EXPLANATORY MEMORANDUM TO THE

Police Federation (Amendment) Regulations 2004

2004 No.2660

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations amend the Police Federation Regulations 1969, which set out the internal organisational arrangements of the Police Federation of England and Wales ("the Police Federation").

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Regulations are made pursuant to section 60 of the Police Act 1996 and amend the Police Federation Regulations 1969. The Secretary of State has undertaken consultation with the three Central Committees of the Police Federation as required by section 60 of the 1996 Act.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

The Minister of State at the Home Office, Ms Hazel Blears, has made the following statement regarding Human Rights:

In my view the provisions of the Police Federation (Amendment) Regulations 2004 are compatible with the Convention rights.

7. Policy background

7.1 These Regulations give effect to a number of amendments to the internal structure of the Police Federation. In addition to the Police Federation the Secretary of State has consulted the Metropolitan Police Service ("the MPS"), the Association of Police Authorities and the Association of Chief Police Officers about the proposed changes and they are content.

7.2 The amendments were originally proposed by the Police Federation to enable them to restructure in line with the current police service following the recent period of police reform.

7.3 The amendments change the electoral areas, which were previously based on divisions, to a system based on the number of officers in a force. Additionally, when national representatives are also local representatives, the changes provide for additional cover locally and a similar arrangement in relation to central and local conferences.

7.4 The amendments formalise current practice in the MPS by creating a Joint Executive Committee. This is unique to the MPS due to the scale and size of its organisation.

7.5 The increase in police numbers in recent years has led to a need for increased workplace representation. These amendments provide for the election of workplace representatives in the ranks of constable and sergeant.

7.6 Previously the three branch boards of the Police Federation have had the discretion to sit together to discuss matters of common interest. This is now a requirement. A similar provision has also inserted for the three central conferences.

7.7 The amendments provide that candidates for the woman member's reserved seat on a central committee must either be a reserve seat delegate on the central conference or someone who has become an additional delegate, having previously been elected as a reserve seat delegate.

7.8 Voluntary subscriptions may be collected where there is no branch board. This will mean that the increasing number of seconded officers and those officers who are members of the National Crime Squad and National Criminal Intelligence Service will continue to be able to receive full Police Federation representation.

7.9 Minor changes have been made in relation to auditors and the investment of funds to take account of the Companies Act 1989 and the Trustee Act 2000.

7.10 Previously, it has only been possible to remove a member from certain specified bodies. Amendments now provide that a member can be removed from a particular post in those bodies whilst remaining a member of the body in question.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Adele Hopkins of the Police Personnel Unit at the Home Office, tel.: 020 7273 4305 or e-mail: adele.hopkins@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.