STATUTORY INSTRUMENTS

1975 No. 630 (S.81)

POLICE
The Police Federation (Scotland) Regulations 1975

Made - - - -	10*th April* 1975
Laid before Parliament	23*rd April* 1975
Coming into Operation	16*th May* 1975

In exercise of the powers conferred on me by section 44 of the Police Act 1964(a), and of all other powers enabling me in that behalf, and after consultation with the three Central Committees of the Police Federation for Scotland sitting together as a Joint Committee, I hereby make the following regulations:—

PART I
GENERAL

Citation and commencement

1. These regulations may be cited as the Police Federation (Scotland) Regulations 1975 and shall come into operation on 16th May 1975.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

"division" in relation to a police force means a number of sections or sub-divisions grouped for supervision by a superintendent or by a member of a police force directly responsible to a chief constable and includes any criminal investigation branch, traffic branch or administration branch of the police force, however styled, so long as such branch is made up of 100 or more members.

(2) In these regulations, unless the context otherwise requires, a reference to a regulation shall be construed as a reference to a regulation contained in these regulations, a reference to a Schedule shall be construed as a reference to a Schedule to these regulations and a reference to a paragraph shall be construed as a reference to a paragraph in the same regulation, the same Schedule or the same Part of a Schedule as the case may be.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1964 c. 48.

(b) 1889 c. 63.

Revocations

3. The Police Federation (Scotland) Regulations 1966(a) as amended(b) are hereby revoked.

Transitional provisions

4. Until the first elections under the provisions of these regulations in 1976 any election to a branch board, central conference or central committee held before the coming into operation of these regulations shall have effect for the purposes of these regulations as if it had been held in accordance therewith and any other thing done before the coming into operation of these regulations shall, to the extent that it could have been done under these regulations, have effect for the purposes thereof.

PART II

ORGANISATION

Membership of Police Federation and branches thereof

5.—(1) The Police Federation for Scotland (hereinafter in these regulations referred to as "the Federation") may be alternatively known and referred to as the Scottish Police Federation.

(2) There shall be a branch of the Federation for each police force, consisting of the following persons:—

(*a*) every member of that force below the rank of superintendent, and

(*b*) every police cadet undergoing training with a view to becoming a member of that force,

and every such person shall be a member of the Federation.

Proceedings of branches

6.—(1) General meetings of the members of a branch of the Federation may be held in accordance with arrangements made by—

(*a*) a board or joint board of that branch, or

(*b*) a central committee or the joint central committee of the Federation.

(2) The chief constable of the force in whose area such a meeting is to be held shall be given at least 7 days' notice of the date of the meeting.

(3) The arrangements referred to in paragraph (1) may provide for the attendance at such meetings of members of the police authority and of members of other branches of the Federation but shall not permit the attendance of other persons except to such extent, and subject to such conditions, as may be determined—

(*a*) by the chief constable, where the arrangements are made under paragraph (1)(*a*);

(*b*) by the Secretary of State, where the arrangements are made under paragraph (1)(*b*).

(4) The arrangements referred to in paragraph (1) shall not permit the passing of a resolution at a meeting for submission to a chief constable, a police authority or the Secretary of State.

(a) S.I. 1966/132 (1966 I, p. 241). (b) S.I. 1968/590 (1968 I, p. 1360).

(5) Subject to such provision as may be made under the arrangements referred to in paragraph (1), Schedule 1 shall have effect in relation to the proceedings of a meeting held under this regulation.

Branch boards

7.—(1) In each branch of the Federation there shall be constituted, in accordance with this regulation, an inspectors', a sergeants', and a constables' branch board.

(2) Where a police force consists of fewer than 6 divisions, the members holding the rank of inspector, sergeant or, as the case may be, constable in that force shall elect, from among their number, 6 members of the appropriate branch board.

(3) Where a police force consists of 6 or more divisions, the members holding the rank of inspector, sergeant or, as the case may be, constable in each division of that force shall elect, from among their number, 1 member of the appropriate branch board.

