

2015 No. 630

POLICE, ENGLAND AND WALES

The Police Federation (Amendment) Regulations 2015

Made - - - - *9th March 2015*

Laid before Parliament *12th March 2015*

Coming into force - - *2nd April 2015*

The Secretary of State, in exercise of the powers conferred by section 60(1), (2) and (3) of the Police Act 1996(a), makes the following Regulations.

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

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Police Federation (Amendment) Regulations 2015 and come into force on 2nd April 2015.

(2) These Regulations extend to England and Wales.

(3) In these Regulations “the 1969 Regulations” means the Police Federation Regulations 1969(b).

Amendments to the Police Federation Regulations 1969

2. The 1969 Regulations are amended in accordance with regulations 3 to 9.

3. In regulation 2, for paragraph (1) substitute—

“(1) In these Regulations, “Federation funds” means all funds raised for Federation purposes and includes—

- (a) all funds held by the Federation or branch board, joint branch board, central committee or joint committee of the Federation;
- (b) all funds held on behalf of the Federation or any branch board, joint branch board, central committee or joint committee of the Federation;
- (c) all funds in relation to which the Federation or any branch board, joint branch board, central committee or joint committee of the Federation is the beneficiary.”.

(a) 1996 c. 16. Section 60 was amended by section 134(1) of, and paragraph 80 of Schedule 9 to, the Police Act 1997 (c. 50); sections 59 and 174(2) of, and paragraphs 68 and 75 of Schedule 4 and Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15); and section 99 of, and paragraphs 1 and 37 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c. 13). There are other amending instruments to these Regulations but none are relevant.

(b) S.I. 1969/1787. Amended by S.I. 1990/1575, S.I. 2004/2660, S.I. 2006/594 and S.I. 2007/2751 ; there are other amending instruments but none are relevant.

4. In regulation 4—

- (a) in paragraph (2)(a), after “superintendent” insert “who opts to be a member of the Federation”;
- (b) in paragraph (2)(b), after “force” insert “who opts to be a member of the Federation”;
- (c) after paragraph (2), insert—

“(3) Every member of a police force below the rank of superintendent, and police cadet—

- (a) may opt, but is not required, to join the Federation within six months of joining that force or starting their cadet training;
- (b) who opts to join the Federation under sub-paragraph (a) may opt, but is not required, to pay voluntary subscriptions to the Federation;
- (c) who does not opt to join the Federation under sub-paragraph (a), may opt, but is not required, to join the Federation at any subsequent point during that person’s membership of a force or cadet training;
- (d) who opts to join the Federation under sub-paragraph (c) may opt, but is not required, to pay voluntary subscriptions to the Federation;
- (e) who opts to pay voluntary subscriptions to the Federation under sub-paragraph (d), has the same entitlement to the provision of advice and representation in relation to specified matters as a member who opted to pay voluntary subscriptions to the Federation under sub-paragraph (b).

(4) In this regulation, “specified matters” means—

- (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 relation to their cadet training.

(5) Every member of the Federation is entitled, on giving not less than one month’s notice, to terminate their membership of the Federation, but a shorter period of notice may be given where the Federation agree to such a shorter period.”.

5. After regulation 4, insert—

“**4A.** Each branch board of the Federation must—

- (a) notify each new member below the rank of superintendent, or police cadet, of that force that they may, but are not required to, opt to join the Federation;
- (b) notify each new member below the rank of superintendent, or police cadet, of that force who wishes to join the Federation that they may, but are not required to, opt to pay voluntary subscriptions to the Federation;
- (c) maintain a record to demonstrate its compliance with the requirements of paragraphs (a) and (b);
- (d) comply with the appropriate requirement(s) in paragraphs (a) and (b) before the new member or police cadet joins the Federation;
- (e) in relation to each member below the rank of superintendent, or police cadet, of a police force who wishes to opt to join the Federation or pay voluntary subscriptions under regulation 4(3)(c) or (d), comply with the requirements in

(a) S.I. 2012/2632.

(b) S.I. 2012/2631.

