

Subsidiary Legislation made under s.79(3).

Police Federation Regulations 2018

LN.2018/143

Commencement

21.6.2018

ARRANGEMENT OF REGULATIONS

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SCHEDULE

Elections to the Federation Board

2006-20

Police

2018/143

Police Federation Regulations 2018

In exercise of the powers conferred upon it by section 79(3) of the Police Act 2006, and all other enabling powers, the Government, in consultation with the Governor, has made the following Regulations—

Title.

1. These Regulations may be cited as the Police Federation Regulations 2018.

Commencement.

2. These Regulations shall come into operation on the day of publication.

Interpretation.

3. In these Regulations—

“Branch Board” means the Inspectors’ Branch Board, the Constables’ Branch Board or the Sergeants’ Branch Board established under these Regulations;

“Federation funds” means all funds raised by the Federation; and

“Police Federation” and “Federation” means the Gibraltar Police Federation established under section 49 of the Police Act 2006.

The Board.

- 4.(1) The governing body of the Police Federation shall be the Federation Board (the “Board”).

- (2) The Board shall consist of—

- (a) two officers of the rank of inspector or chief inspector;

- (b) two sergeants; and

- (c) four constables.

- (3) Elections to the Board shall be conducted in accordance with the Schedule.

- (4) A person elected in accordance with the Schedule shall remain a member of the Board for a period of four years unless he—

- (a) ceases to be a member of the Force;

- (b) ceases to hold the rank in respect of which he was qualified to be elected;
- (c) resigns as a member of the Board by notice in writing to the Board; or
- (d) is removed by the members of the Federation in accordance with subregulation (7).

(5) If there is a vacancy in the Board, the Board may nominate a member of the Federation of the appropriate rank to fill such vacancy until the next election of the Board.

(6) An act of the Board shall not be affected by reason only of a vacancy in the composition of the Board.

(7) A member of the Board, other than the chairman and secretary, may be removed from the Board at an extraordinary general meeting by a simple majority of the members present and voting where a quorum of not less than two thirds of the members of the Federation are present.

Chairman and secretary of Board.

5.(1) At its first meeting after election, the Board shall elect a chairman and secretary from among its members.

(2) A person elected as chairman or secretary shall hold office for a period of four years unless he—

- (a) ceases to be a member of the Force;
- (b) resigns from the position by notice in writing to the Board; or
- (c) is removed from the office in accordance with subregulation (5).

(3) The chairman and secretary of the Board shall be full time conveners of the Federation and shall continue to have and enjoy all the rights, powers, authorities, privileges and immunities of a constable.

(4) The period of time spent as chairman or secretary of the Board shall be calculated as part of and continuous with that officer's employment.

(5) The chairman and secretary of the Board may only be removed from office by not less than a two thirds majority vote of the members of the Federation present and voting at an extraordinary general meeting where a quorum of not less than two thirds of the members of the Federation are present.

Procedure at Board meetings.

6.(1) The Board may hold–

- (a) up to 6 meetings (including an annual meeting) a year; and
- (b) with the consent of the Authority, additional meetings for any special purpose,

and the Board shall give 7 days' notice to the Board members of any such meetings.

(2) Subject to subregulation (1), the Board may meet for the dispatch of business, adjourn and otherwise regulate its meetings as it thinks fit.

(3) If no chairman is elected under regulation 5, or if at any meeting of the Board the chairman is not present within 15 minutes after the time appointed for holding such meeting, the members present may choose one of their number to be chairman of the meeting.

(4) Questions arising at any meeting shall be decided by a majority of votes, and in case of equality of votes the chairman shall have a second or casting vote.

(5) Meetings of the Board must not last more than one day unless there is a special purpose.

(6) The quorum necessary for the transaction of the business of the Board is three members (including the chairman) or such other number of members as the Board may fix.

(7) The continuing members of the Board may act notwithstanding any vacancy in the Board.

(8) The Board must cause minutes to be kept of all meetings.

Representations by the Board.

7.(1) The Board may at any time submit representations to the Commissioner, the Authority or the Government.

(2) If required by the Authority, Commissioner or the Government, the Board must meet and consider any question referred to it and, if required, make recommendations in respect of it.

Books and documents of Board.

8.(1) The books and documents of the Board are confidential to the Board and the Federation and shall, subject to giving five working days' notice, be open to inspection by the members of the Federation.

(2) Except with the consent of the Board, no other person may inspect any book or document of the Board.

Annual General Meeting of the Federation.

9.(1) An annual general meeting of the Federation shall be held every year at such time and place as may be determined by the Board.

