



Statutory Document No. 72/2000

## THE POLICE ACT 1993

### THE POLICE FEDERATION REGULATIONS 2000

*Coming into operation*

*1st February 2000*

In exercise of the powers conferred on the Department of Home Affairs by sections 12(2) and 22(2) of the Police Act 1993<sup>1</sup>, and of all other enabling powers, after consultation with the Chief Constable and the Isle of Man Police Federation, and with the concurrence of the Isle of Man Police Federation given by resolution passed at a conference thereof, the following Regulations are hereby made:—

#### *General*

#### **1. Citation, commencement and interpretation**

(1) These Regulations may be cited as the Police Federation Regulations 2000 and shall come in operation on the 1st February 2000.

(2) In these Regulations —

"the Board" means the Federation Board;

"the Department" means the Department of Home Affairs;

"the Federation" means the Isle of Man Police Federation;

"the police force" means the Isle of Man Constabulary.

#### **2. Revocation**

Schedule 1 to the Police (Isle of Man) Act 1962<sup>2</sup> is revoked.

#### *Membership of Federation*

#### **3. Membership of Federation**

The Federation shall consist of all members for the time being of the police force of and below the rank of chief inspector.

---

<sup>1</sup> 1993 c.11

<sup>2</sup> XIX p.647

*The Board*

**4. The Board**

- (1) The Federation shall act through a Federation Board, which shall control and manage the affairs of the Federation as hereinafter provided.
- (2) The Board shall consist of —
  - (a) one member of the police force of the rank of inspector or chief inspector, elected by the members of the police force of the ranks of inspector and chief inspector;
  - (b) one member of the police force of the rank of sergeant, elected by the members of the police force of the rank of sergeant; and
  - (c) 3 members of the police force of the rank of constable, elected by the members of the police force of the rank of constable.
- (3) Elections to the Board shall be conducted in accordance with the Schedule.

**5. Tenure of office**

- (1) The members of the Board referred to in regulation 4(2)(a) and (b) shall retire on the 31st January in each year.
- (2) Subject to paragraph (3), a member of the Board referred to in regulation 4(2)(c) shall retire on the 31st January in the third year after that in which he was elected.
- (3) Of the members of the Board referred to in regulation 4(2)(c) elected in the year 2000 —
  - (a) one shall retire on the 31st January 2001,
  - (b) one shall retire on the 31st January 2002, and
  - (c) one shall retire on the 31st January 2003.
- (4) The order in which the members are to retire in accordance with paragraph (3) shall be determined as follows —
  - (a) if a poll is held, the candidate receiving the highest number of votes shall retire as mentioned in paragraph (3)(c), and so on;
  - (b) if no poll is held, or if a poll is held and there is an equality of votes, by lot in such manner as the person conducting the election considers appropriate.
- (5) A retiring member of the Board shall on the expiration of his term of office continue to act as a member of it until the name of his successor is posted up.
- (6) A member of the Board shall go out of office if he —
  - (a) ceases to be a member of the police force,

- (b) ceases to hold the rank by virtue of which he was qualified to be elected, or
- (c) resigns as a member of the Board by notice in writing to the Chief Constable.

#### **6. Casual vacancy**

(1) A casual vacancy in the Board shall be filled as soon as may be by election in accordance with the Schedule.

(2) A member of the Board elected to fill a casual vacancy shall retire at the same time as the member in whose place he was elected would ordinarily have gone out of office.

#### **7. Secretary**

(1) The Board shall appoint a secretary, who shall be a member of the Federation but not a member of the Board, to carry out such duties as may be assigned to him by the Board.

(2) The secretary shall not be entitled to vote at any meeting of the Board.

#### **8. Minutes**

The Board shall cause minutes to be made in books provided for the purpose —

- (a) of all appointments of officers made by the Board;
- (b) of the names of the members of the Board present at each meeting of the Board and of any committee of the Board;
- (c) of all resolutions and proceedings at all meetings of the Federation and of the Board and of committees of the Board.

#### **9. Proceedings of the Board**

(1) The Board may hold —

- (a) 4 quarterly meetings (including an annual meeting), and
- (b) with the consent of the Chief Constable, additional meetings for any special purpose.

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

(3) Subject to sub-paragraph (1), any member of the Board may, and the secretary on the requisition of a member of the Board shall, at any time summon a meeting of the Board.

(4) The representatives of any 2 ranks may by agreement meet as a committee of the Board for any special purpose.

(5) If required by the Department or the Chief Constable, the Board shall meet and consider any question which may be referred to it by the Department or the Chief Constable, and, if required, make recommendations in respect of it.

(6) The Board shall elect one of its number to be chairman of the Board and determine the period for which he is to hold office; but —

(a) if no such chairman is elected, or

(b) if at any meeting the chairman is not present within 5 minutes after the time appointed for holding it,

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

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

(8) Meetings of the Board shall not last more than one day.

(9) The quorum necessary for the transaction of the business of the Board shall be 3 members of the Board, or such other number of members as the Board may fix.