(c) 2002 c. 30. Section 12 was amended by section 160 of, and Schedule 12 to, the Serious Organised Crime and Policing Act 2005 (c. 15); sections 95, 98 and 99 of, and Schedules 14, 15 and 16 to, the Police Reform and Social Responsibility Act 2011 (c. 13); and section 2 of the Police (Complaints and Conduct) Act 2012 (c. 22).

paragraphs (a) to (d) as though that member of a police force or police cadet were a new member of a police force or police cadet.”.

6. In the heading of regulation 15B, for “officers of Federation” substitute “members of the joint central committee”.

7. In regulation 15B(1), for “chairman, the secretary and the treasurer of” substitute “members of”.

8. In regulation 16—

(1) After paragraph (2) insert—

“(2A) Branch boards may only collect voluntary subscriptions from those members of the Federation who have opted to pay voluntary subscriptions to the Federation under regulation 4(3)(b) or (d).

(2B) If a branch board fails to comply with any requirement in regulation (4A)(a), (b) or (e) in respect of any member of the Federation, the branch board must, in respect of that member—

- (a) notify that member of that failure;
- (b) ask the member whether they wish to continue to be a member of the Federation and if so, whether they wish to start or continue (as the case may be) to pay voluntary subscriptions to the Federation; and
- (c) subject to paragraph (2C), repay any voluntary subscriptions paid by that member before the date of the notification under sub-paragraph (a).

(2C) The obligation in paragraph (2B)(c) does not apply where, following the notification under paragraph (2B)(a), the member provides written consent that they waive their entitlement under paragraph (2B)(c).

(2D) A branch board must comply with any obligation that it is subject to under paragraph (2B)(c) within the period of not more than three months from the date of the notification under paragraph (2B)(a).

(2E) Where a branch board has repaid voluntary subscriptions to a member under paragraph (2B)(c), that repayment does not affect that member’s entitlement to any benefits, facilities or services that result from payment of those voluntary subscriptions.”.

(2) For paragraph (3), substitute—

“(3) Out of the sum collected by way of subscriptions, a branch board shall pay to the Police Federation Joint Fund such sum in respect of each subscribing member as the joint central committee shall have determined should be paid (as to both amount and frequency) by branch boards.”.

(3) In paragraph (4), for “the board may pay such amount of the excess as they think fit to the joint branch board and shall pay the remainder of the excess (if any) to the appropriate central committee” substitute “the board shall pay the excess to the Police Federation Joint Fund”.

9. In regulation 18, for paragraph (4), substitute—

“(4) After the end of each year all accounts referred to in paragraph (2) for that year, together with a copy of the independent auditor’s report thereon, must—

- (a) be transmitted to the national treasurer of the Federation;
- (b) be published by the national treasurer of the Federation in such ways as the national treasurer considers appropriate, including on the internet.

(5) The national treasurer of the Federation may at any time request accounts in relation to Federation funds from any board or committee referred to in paragraph (1).

(6) The Secretary of State may at any time request from the national treasurer of the Federation—

- (a) any accounts relating to Federation funds;

(b) any accounts transmitted to the national treasurer by any committee or branch of the Federation under paragraph (4)(a) or (5).

(7) A request made under paragraph (5) or (6) must be complied with, in so far as is reasonably practicable, within 28 days from the date of the request.”.

Transitional provisions

10. Every person who, immediately before the coming into force of these Regulations, is a member of the Police Federation for England and Wales is, for the purposes of regulation 4 of the 1969 Regulations (as amended by these Regulations), to be treated as having opted to be a member of the Federation.

11. Every person who, immediately before the coming into force of these Regulations, is paying voluntary subscriptions to the Police Federation for England and Wales is, for the purposes of regulation 4 of the 1969 Regulations (as amended by these Regulations), to be treated as having opted to pay voluntary subscriptions.

Home Office
9th March 2015

Mike Penning
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Federation Regulations 1969 to give members of police forces the choice as to whether to be a member of the Police Federation of England and Wales. These Regulations also require the Federation to inform prospective members of this choice, and that they have a choice as to whether or not to pay subscriptions to the Police Federation. These Regulations impose a liability to repay a member’s subscriptions if the Police Federation did not notify them of these choices, unless the member in question elects to waive their right to be repaid. Finally, it imposes greater disclosure obligations on the Federation in relation to all monies held by the Federation and its branches and committees.

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