(4) The police cadets undergoing training with a view to becoming members of a police force may elect, from among their number, a cadet spokesman to attend any meeting of the constables' branch board when matters pertaining to cadets are due for discussion; but, where they do not so elect a cadet spokesman, they shall designate to represent their interests a member of the constables' branch board elected in accordance with the preceding provisions of this regulation.

(5) Schedule 2 shall have effect in relation to a branch board, so however that in any election thereto—

(*a*) if only one person is qualified to take part therein, that person shall be deemed to be elected;

(*b*) if only 2 persons are qualified to take part therein, subject to any agreement to the contrary between them, the senior of those 2 shall be deemed to be elected.

(6) The first election for the purposes of this regulation shall take place in 1976; thereafter such elections shall take place every third year. Elections will take place in such month of the year as the Secretary of State may determine at the request of the joint central committee of the Federation.

(7) A person becoming a member of a branch board shall, subject to any rules made under paragraph 5(1)(*b*) of Schedule 2, become such on the first day of the month following that in which the election is held and, subject to paragraph (8) and regulation 13, shall remain a member until the end of the month in which the election is held on the next succeeding occasion.

(8) A person shall cease to be a member of an inspectors', sergeants' or constables' branch board if—

(*a*) he ceases to hold the rank of inspector, sergeant, or, as the case may be, constable; or

(*b*) he ceases to be a member of the police force.

Proceedings of branch boards

8.—(1) Each branch board may hold quarterly meetings, each lasting not more than 1 day, and, with the consent of the chief constable, additional meetings of the branch board and meetings of committees thereof.

(2) Each branch board shall hold in each year a quarterly meeting in the month following that in which the elections are held, which meeting is in these regulations referred to as the "annual meeting".

(3) In any branch of the Federation all the branch boards or any two of them may, by agreement, sit together as a joint branch board, either for a special purpose or otherwise.

(4) Without prejudice to any arrangements for informal consultation, a branch board or joint branch board may make written representations on any matter affecting the welfare and efficiency of their members, other than questions of discipline and promotion affecting individuals to the chief constable or the police authority and, if it thinks fit, submit a copy thereof to the Secretary of State; and in matters of importance a deputation may be appointed to make oral representations to the chief constable or the police authority.

(5) Schedule 1 shall have effect in relation to the proceedings of any branch board or joint branch board.

Central conferences

9.—(1) There shall be constituted in accordance with this regulation an inspectors', a sergeants' and a constables' central conference.

(2) Each branch board, at their annual meeting, shall elect from among the members holding the rank of inspector, sergeant or, as the case may be, constable in the police force, such number of delegates to the appropriate central conference as is provided for in Schedule 3.

(3) A person shall cease to be a delegate to a central conference if he ceases to hold the rank of inspector, sergeant, or as the case may be, constable, or ceases to be a member of the branch from which he is a delegate.

(4) Schedule 2 shall have effect in relation to each of the central conferences.

Proceedings of central conferences

10.—(1) Each central conference shall meet each year at such times as the Secretary of State shall determine after consultation with the joint central committee of the Federation and shall hold an annual meeting lasting not more than 2 days or, with the consent of the Secretary of State, 3 days.

(2) All the central conferences or any two of them may, by agreement, sit together for the purpose of discussing matters of common interest.

(3) Schedule 1 shall have effect in relation to the proceedings of each of the central conferences.

Central committees

11.—(1) There shall be constituted, in accordance with this regulation, an inspectors', a sergeants', and a constables' central committee of the Federation.

(2) The members of each central committee shall be elected by the delegates to the inspectors', sergeants', or as the case may be, constables' central conference as is provided for in Schedule 4. The first election for the purposes of this regulation shall take place in 1976; thereafter such elections shall take place every third year.

(3) Schedule 2 shall have effect in relation to each of the central committees.

Proceedings of central committees

12.—(1) Each central committee may hold:—

(*a*) an ordinary meeting once in 2 months, each meeting lasting not more than 2 days;

(*b*) an ordinary meeting once a year with the corresponding central committee of the Police Federation for England and Wales, lasting not more than 2 days; and

(*c*) additional meetings called with the consent of the Secretary of State.

