EXPLANATORY MEMORANDUM TO

THE POLICE FEDERATION (AMENDMENT) REGULATIONS 2011

2011 No. 230

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

2. Purpose of the instrument

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

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

3.1 None

4. Legislative Context

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. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Federation is a statutory body representing members of police forces in matters affecting their welfare and efficiency (see section 59 of the Police Act 1996). The Police Federation Regulations 1969 provide for the Federation to consist of a branch for each police force. The members of each branch elect from amongst themselves a board representing each of the ranks in the Federation (in other words, a Constables' Branch Board, a Sergeants' Branch Board and an Inspectors' Branch Board). For these purposes, the officers of the relevant rank are divided into constituencies, and each constituency elects a member to represent it on its branch board. The branch boards sit collectively as a joint branch board (known in the Metropolitan Police as the Joint Executive Committee - JEC), which governs the branch.

7.2 At present, a person chosen to be secretary of a joint branch board (or the JEC) becomes an additional member of the branch board appropriate to his rank. The effect of this is that the secretary ceases to represent a constituency on his branch board, but remains a member of the joint branch board (or the JEC) by virtue of his supernumerary membership of the branch board.

7.3 The Federation asked for this provision to apply also to a person elected as chairman of a joint branch board (or the JEC), and a person elected to any other office specified in rules made by the board (or the JEC) with the approval of the chief officer of the police force. The Federation also asked for the provision to apply to the same offices of the branch boards of the Metropolitan Police (thus for example a person elected as chairman of the Constables' Branch Board of the Metropolitan Police Branch would become an additional member of that board).

7.4 The purpose of the Federation's requests was to permit an officer of a joint branch board (or the JEC) to stand for re-election to his office, or for election to a different office, thus allowing for greater continuity and the possibility of natural progression from, for example, the office of deputy chairman to that of chairman.

7.5 Additionally, the amendments correct an error made when the Regulations were last amended in 2004 in order to provide for the supernumerary position of joint branch board secretaries. The amending Regulations erroneously referred to elections to branch boards being held under regulation 6A, when in fact they are governed by regulation 6.

8. Consultation outcome

8.1 In addition to the Federation, the Secretary of State has consulted the Association of Chief Police Officers about the proposed changes, and they are content.

9. Guidance

9.1 No guidance is being issued.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies or the public sector, other than the impact on the Federation, which is judged to be minimal. The changes made by the Regulations were requested by the Federation itself.

10.2 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 No specific arrangements are required for monitoring and review.

13. Contact

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