

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,439 of 19th February, 2018

B. 03/18

BILL

FOR

AN ACT to amend the Police Act 2006.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Police (Amendment) Act 2018.

Commencement.

2. This Act comes into operation on the day of publication.

Amendment of the Police Act 2006.

3.(1) The Police Act 2006 is amended in accordance with this section.

(2) In section 2, for the definition of ““Police Association”” substitute—

““Police Federation” means the Gibraltar Police Federation established under this Act;”.

(3) For Part VI (including the heading) substitute the following part-

**“PART VI
MEMBERSHIP OF FEDERATION, ETC.**

Formation of Police Federation.

49. There shall be established a body to be known as the Gibraltar Police Federation (the “Police Federation”).

Membership of Police Federation.

50. All police officers below the rank of superintendent may subscribe to be members of the Police Federation.

Objects of Police Federation.

51.(1) The objects of the Police Federation shall be to represent members of the Force in all matters affecting their welfare and efficiency except for—

- (a) questions of promotion affecting individuals; and
- (b) (subject to subsection (2)) questions of discipline.

(2) The Police Federation may represent a member of the Force at any stage of disciplinary proceedings brought under regulations made in accordance with section 79.

Police Federation to be independent.

52.(1) Subject to subsection (2), the Police Federation shall be entirely independent of and unassociated with any body or person outside the Force.

(2) The Government may, on the recommendation of the Authority—

- (a) authorise the Police Federation or a branch of the Federation to be associated with a person or body outside the police service in such cases and manner, and subject to such conditions, as it may specify; and
- (b) vary or withdraw an authorisation previously given.

Definition of prohibited association.

53. For the purposes of this Part—

“prohibited association” means—

- (a) any league or association or body of persons, whether registered or not, which has for its objects or one of its objects, the promotion of feelings of ill will and hostility between different classes or races;
- (b) any other association, society, club or body of persons, any of the objects of which may be subversive of good discipline on the part of a member of the Force, and which the Commissioner shall, with the approval of the Authority, declare to be a prohibited association;
- (c) any other association, society, club or body of persons which the Government shall, with the approval of the Authority, declare to be a prohibited association.

Penalty for offences in connection with prohibited associations.

54.(1) It shall not be lawful for—

- (a) any member of the Force to be or become a member of any prohibited association; or
 - (b) any prohibited association to permit any member of the Force to receive any benefit, financial or otherwise, from the association or for any such association to receive any money from a member of the Force.
- (2) If there is any contravention of the provisions of this section, the member of the Force, the prohibited association, and every officer of the prohibited association who is knowingly a party to such contravention is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale.

Prohibition against membership of trade unions.

55.(1) Except as regards membership of the Police Federation, it shall not be lawful for a member of the Force to become a member of any trade union, or of any association having for its objects, or one of its objects, the controlling or influencing of the pay, pensions, or conditions of service of the Force or any other person or persons and any member of the Force who contravenes this provision shall be disqualified from continuing to be a member of the Force; and, if any member of the Force

continues to act as such after becoming so disqualified, he shall forfeit all pension rights and be disqualified from being thereafter employed in the Force.

- (2) If any question arises whether any body is a trade union or an association to which this section applies, the question shall be determined by the Authority whose decision shall be final.”.

(4) Section 79 is amended–

- (a) in subsection (1) by deleting paragraph (d); and

- (b) by substituting the following subsections for subsection (2)–

“(2) Regulations made under subsection (1) shall not have effect until approved by the Government and published in the Gazette.

- (3) The Government may, in consultation with the Governor, make regulations for the constitution, procedure and functions of the Police Federation and generally for the better functioning of the Police Federation.”.
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EXPLANATORY MEMORANDUM

This Act amends the Police Act 2006 so as to provide for the establishment of the Police Federation which will replace the Police Association and to allow the Government, in consultation with the Governor to make regulations governing its constitution, procedure and functions.

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