(2) All the central committees or any two of them may, by agreement, sit together as a joint committee either for all purposes of common interest or for any special purpose.

(3) The 3 central committees shall, at the request of the Secretary of State, sit together as a joint committee for the purpose of considering any question referred to them by him.

(4) The 3 central committees sitting together shall be known as the joint central committee of the Federation.

(5) A central committee, the joint central committee or a joint committee of any 2 central committees may make written representations on any matter affecting the welfare and efficiency of their members, other than questions of discipline and promotion affecting individuals, to the chief constable or the police authority if so requested by the branch board or to the Secretary of State. In matters of importance, a deputation may be appointed to make oral representations to the chief constable or the police authority or the Secretary of State.

(6) Schedule 1 shall have effect in relation to the proceedings of each central committee, the joint central committee and a joint committee of any 2 central committees.

Secretary of joint central committee

13.—(1) The joint central committee shall elect a secretary from among its own members, subject to the following terms and conditions:—

(*a*) the appointment shall be subject to termination at any time on 1 month's notice by either side;

(*b*) during his tenure of office he shall not be subject to annual election as a delegate to the central conference provided for in regulation 9, but shall be deemed to be so elected;

(*c*) he shall during his tenure of office be one of the joint central committee's representatives on the Police Council for the United Kingdom and the Police Advisory Board for Scotland; and

(*d*) his office shall be in Glasgow.

(2) Notwithstanding the provisions of regulations 7 and 9, the members of his rank in the force of which the secretary of the joint central committee is a member shall, during his appointment as secretary of the joint central committee, appoint one other member of the force of equivalent rank to serve on the board, and the board shall elect one other member to be a delegate to the appropriate central conference.

(3) If a member of a branch board is appointed secretary of the joint central committee with effect from a date not less than 3 months before the date on which the triennial election is to be held, the board shall arrange for the appointment of the additional member referred to in paragraph (2) as if a casual vacancy had to be filled in accordance with the provisions of Schedule 2; otherwise, the additional member will be appointed at the triennial election.

(4) The Federation shall make such contribution to the police authority maintaining the police force of which the secretary of the joint central committee is a member, in respect of the pay, pension or allowances payable to or in respect of him, as may be agreed between the joint central committee and the police authority or, in default of agreement, as may be determined by the Secretary of State.

PART III

FINANCIAL ARRANGEMENTS

Subscriptions

14.—(1) The Federation may raise funds by the collection of voluntary subscriptions, the acceptance of donations from the members thereof and the sale of publications and other articles, but not otherwise.

(2) Voluntary subscriptions shall be collected by the appropriate branch boards; each branch board, or combination of branch boards, may collect such minimum subscriptions as may be determined by the joint central committee subject to the approval of the central conferences, and may also collect such additional subscriptions as it may itself decide, from members of the rank or ranks it represents:

Provided that, so far as the minimum subscriptions determined by the joint central committee for payment in the case of a constable are concerned, a cadet shall not be liable to pay more than one-half thereof.

(3) Out of the sum collected by way of subscriptions in a financial year a branch board shall pay to the joint central committee such sum in respect of each subscribing member as the joint central committee shall have determined should be paid by branch boards in that year but, subject to the next following paragraph, the balance of the sum so collected shall be retained by the branch board.

(4) If at the end of a financial year the funds held by a branch board exceed £2 for each subscribing member the board shall pay the excess to the joint central committee.

Accounts

15.—(1) Every branch board or joint branch board, and the joint central committee shall, in relation to Federation funds held by the board, joint board or committee in question, keep accounts showing all monies received or paid out and shall cause the accounts for each financial year to be audited by an independent auditor.

(2) The independent auditor shall be a person who is a member, or a firm all of the partners wherein are members, of one or more of the following bodies, that is to say:—

(*a*) the Institute of Chartered Accountants in England and Wales;

(*b*) the Institute of Chartered Accountants in Scotland;

(*c*) the Institute of Certified and Corporate Accountants;

(*d*) the Institute of Chartered Accountants in Ireland; or

(*e*) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(*b*) of the Companies Act 1948(**a**) by the Department of Trade.

