



# Conference 2007

## Motions 10 to 23

Fund Rules

Financial Regulations

and

Joint Fund Trust Deed

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## Introduction

Delegates and colleagues,

The Amalgamations Working Group was set up to examine issues affecting Branch Boards and Joint Branch Boards and identify solutions to assist should amalgamations of these boards become necessary due to their respective Police Forces amalgamating.

The Treasurers Department of the Joint Central Committee were asked to undertake research into the financial implications. This research discovered that our Fund Rules had not kept pace with the way in which we now conduct our business. The Joint Central Committee with the Joint Branch Boards discussed these issues and a number of additions and amendments are proposed as motions to conference to rectify this situation.

Because the deficiencies in the fund rules meant that some of our business and authorities to use funds were Ultra Vires<sup>1</sup> our Fund Rules a number of these additions and amendments were put before the Home Secretary as a matter of urgency under Regulation 15A(3). The Home Secretary approved these on 1<sup>st</sup> February 2007; **they are still subject to debate and approval by this conference**. Where this applies to a motion below, # appears after the Motion title. (*i.e. Motion 1 #*)

To enable full consultation, after discussion with JBB Secretaries and Chairmen, three Fund Rule Workshops were set up in January 2007; these further amended or introduced new additions or amendments. We would like to thank all those who took part from Joint Branch Boards as well as our legal advisor Gilead Cooper QC.

We are grateful to Greater Manchester JBB proposing a motion regarding what should happen to federation assets should branch boards merge. This has assisted both the Amalgamations Working Group and the Fund Rule Workshops. The workshops redrafted and agreed a more comprehensive version and we acknowledge the withdrawal of the GMP motion.

Motions 10 to 22 will be dealt with by way of one proposal speech that takes delegates through this guide, relying on delegates to have completely read the full text. Each motion will then be open for debate individually with the seconder having reserved their right and the proposer having the right to wind up. Each motion will then be voted on. Motion 23 will be proposed and seconded, debated and voted on separately.

David Moore  
JCC Deputy Treasurer  
Proposer of Motions

Brian Fenlon  
JCC Treasurer  
Secunder of Motions

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<sup>1</sup> ultra vires [Latin: beyond the powers] Describing an act by a public authority, company, or other body that goes beyond the limits of the powers conferred on it.

## **Motion 10 #**

### **AMENDMENT TO FEDERATION FUND RULE 1 NEW SUB-PARAGRAPH (f)**

That this conference agrees to amend Federation Fund Rules by the addition of a sub paragraph (f) to Rule 1 in the following words:

1(f)

By the receipt of commissions, introduction fees or administrative charges on any member services arranged by or on behalf of the Police Federation of England and Wales for the benefit of members their partners and families and branch board staff; and where agreed by the branch board or central committee the benefit of non members who are or were employed by the police authority and the partners and families of such non-members.

*(This new rule clarifies the situation on receiving income from member services as Federation Funds).*

## **Motion 11 #**

### **AMENDMENT TO FEDERATION FUND RULE 1 – NEW SUB-PARAGRAPH (g)**

That this Conference agrees to amend Federation Fund Rules by the addition of a sub-paragraph (g) to Rule 1 in the following words:

1(g)

By receiving the income raised by the Federation from commercial use of its premises.

*(This new rule clarifies the situation on receiving income from the commercial use of its premises).*

## **Motion 12**

### **AMENDMENT TO FEDERATION FUND RULE 1 – NEW SUB-PARAGRAPH (h)**

That this conference agrees to amend Federation Fund Rules by the addition of a sub-paragraph (h) to Rule 1 in the following words:

1(h)

By the sale of items of Federation memorabilia.

*(This new rule clarifies the situation on receiving income from the sale of National or Local memorabilia).*

## **Motion 13**

### **AMENDMENT TO FEDERATION FUND RULES – NEW RULE 4.7**

That this conference agrees to amend Federation Fund Rules by the addition of Rule 4.7 in the following words:

4.7

For the avoidance of doubt, the allocation of 70% to the appropriate Central Committee fund as referred to in Rules 4.2 and 4.3 will only apply to the sums raised from voluntary contributions from members and shall not apply to funds raised by any other means permitted under these rules (including where relevant Rules 1(a) – 1(h)).