(2) The agenda for the annual general meeting of the Federation shall be prepared by the secretary of the Board and shall include—

- (a) any matter directed to be included thereon by the Board;
- (b) any matter which a Branch Board may ask to be included therein;
- (c) any matter which the Commissioner or the Authority may ask to be included therein.

(3) The agenda shall be circulated to all members of the Federation not later than fourteen days before the date of the annual general meeting.

(4) The quorum for the annual general meeting shall be forty members of the Federation.

(5) The annual general meeting must not last more than one day unless there is a specific purpose.

(6) The chairman of the Board shall be the chairman of the annual general meeting but if—

- (a) there is no chairman of the Board;
- (b) the chairman of the Board is not present within 15 minutes after the time appointed for the holding of the meeting; or
- (c) the chairman of the Board is unwilling to act as chairman,

the members present must choose one of their number to be chairman.

Extraordinary General Meetings.

10.(1) The Board may convene an extraordinary general meeting whenever they think fit and shall do so when requested in writing by at least 25 members of the Federation.

(2) The Board shall give the members of the Federation at least 7 days' notice of an extraordinary general meeting and of the agenda for the meeting.

(3) Subject to regulation 4(7) and 5(5), the quorum for an extraordinary general meeting shall be thirty members of the Federation.

(4) Regulation 9(6) shall apply to an extraordinary general meeting as it applies to the annual general meeting.

(5) Subject to this regulation, the Federation may regulate its extraordinary general meetings as it thinks fit.

Establishment of branch boards.

11. There shall be established—

- (a) an Inspectors' Branch Board;
- (b) a Sergeants' Branch Board; and
- (c) a Constables' Branch Board.

Composition of branch boards.

12.(1) The Inspectors' Branch Board shall consist of all members of the Force of the rank of inspector and chief inspector.

(2) The Sergeants' Branch Board shall consist of all members of the Force of the rank of sergeant.

(3) The Constables' Branch Board shall consist of all members of the Force of the rank of constable.

Meetings of branch boards.

13.(1) An annual general meeting of each of the Branch Boards shall be held each year at such time and place as may be determined by the chairman of each Branch Board.

(2) A chairman and secretary for each Branch Board shall be elected by the members at the annual general meeting of each Branch Board.

(3) The quorum for a meeting of a Branch Board shall consist of—

- (a) three inspectors or chief inspectors, in the case of the Inspectors' Branch Board;
- (b) eight sergeants, in the case of the Sergeants' Branch Board; and
- (c) twenty constables, in the case of the Constables' Branch Board.

(4) Meetings under this regulation must not last more than one day unless there is a special purpose.

Source of funds.

14. The Federation may raise funds by–

- (a) the collection of subscriptions from its members;
- (b) the acceptance of donations from members;
- (c) the sale of periodicals or articles; and
- (d) any other funding approved by the Authority.

Subscriptions.

15. Members of the Federation shall pay a monthly subscription of such sum as is determined by the Board subject to the approval of its members at the annual general meeting of the Federation.

Accounts.

16.(1) The Board must keep accounts of Federation funds showing all monies received or paid out and must cause accounts for each year to be audited by an independent auditor.

(2) At the end of each financial year a summary of the accounts for that year, together with a copy of the auditor's report shall be available to the members of the Federation and a copy shall be sent to the Authority.

Use of Funds.

17.(1) Federation funds must only be used as provided in subregulation (3) and in any case must not be used–

- (a) to promote directly or indirectly a person's candidature in any election;

- (b) to contribute to the funds of a trade union, political party or other body or organisation not connected with the Force or its welfare (unless it is authorised under section 52(2) of the Act).
- (2) Subject to subregulation (1) and to the approval of the Federation at its annual general meeting, the Board shall determine the purposes for which Federation funds may be used.
- (3) Federation funds may be used for the following purposes—
- (a) the administrative expenses of the Federation, including expenses in connection with the remuneration of persons employed or consulted in an administrative, professional or advisory capacity;
 - (b) to defray legal expenses incurred in accordance with subregulation (4);
 - (c) the payment of subsistence allowances or expenses to attend—
 - (i) the annual conference held by the Police Federation of England and Wales;
 - (ii) any other conferences or meetings approved by the Board which are of benefit to the Federation;
 - (d) expenses in connection with the publication and distribution of reports and other documents, including a journal, and the purchase of publications;
 - (e) expenses incurred for benevolent or charitable purposes connected with the police service or its welfare;
 - (f) expenses incurred in the holding of meetings;
 - (g) on the provision of training; and
 - (h) on any other matter which is incidental or conducive to the aims, purposes or operations of the Federation.
- (4) Federation funds may be used, as approved by the Board and on such terms and conditions as may be specified by the Board in the circumstances of a particular case, to defray legal expenses incurred—
- (a) for the purpose of representing members of the Federation in matters affecting their welfare, efficiency and discipline other than questions affecting the promotion of individuals;