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

## **10. Representation to the Department**

The Board in addition to submitting any representation to the Chief Constable may submit such representation also to the Department, if the matter is one which falls within the duties of the Department under the Police Act 1993.

## **11. Books and documents of Board**

(1) The books and documents of the Board shall be confidential to the Board and the Federation, but shall always be open to inspection by the members of the Board.

(2) No person (not being a member of the Board) shall have any right to inspect any book or document of the Board except as authorised by the Board.

### *General meetings and conferences*

## **12. General meetings of ranks of the Federation**

(1) Annual general meetings of each of the following ranks —

- (a) inspectors and chief inspectors,
- (b) sergeants, and
- (b) constables,

shall be held in the month of January in every year at such time and place within the Island as may be determined by the Board.

(2) Extraordinary general meetings of those ranks may be held with the consent of the Chief Constable.

(3) At least 7 days' notice, exclusive of the day on which the notice is given, specifying the place, day and hour of the meeting, and, in the case of special business, the nature of that business, shall be given by a notice posted up in all police stations; but with the consent of the Board a general meeting may be convened by such shorter notice as the Board may think fit. The accidental omission to give notice of a meeting in the manner prescribed shall not invalidate the proceedings at any meeting.

(4) General meetings under this regulation shall not last more than one day.

(5) No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business.

(6) The quorum necessary for the transaction of business at a general meeting shall be 3 members.

(7) The elected representative on the Board of the relevant rank (or, in the case of the constables, the senior elected representative) shall be chairman of a general meeting, but if—

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

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

(8) At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands. On a show of hands every member present in person shall have one vote, but in case of an equality of votes the chairman shall be entitled to a second or casting vote.

### **13. Annual conference**

(1) An annual conference of members of the Federation for the purposes of—

- (a) receiving an annual report from the Board on its activities of the Board, and

- (b) obtaining the general views of the members on matters of common interest,

shall be held once in every year in the month of January at such time and place within the Island as may be determined by the Board, and shall coincide as far as possible with the date upon which the annual meetings are to be held under regulation 12.

- (2) An annual conference shall not last more than one day.

(3) The chairman of the Board shall be the chairman of the annual conference, but if —

- (a) there is no chairman of the Board, or
- (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 shall choose one of their number to be chairman.

(4) Subject to paragraph (3), the procedure prescribed by regulation 12 shall apply in respect of annual conferences.

#### **14. Leave for attendance at meetings**

Except where in special circumstances a member of the police force is required for duty for which no substitute is available, leave shall be given for attendance at all general meetings and annual conferences duly held, and every such attendance shall as regards allowance and expenses be deemed to be an occasion of police duty.

#### *Procedure*

#### **15. Procedure**

Subject to the provisions of these regulations, the Board shall have power to regulate the procedure of the Board and the Federation.

#### *Financial provisions*

#### **16. Subscriptions &c.**

- (1) The Federation may raise funds by —
  - (a) the collection of voluntary subscription from its members;
  - (b) the acceptance of donations from its members; and
  - (c) the sale of periodicals and other articles;

but not otherwise.

(2) Voluntary subscriptions shall be collected by the Board and the normal amount of such subscriptions (including additional subscriptions) shall

be determined by the Board, subject to the approval of members of the Federation at their annual conference.

#### **17. Accounts**

(1) The Board shall, in relation to Federation funds held by the Board, keep accounts showing all monies received or paid out and shall cause the accounts for each year to be audited by an independent auditor.

(2) The 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 —

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Chartered Association of Certified Accountants;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) the Chartered Institute of Public Finance and Accountancy;

(3) After the end of each financial year a summary of the accounts for that year, together with a copy of the auditor's report thereon shall be published to members of the Federation and sent to the Chief Constable and the Department.

#### **18. Use of Federation funds**

(1) Federation funds shall not without the consent of the Department be used otherwise than for the purposes mentioned in paragraphs (3) and (4), and shall not in any event be used —

- (a) to promote directly or indirectly a person's candidature in an election held under the provisions of the Representation of the People Act 1995<sup>3</sup> or the Local Elections Act 1986<sup>4</sup>;
- (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.

(2) Subject to paragraph (1) and to the approval of the Federation at its annual conference, the Board shall determine the purposes for which Federation funds held by the Board may be used.

(3) Federation funds held by the Board may be used, on such terms and conditions as may be specified by the Board in the circumstances of a particular case, to defray legal expenses incurred —

---

<sup>3</sup> 1995 c.13.

<sup>4</sup> 1986 c.10

- (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 or former member of the Federation in connection with criminal proceedings brought against him for any offence committed in or founded upon something done in the performance or purported performance of his duties as a member of the police force;
  - (c) in connection with a claim made by a member or former member of the Federation, or the personal representative or dependants of a deceased member, where the claim relates to —
    - (i) a question or general principle or importance which is of special concern to the members of the Federation or a substantial class of them;
    - (ii) the emoluments of a member of the Federation or 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 the police force who is a member of the Federation otherwise than as an alternative to dismissal;
  - (d) by a member or former member of the Federation arising out of any step taken by him in connection with an or contemplated action for defamation in respect of a statement or alleged statement which appears to the Board —
    - (i) to relate to his conduct as a member of the police force, or
    - (ii) to disparage him in the office of constable or otherwise to cast doubt upon his fitness to be a member of the police force;
  - (e) by a member of the Federation, or the personal representative or dependants of a deceased member, directly involved in proceedings before an inquest or tribunal in connection with such proceedings.
- (4) The Board may not incur expenditure under paragraph (3) —
- (a) where the Chief Constable or the Department has agreed to provide an advocate acceptable to the member;
  - (b) unless the Board reserves the right to appoint the advocate to act on behalf of the member.