*(This new rule explicitly sets out that only funds raised by voluntary subscription contributions will be subject to the percentage allocation agreed by this conference).*

## **Motion 14 #**

### **AMENDMENT TO FEDERATION FUND RULES 5.1A.(i), 5.1B.(g) OR 6(g)**

That this Conference agrees to amend Federation Fund Rules by amending Fund Rules 5.1A.1.(i), 5.1B.(g) or 6(g) in the following words:

#### **5.1A.1.(i)**

On the arrangement and operation of insurance, medical and superannuation and similar schemes and any other service for the benefit of its members their partners and families and committee staff; and where agreed by the Joint Central Committee the benefit of non members who are or were employed by a police authority and the partners and families of such non-members.

#### **5.1B.(g)**

On the arrangement and operation of insurance, medical and superannuation and similar schemes and any other service for the benefit of its members their partners and families and committee staff; and where agreed by the central committee the benefit of non members who are or were employed by a police authority and the partners and families of such non-members.

#### **6(g)**

On the arrangement and operation of insurance, medical and superannuation and similar schemes and any other service for the benefit of its members their partners and families and branch board staff; and where agreed by the branch board the benefit of non members who are or were employed by the police authority and the partners and families of such non-members.

*(These amended rules clarify the situation for all branch boards and central committees regarding setting up and running insurance, medical and pension schemes and any other service for the benefit of members their partners, families and branch board or committee staff. Also if the branch board pass a resolution, for the benefit of non members their partners and families).*

## **Motion 15 #**

### **AMENDMENT TO FEDERATION FUND RULES 5.1A.1.(h), 5.1B(d) and 6(j)**

That this Conference agrees to amend Federation Fund Rules by amending Fund Rules 5.1A.1.(h), 5.1B(d) and 6(j) in the following words:

#### **5.1A.1.(h)**

To make payment to members of such an amount as the Joint Central Committee may, in its discretion decide, in respect of their out of pocket and other expenses in attending Federation meetings, any Charity or Benevolent event, any Federation event, any Chief Officers' event, any National Police Memorial Day event and any other event approved by the Joint Central Committee that is for the benefit of the members, and commitments falling within the jurisdiction of the fund.

#### **5.1B.(d)**

To make payment to members of such an amount as the Central Committee may, in its discretion decide, in respect of their out of pocket and other expenses in attending Federation meetings, any Charity or Benevolent event, any Federation event, any Chief Officers' event, any National Police Memorial Day event and any other event approved by the Central Committee that is for the benefit of the members, and commitments falling within the jurisdiction of the fund.

#### **6(j)**

To make payment to members of such an amount as the Branch Board may, in its discretion decide, in respect of their out of pocket and other expenses in attending Federation meetings, any Charity or Benevolent event, any Federation event, any Chief Officers' event, any National Police Memorial Day event and any other event approved by the Branch Board that is for the benefit of the members, and commitments falling within the jurisdiction of the fund.

*(These amended rules clarify the situation for all branch boards and central committees regarding payment of out of pocket and other expenses to members for the full range of events that the federation now undertakes both nationally and locally on behalf of its members).*

## **Motion 16 #**

### **AMENDMENT TO FEDERATION FUND RULE 6(M)**

That this Conference agrees to amend Federation Fund Rules by the addition of Rule 6(m) in the following words:

6(m)

On the first year's subscription to the National Association of Retired Police Officers (NARPO) for retiring members.

#### **Amendment**

#### **Staffordshire**

Delete the words "the first year's subscription to the National Association of Retired Police Officers (NARPO) for retiring members" and replace with "subscriptions to the National Association of Retired Police Officers (NARPO) for retiring or retired members for a period of time to be determined by Branch Boards".

The Motion to Read:

That this Conference agrees to amend Federation Fund Rules by the addition of Rule 6(m) in the following words:

On subscriptions to the National Association of Retired Police Officers (NARPO) for retiring or retired members for a period of time to be determined by Branch Boards.

*(This new rule clarifies the situation on discretionary payments by branch boards for subscriptions to NARPO).*

## **Motion 17**

### **AMENDMENT TO FEDERATION FUND RULES 6(N)**

That this Conference agrees to amend Federation Fund Rules by the addition of Rule 6(n) in the following words:

6(n)

On the provision of Courses and Training approved by the Branch Board.