(3) After the end of each financial year a summary of the accounts for that year, together with a copy of the independent auditor's report thereon, shall:—

(*a*) in the case of branch board or joint branch board accounts, be made available to the subscribing members and sent to the joint central committee which shall, if so requested in a particular case by the Secretary of State, transmit copies to him; and

(*b*) in the case of the accounts of the joint central committee, be made available to the central conferences, sent to the Secretary of State and published, in such manner as the joint central committee may determine, to members of the Federation.

Expenses of joint central committee

16. Expenses incurred by the joint central committee shall be defrayed out of Federation funds except that, to the extent that the Secretary of State has agreed with the joint central committee that such expenses should be defrayed by him, they shall be so defrayed.

Use of Federation funds

17.—(1) Federation funds shall not without the consent of the Secretary of State be used otherwise than for the purposes mentioned in paragraphs (3) and (4) and, notwithstanding anything in these paragraphs, shall not be used:—

(*a*) to promote directly or indirectly a person's candidature in a parliamentary or local government election;

(*b*) to contribute to the funds of a trade union, political party or other body or organisation not connected with the police service or its welfare; or

(*c*) in connection with the defence of a member or former member of the Federation against whom civil, criminal or disciplinary proceedings are brought.

(2) Subject as aforesaid the joint central committee shall, subject to the approval of the central conferences, determine the purposes for which Federation funds held by the branch boards and by the joint central committee may be used.

(3) Federation funds may be used to defray expenses lawfully incurred for the purpose specified in section 44(1) of the Police Act 1964(**b**), namely for the purpose of representing members of the police forces and police cadets in Scotland in all matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals.

(**a**) 1948 c. 38. (**b**) 1964 c. 48.

(4) Without prejudice to the generality of the preceding paragraph, Federation funds may be used to defray:—

(*a*) expenses arising under these regulations or arising out of anything done in accordance therewith;

(*b*) the administrative expenses of the Federation, including expenses in connection with the remuneration of the secretary of the joint central committee, and ancillary staff, office expenses, the provision of office accomodation and the remuneration of persons outside the police service employed or consulted in an administrative, professional or advisory capacity;

(*c*) the payment of honoraria to members of the central committees and of branch boards;

(*d*) the payment of subsistence and similar allowances to such members as aforesaid and to delegates to conferences held in accordance with these regulations in respect of expenses incurred by them as such members and delegates, including expenses incurred in attending meetings of the joint central committee or sub-committees thereof, the Police Council for the United Kingdom and its committees, the Police Advisory Board for Scotland or any committees thereof or any working party, committee, sub-committees, council or board to which a member of the joint central committee may be appointed to represent the Federation;

(*e*) expenses in connection with the publication and distribution of reports and other documents, including a journal (whether or not a charge is made therefor) and the purchase of publications for use by branch boards and the central committees;

(*f*) expenses incurred for benevolent or charitable purposes connected with the police service or its welfare; and

(*g*) expenses lawfully incurred in connection with a claim made by a member or former member of the Federation, his widow or child (including legal proceedings arising therefrom) where the claim relates to:—

(i) a question of general principle or importance which is of special concern to the members of the Federation or a substantial class thereof;

(ii) the emoluments of a member of the Federation of the pension or other award payable to or in respect of a former member of the Federation;

(iii) an injury or disease alleged to have been received or contracted by a member of the Federation; or

(iv) the compulsory retirement of a member of a police force or of a police cadet, otherwise than as an alternative to dismissal.

Trustees of Federation property and funds

18.—(1) Federation property and funds held by a branch board shall be vested in not more than 3 trustees appointed in such manner as may be determined by the branch board.

(2) Federation property and funds held by the joint central committee shall be vested in 3 trustees appointed by that committee.

(3) Where any Federation funds are vested in trustees in accordance with this Regulation those trustees shall not invest the funds or vary any investment

except under the powers of investment conferred on trustees generally by the Trustee Investments Act 1961(a) and in accordance with the directions of the appropriate branch board or central committee.

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

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

10th April 1975.

SCHEDULE 1

PROCEEDINGS.