- (b) by a member of the Federation in connection with criminal proceedings brought against him for any offence committed, or founded upon something done or not done, in the performance or purported performance of his duties as a member of the Force;
- (c) in connection with a claim made by a member of the Federation, or the personal representatives or dependants of a deceased member, where the claim relates to—
 - (i) a question or general principle of importance which is of special concern to the members of the Federation or a substantial class of them;
 - (ii) the pay, allowances, expenses or pension payable to or in respect of a member of the Federation; or
 - (iii) an injury sustained or a disease contracted by a member;
- (d) by a member arising out of an actual or contemplated action for defamation in respect of a statement or alleged statement which appears to the Board to—
 - (i) relate to the person's conduct as a member of the Force; or
 - (ii) to disparage the person in the office of constable or otherwise to cast doubt upon his fitness to be a member of the Force; or
- (f) on any other matter which the Board may from time to time consider in the interests of the Federation to support.

Revocation.

18. The Gibraltar Police Association Regulations are revoked.

Transitional provisions.

19.(1) The persons elected to be members of the Police Council immediately prior to the commencement date shall, on the commencement date, be deemed to have been elected as members of the Board under these Regulations until the expiry of the period for which they were elected.

(2) The persons elected as chairman and secretary of the Police Council immediately prior to the commencement date shall, on the commencement date, be deemed to have been elected as chairman and secretary under these Regulations until the expiry of the period for which they were elected.

2006-20

Police

2018/143

Police Federation Regulations 2018

(3) In this regulation—

“commencement date” means the date of the coming into force of these Regulations; and

“Police Council” means the Police Council established under the Gibraltar Police Association Regulations.

SCHEDULE

Elections to the Federation Board

Regulation 4

Time and Conduct of elections.

1.(1) A general election of members of the Board must be held every four years at an annual general meeting.

(2) The elections must be conducted by the Board or a person appointed by the Board for that purpose.

Lists of electors.

2.(1) The Federation must compile—

- (a) a list of the members of the Federation of the rank of inspector and chief inspector;
- (b) a list of the members of the Federation of the rank of sergeant; and
- (c) a list of the members of the Federation of the rank of constable,

as at 31 January every four years which shall be the lists of electors for the purpose of elections to the Board.

(2) Every member of the Force who is on the list of electors for a particular rank has the right to vote at the election for a representative for that rank at any election in the 12 month period following that date.

Nominations.

3.(1) A candidate for election as member of the Board must be nominated in writing by no fewer than two persons entitled to vote in the election of that member.

(2) Nominations shall be delivered to the office of the person conducting the election on or before 5pm on a date to be specified in a notice posted in all police stations or on the police intranet.

(3) If the number of nominations does not exceed that of the vacancies, the person or persons nominated must be declared to be elected as members or member of the Board.

(4) The person conducting the election must as soon as may be cause to be posted in all police stations or on the police intranet the names, addresses and descriptions of the persons elected.

(5) If the number of valid nominations exceeds that of the vacancies, a poll must be held in accordance with paragraph 4.

(6) A member of the Board who has served four years must step down from the Board but shall be eligible for re-election.

Conduct of poll.

4.(1) The Board must send to each elector–

- (a) a notice in writing informing the elector of the poll, and of the persons nominated in respect of which he has a right to vote, with directions as to the method of voting; and
- (b) a voting paper with the names, addresses and descriptions of the persons so nominated.

(2) Each elector may give only one vote per candidate up to the number of candidates to be elected.

(3) No election is invalid by reason of such notice or voting paper not having been sent to any elector, or of any technical defect in it, unless the person conducting the election determines that the omission or defect would be likely materially to affect the election.

(4) The person conducting the election must, as soon as may be after the date fixed for returning voting papers, ascertain and cause to be posted in all police stations or the police intranet the names, addresses and descriptions of the persons elected.

Secrecy of poll, etc.

5.(1) The person conducting the election must maintain and aid in maintaining the secrecy of the voting and must not communicate any information to any person as to the name or other means of identification of any elector who has voted except for a purpose authorised by law until after the date fixed for returning the voting papers.

(2) No person must–

- (a) interfere with or attempt to interfere with an elector when marking his or her vote;

- (b) otherwise attempt to obtain information as to the candidate for whom any elector is about to vote or has voted; or
- (c) communicate at any time to any person any information obtained as to the candidate for whom any elector is about to vote or has voted.

(3) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and must not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular voting paper.

(4) No person must directly or indirectly induce any elector to display his voting paper after marking it so as to make known to any person the name of the candidate for whom he has so marked or not marked his vote.