*(This new rule clarifies the situation on funds being used to provide courses and training that is approved by resolution of the branch board).*

## **Motion 18 #**

### **AMENDMENT TO FEDERATION FUND RULES 5.1A.1.(u), 5.1B.(t) AND 6(o)**

That this Conference agrees to amend Federation Fund Rules by the addition of Rules 5.1A.1.(u), 5.1B.(t) and 6(o) in the following words:

#### 5.1A.1(u)

On the arrangement and operation of any Federation event approved by the Joint Central Committee for the benefit of the members.

#### 5.1B.(t)

On the arrangement and operation of any Federation event approved by the Central Committee for the benefit of the members.

#### 6(o)

On the arrangement and operation of any Federation event approved by the Branch Board for the benefit of the members.

*(These new rules clarify the situation for branch boards and central committees regarding the use of funds for setting up and running any federation event approved by resolution of that branch board or central committee).*

## **Motion 19**

### **AMENDMENT TO FEDERATION FUND RULES 5.1A.1.(v), 5.1B.(u) and 6(p)**

That this Conference agrees to amend Federation Fund Rules by the addition of Rules 5.1A.1.(v), 5.1B.(u) and 6(p) in the following words:

#### **5.1A.1.(v)**

On the provision of welfare, support and facilities approved by the Joint Central Committee.

#### **5.1B.(u)**

On the provision of welfare, support and facilities approved by the Central Committee.

#### **6(p)**

On the provision of welfare, support and facilities approved by the Branch Board.

*(These new rules clarify the situation for branch boards and central committees regarding the use of funds to provide welfare support and facilities approved by resolution of the branch board or central committee).*

## **Motion 20**

### **AMENDMENT TO FEDERATION FUND RULES 5.1A.1(w), 5.1B.(v) and 6(q)**

That this Conference agrees to amend Federation Fund Rules by the addition of Rules 5.1A.1(w), 5.1B.(v) and 6(q) in the following words:

5.1A.1.(w)

On the purchase of items of Federation memorabilia for sale.

5.1B.(v)

On the purchase of items of Federation memorabilia for sale.

6(q)

On the purchase of items of Federation memorabilia for sale.

*(These new rules clarify the situation for all branch boards and central committees regarding the use of funds to purchase any items for sale as federation memorabilia).*

## **Motion 21**

### **AMENDMENT TO FEDERATION FUND RULES – NEW FUND RULE 9**

That this Conference agrees to amend Federation Fund Rules by the addition of a Rule 9 in the following words:

9.

In the event of the merger of two or more Police Forces, whether voluntary or otherwise, all assets held by the Branch Boards or Joint Branch Board of the forces merging shall be transferred to the new Branch Board or Joint Branch Board (or in the case of the Metropolitan Police, the JEC). Where on such a merger existing Branch Board members are split between 2 or more new Branch Boards or Joint Branch Boards then the assets as above shall be transferred pro rata the number of members involved.

*(This new rule clarifies the situation regarding the merging of branch board and joint branch board assets should Force mergers occur in the future).*

## Motion 22

Below are the original regulation and the motion with the new regulation with the amendments highlighted in blue.

16(4)

If at the end of any year the funds held by a Branch Board exceed -

- (a) £600 where the number of subscribing members is less than a hundred;
- (b) £6 for each subscribing member, where the number of such members is a hundred or more but less than five hundred or, in the case of the Metropolitan police force, a hundred or more but less than a thousand;
- (c) £3,000 where the number of subscribing members is five hundred or more or, in the case of the Metropolitan police force, £6,000 where the number of such members is one thousand or more,

the board shall pay the excess to the appropriate central committee and, after making such payment, may pay such sum as they think fit to the joint branch board.

### AMENDMENT TO FEDERATION FINANCIAL REGULATION 16(4)

That this Conference agrees to amend Federation Financial Regulations by amending Regulation 16(4)) in the following words:

16(4)

If at the end of any year the funds held by a Branch Board exceed -

- (d) £1,800 where the number of subscribing members is less than a hundred;
- (e) £18 for each subscribing member, where the number of such members is a hundred or more but less than five hundred or, in the case of the Metropolitan police force, a hundred or more but less than a thousand;
- (f) £9,000 where the number of subscribing members is five hundred or more or, in the case of the Metropolitan police force, £18,000 where the number of such members is one thousand or more,

the board may pay such sum as they think fit to the joint branch board and, after making such payment shall pay the excess to the appropriate Central Committee.