(5) Without prejudice to the generality of paragraph (2), Federation funds may be used to defray —

- (a) the administrative expenses of the Federation, including expenses in connection with the remuneration of persons outside the police service employed or consulted in an administrative, professional or advisory capacity;
- (b) the payment of subsistence and similar allowances to observers at a conference held by the Police Federation for England and Wales, in respect of expenses incurred by them as such observers or to any conference which the Board consider to be of benefit to the Federation;
- (c) expenses in connection with the publication and distribution of reports and other documents, including a journal (whether or not a charge is made for it) and the purchase of publications for use by the Board;
- (d) expenses incurred for benevolent or charitable purposes connected with the police service or its welfare;
- (e) expenses lawfully incurred in the holding of general meetings and annual conferences.

#### **19. Trustees of Federation property and funds**

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

(2) 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 in accordance with the directions of the Board and in pursuance of the powers of investment conferred on trustees generally by the Trustee Act 1961<sup>5</sup>.

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

---

<sup>5</sup> XIX p.215

SCHEDULE  
ELECTIONS TO THE FEDERATION BOARD

*Time and conduct of elections*

1. (1) A general election of members of the Board shall be held in the month of February in each year.
- (2) An election to fill a casual vacancy in the members of the Board —
  - (a) if the vacancy arises after 31st October, shall (if necessary) be held at the same time as the general election;
  - (b) otherwise, shall be held as soon as may be after the vacancy arises.
- (3) The elections shall be conducted by the Chief Constable or a person appointed by the Chief Constable for the purpose.

*Lists of electors*

2. (1) The Chief Constable shall compile —
  - (a) a list of the members of the police force of the ranks of inspector or chief inspector;
  - (b) a list of the members of the police force of the rank of sergeant; and
  - (c) a list of the members of the police force of the rank of constable;

as at the 31st January in each year, which shall be the lists of electors for the purpose of elections to the Board.

- (2) Every member of the police force who is on the list of electors for such rank at that date shall have the right to vote at the election of the representatives or representative for that rank at any election in the following year ending on 31st January.

*Nominations*

3. (1) A candidate for election as a member of the Board shall be nominated in writing by not less than 2 persons entitled to vote in the election of that member, and the nomination shall be delivered to the office of the person conducting the election on or before 6.00 pm on a date to be specified in a notice posted up in all police stations on behalf of that person.

- (2) If the number of valid nominations does not exceed that of the vacancies, the person or persons nominated shall be declared to be elected as members or member of the Board, and the person conducting the election shall as soon as may be cause to be posted up in all police stations the names, addresses and descriptions of the persons elected.

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

- (4) A retiring member of the Board shall, if otherwise qualified, be eligible for re-election.

*Conduct of poll*

4. (1) The person conducting the election shall send to each elector —
  - (a) a notice in writing informing him 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 one vote and no more for each for any number of candidates, not exceeding the number to be elected. Postage on the return of the voting paper to the person conducting the election shall be prepaid.

(3) No election shall be 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 shall, as soon as may be after the date fixed for returning voting papers, ascertain and cause to be posted up in the all police stations the names, addresses and descriptions of the persons elected.

*Combined election of constable representatives*

5. (1) This paragraph applies where, in the case of members of the Board referred to in regulation 4(2)(c) —

- (a) an election to fill an ordinary vacancy is held at the same time as an election to fill a casual vacancy, or
- (b) elections to fill more than one casual vacancy are held at the same time.

(2) Where a poll is held, the candidate receiving the highest number of votes shall fill the ordinary vacancy, or the casual vacancy the holder of which will retire last in accordance with regulation 6(2), as the case may be, and so on (subject to sub-paragraph (3)) until all the vacancies are filled.

(3) Where no poll is held, or a poll is held and there is an equality of votes, which candidate shall fill each vacancy shall be determined by lot in such manner as the person conducting the election considers appropriate.

*Secrecy of poll etc.*

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

- (2) No person shall —
  - (a) interfere with or attempt to interfere with an elector when marking his 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 shall 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 shall directly or indirectly induce any elector to display his voting paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

MADE 28<sup>th</sup> January 2000



Minister for Home Affairs

---

#### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations make provision as to the constitution and proceedings of the Isle of Man Police Federation, and replace Schedule 1 to the Police (Isle of Man) Act 1962. They increase from 2 to 3 the representation on the Federation Board of the members of the Isle of Man Constabulary of the rank of constable (reg.4), alter the term of office of those representatives (reg.5), and alter the purposes for which Federation funds may be used (reg.18).