as a reference to the same Federation branch for the purposes of both the 1969 Regulations and these Regulations.

(a) S.I. 1969/1787.

(4) In the case of a Federation body constituted from elected members under these Regulations, a reference to its constitution under these Regulations is a reference to the first members becoming members of the body.

2. The existing bodies are to exercise the functions given in these Regulations to the corresponding Federation bodies until such time as the corresponding Federation bodies are constituted.

3. Where a person is a member of a Federation branch immediately before the entry into force of these Regulations anything done under or for the purposes of a provision of the 1969 Regulations relating to the person's membership or the payment of voluntary subscriptions which corresponds to a provision of these Regulations is to have effect as if it were done under or for the purposes of the corresponding provision of these Regulations.

4.—(1) A provision of the 1969 Regulations mentioned in the first column of Table 3 is to continue to have effect in relation to the body or officers specified in the second column of the same row where a body specified in the third column of the same row is not constituted or an officer specified in the third column of the same row has not taken office on the entry into force of these Regulations in respect of the period until the body is so constituted or an officer has taken such office for the first time (as the case may be), subject to sub-paragraph (2).

(2) In regulation 16, any reference to a fund maintained by a branch board, joint branch board, a central committee or the joint central committee is to be read as a reference to the fund which is required to be maintained by the corresponding Federation body in accordance with these Regulations.

Table 3

<i>Regulation of 1969 Regulations</i>	<i>Body or office mentioned in 1969 Regulation</i>	<i>Body or officer mentioned in these Regulations</i>
Regulation 5	A branch board, joint branch board, central committee or the joint central committee	The corresponding Federation body
Regulation 6	A branch board	The corresponding Federation body
Regulation 6A	A branch board, joint branch board or the Joint Executive Committee and their officers	The corresponding Federation body and its officers
Regulation 6B	A branch board of the metropolitan police force and its officers and the joint executive committee	The corresponding Federation body and its officers
Regulation 7	A branch board	The corresponding Federation body
Regulation 8	A liaison committee	The corresponding Federation body
Regulation 9	The joint central committee	The corresponding Federation body
Regulation 12	A central committee	The corresponding Federation body
Regulation 13	A central committee and the joint central committee	The corresponding Federation body
Regulation 15A	The joint central committee and the annual conference	The national board
Regulation 15B	The joint central committee, or the chairman, secretary or treasurer of the joint central committee	The corresponding Federation body or corresponding Federation officer

Regulation 16	A branch board, joint branch board, a central committee or the joint central committee	The corresponding Federation body
Regulation 17	The central committees and the joint central committee	The corresponding Federation body
Regulation 18	A branch board, joint branch board, a central committee, the joint central committee, and the national treasurer	The corresponding Federation body and the national treasurer
Regulation 19	A branch board, joint branch board, the Metropolitan Joint Executive Committee or a central committee	The corresponding Federation body
Regulation 20	A branch board, a joint branch board, a central committee or the joint central committee and their trustees	The corresponding Federation body and its trustees
Schedule 2	A specified body mentioned in paragraph 1 of Schedule 2 and its officers	The corresponding Federation body and its officers
Schedule 3	A specified body mentioned in paragraph 1 of Schedule 3	The corresponding Federation body

5.—(1) The 2018 annual conference is to be held in accordance with the provisions of regulation 9 of the 1969 Regulations subject to the modification specified in sub-paragraph (2) and subsequent annual conferences are to be held in accordance with these Regulations.

(2) The modification referred to in paragraph (1) is, where the joint central committee has been replaced by the national board, the reference in regulation 9 of the 1969 Regulations to the joint central committee is to be read as a reference to the national board.

6. Anything done by a body mentioned in the first column of Table 1 is to have effect for the purposes of these Regulations or otherwise as if it were done by the corresponding Federation body, subject to any necessary modifications.

7. Any Federation funds or Federation property held by or on behalf of a body mentioned in the first column of Table 1, or by the trustees of such a body, are to be treated as if they were held by or on behalf of the corresponding Federation body or its trustees, subject to any necessary modifications.

8. Any rights or liabilities of a body mentioned in the first column of Table 1 are to be treated as if they were rights or liabilities of the corresponding Federation body, subject to any necessary modifications.

9. Any agreements entered into by or on behalf of a body mentioned in the first column of Table 1 are to be treated as if they were agreements entered into by or on behalf of the corresponding Federation body, subject to any necessary modifications.

10. Anything done by an officer mentioned in the first column of Table 2 is to have effect for the purposes of these Regulations or otherwise as if it were done by the corresponding Federation officer, subject to any necessary modifications.

11. Anything done by a trustee appointed under regulation 20 of the 1969 Regulations is to have effect for the purposes of these Regulations or otherwise as if it were done by a trustee appointed to the corresponding Federation body under regulation 20 of these Regulations, subject to any necessary modifications.

12. Any rights or liabilities of a trustee appointed under regulation 20 of the 1969 Regulations accruing to the trustee in his or her capacity as such a trustee are to be treated as if they were rights

or liabilities of a trustee appointed to the corresponding Federation body under regulation 20 of these Regulations, subject to any necessary modifications.

13. Any agreements entered into by a trustee appointed under regulation 20 of the 1969 Regulations in his or her capacity as such a trustee are to be treated as if they were agreements entered into by a trustee appointed to the corresponding Federation body under regulation 20 of these Regulations, subject to any necessary modifications.

14. Any rules made by the Federation under the 1969 Regulations are to continue to have effect as if made under regulation 22 of these Regulations.

15. Subject to paragraph 15, regulation 18 of the 1969 Regulations is to continue to have effect in relation to the accounts prepared by a branch treasurer and the national treasurer for the year ending 31 December 2017 (but not in respect of any accounts for subsequent years) as if those accounts were being prepared by a branch board (or joint branch board) and a central committee (or joint central committee).

16. The national treasurer is to be responsible for causing the accounts referred to in paragraph 14 to be audited by an independent auditor under regulation 18 of the 1969 Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the governance of the Police Federation for England and Wales (“the Federation”), and revoke the Police Federation Regulations 1969 and other statutory instruments which amended those Regulations.

Regulation 3 sets out the structure of the Federation.

Regulations 4 to 6 make provision in relation to the membership of the Federation, and payment of subscriptions.

Regulations 7 to 14 provide for the constitution and proceedings of the Federation branches (regulation 7), the branch councils (regulations 8 and 9), branch boards (regulation 10), the national council and national board (regulations 11 and 12), and the annual conference (regulation 14). They also make provision for Federation officers (regulation 13). Regulation 15 requires the Federation to undertake regular equality assessments.

Regulations 16 to 21 concern the financial arrangements of the Federation, making provision for the remuneration of members of the national board (regulation 16), the way in which the Federation is to raise funds (regulation 17), the management of Federation funds and property and the way in which Federation funds may be used (regulations 18 and 19). They also provide for the appointment of trustees for Federation property (including federation funds) at branch and national level (regulation 20), and for the accounts of the Federation (regulation 21).

Regulation 22 sets out the Federation’s power to make rules, and what matters may be covered by those rules. Regulations 23 to 25 and Schedules 1 to 3 provide for amendments to other legislation, and make the transitional and savings provisions needed in relation to the Regulations.

An impact assessment has not been produced for this instrument as no significant impact on the costs of business or the voluntary sector is foreseen.

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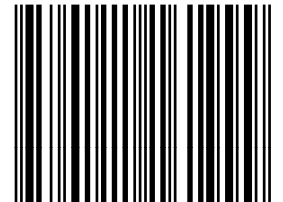
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