1. This Schedule shall have effect in relation to the proceedings of the following bodies (hereafter in this Schedule referred to as " specified bodies "):—
   any general meeting of a branch;
   any branch board or joint branch board;
   each central conference;
   each central committee, the joint central committee and a joint committee of any two central committees;

2. Each specified body shall choose its chairman and secretary from among its own members; provided that the appointment of the secretary of the joint central committee shall be subject to the provisions of Regulation 13.

3. The chairman at any meeting of a specified body shall have a second or casting vote.

4. Subject as aforesaid, each specified body shall regulate its own procedure and may provide for the appointment of committees and sub-committees and for their procedures.

5. Where a police authority can make available to a specified body accommodation in premises provided for police purposes, the specified body shall be under no obligation to make payment for the use of such accommodation.

SCHEDULE 2

ELECTIONS ETC.

1. This Schedule shall apply in relation to the following bodies (hereinafter in this Schedule referred to as " specified bodies "):—
   any branch board;
   each central conference;
   each central committee.

2. An election to a specified body shall be by secret ballot.

(a) 1961 c. 62.

3. At any such election each person qualified to take part shall be entitled to give the like number of votes as there are vacancies to be filled but shall not give more than one vote for any one candidate.

4. Where at any such election an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the decision between those candidates shall be reached by lot and the candidate on whom the lot falls shall be declared elected.

5.—(1) Subject to the provisions of these Regulations, rules may be made by the appropriate rule-making body mentioned in sub paragraph (2), as respects:—

(*a*) the conduct of elections to a specified body; and

(*b*) the circumstances and manner in which casual vacancies thereon are to be filled, whether the vacancy occurs as a result of the death or resignation of a person or in consequence of any provision of these Regulations.

(2) The appropriate rule-making body shall be:—

(*a*) in relation to a branch board, that board;

(*b*) in relation to the election of delegates to a central conference by a particular branch board and to casual vacancies among those delegates, that board;

(*c*) in relation to the election of members of a central committee by a central conference and casual vacancies among those members, that central committee.

SCHEDULE 3

Delegates to Central Conferences

1. The number of delegates to be elected, under Regulation 9(2), by an inspectors', sergeants' or constables' branch board to the appropriate central conference shall be as follows:—

Force	*No. of Delegates*
Northern	3
Grampian	4
Tayside	5
Central Scotland	2
Fife	3
Lothian and Borders	7
Strathclyde	20
Dumfries and Galloway	2

SCHEDULE 4

Elections to Central Committees

1. For the purpose of electing members, under Regulation 11(2), to each central committee the delegates to the inspectors', sergeants', or as the case may be, constables' central conferences shall be grouped into districts as follows:—

District A: delegates from the Northern and Grampian Police Forces

District B: delegates from the Tayside and Central Scotland Police Forces

District C: delegates from the Fife and Lothian and Borders Police Forces

District D: delegates from the Strathclyde and Dumfries and Galloway Police Forces

2. The number of members of each central committee to be elected by the delegates of each rank shall be:—

(*a*) 1 member elected by the delegates from District A

(*b*) 1 member elected by the delegates from District B

(*c*) 2 members elected by the delegates from District C

(*d*) 4 members elected by the delegates from District D

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to the constitution and proceedings of the Scottish Police Federation.

Regulation 5 provides that there shall be a branch of the Federation for each police force and that every member of a force below the rank of superintendent and every police cadet serving with the force shall be a member of the branch. Regulation 6 prescribes the proceedings of branches. Regulations 7 and 8 relate to the inspectors', sergeants' and constables' branch boards. In any branch, the branch boards may sit together as a joint branch board. Regulations 9 and 10 provide for three corresponding central conferences and again provision is made under which the three conferences may sit together.

Regulations 11 and 12 provide for three corresponding central committees and a joint central committee.

Regulation 13 provides for the election of a secretary of the joint central committee and for the making of a contribution by the Federation towards the emoluments payable to him by his police authority.

Regulations 14, 15, 16 and 17 relate to other financial matters, in particular the raising, use and management of Federation funds.

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