*(This amended regulation brings up to date the amounts a branch board may retain at the end of a financial year, as it was last updated in 1975; it also clarifies the actual situation where branch boards pay such amount of their excess as they see fit to their respective joint branch board and any additional excess remaining is then paid to the respective central committee).*

## **Motion 23**

### **POLICE FEDERATION OF ENGLAND & WALES TRUST DEED**

That this Conference agrees to update the 1960 Joint Fund Trust Deed with the proposed 2007 Joint Fund Trust Deed attached.

*(This new Trust deed brings up to date the 1960 Trust Deed that governs how Federation Trustees operate and how funds are administered on behalf of the members. This includes legislative changes over the last 47 years as well as modern drafting as recommended by our expert Trust Law Barrister, Gilead Cooper QC. We have also taken into account drafting suggestions made by Greater Manchester Joint Branch Board).*

## Fund Rule Document Comparison

This section reproduces the Current Fund Rules with the addition of new or amended sections highlighted in [blue](#).

## **POLICE FEDERATION FUND RULES**

**(The Police Federation Regulations, 1969, Part 111 as amended)**

### **THE POLICE FEDERATION (AMENDMENT) REGULATIONS 1990**

#### **PART 1 SUBSCRIPTIONS, AUDITS AND SOURCE OF FUNDS**

1. The Police Federation may raise funds by the collection of voluntary subscriptions and the acceptance of donations from the members, and

(a) By borrowing money from any person or persons or body corporate, or other legally constituted body authorised to lend on such security and upon such terms as may from time to time be arranged, by interest on capital or by commissions;

(b) By acceptance of donations or gifts, whether directly or by bequest, providing the acceptance of such donations or gifts shall not affect or interfere with the impartial discharge of police duties;

(c) By the sale of periodicals or articles and publications, and such other matters or items which can be considered incidental to, and compatible with, the objects and purposes of the Federation; and

(d) By receiving the income raised by the Federation or any other party on its behalf from business activities concerned in any way with any Exhibition or Conference constituted in accordance with the Regulations (or otherwise).

(e) By receiving membership organisation provisions payable under any arrangement for the funding of litigation on behalf of members and their immediate families in accordance with the Access to Justice Act 2000 (as may from time to time be amended, extended, re-enacted or consolidated) or any regulations made thereunder.

(Members include cadets, central service officers, reversionary members of a Home Police Force and servicemen, within the meaning of the Regulations from time to time in force, under the Police Pensions Act 1976 and persons with a contingent right of reversion to a Home Police Force under Section 2 Police Act 1969.)

(f) By the receipt of commissions, introduction fees or administrative charges on any member services arranged by or on behalf of the Police Federation of England and Wales for the benefit of members their partners and families and branch board staff; and where agreed by the branch board or central committee the benefit of non members who are or were employed by the police authority and the partners and families of such non-members.

(g) By receiving the income raised by the Federation from commercial use of its premises.

(h) By the sale of items of Federation memorabilia.

**2A.** All existing contributors and those whose contributions commence within six months of joining the Police Service, will have a right to the benefits set out in these Rules as amended from time to time, provided the contributions have been continuous with Police Service. A person who fails to contribute within six months of joining the Police Service or ceases to contribute and later elects to resume paying contributions may be required to pay contributions for a period of twelve months before he/she qualifies for benefits under these Rules as the case may be.

A former member will have the right to benefits set out in these Rules as amended from time to time (unless expressly excluded) provided either:

- (a) the issue the subject of the claim arose when the former member was a member of a police force; or
- (b) the issue concerns the eligibility of a member to a pension provided that the former member was in the case of claims under paragraph A, a contributing member at the time of the issue, the subject of the claim and, in all cases, a contributing member for six months prior to leaving the police service.

**2B.** A member of the Police Federation who is not receiving any pay will have a right to the benefits set out in these Rules, as amended from time to time, provided that either one of the provisions set out in 2A above was fully satisfied (to the extent that the member would otherwise have been entitled to a right to the said benefits) at the date on which that member first commenced the period during which no payment of pay was made by the relevant Force.

**3.** The Joint Central Committee, subject to the approval of the Joint Central Conference, shall fix the amount per contributing member payable by Branch Boards to separate Central Committees and the amount shall be the same for every Branch Board.

#### **4.0** REPEALED.

**4.1** The weekly subscription, being such sum as has been determined by the Joint Central Committee, with the approval of the Joint Central Conference, shall be increased on 1st January each year, to such a sum as shall be determined by the Joint Central Committee, subject to the approval of the Joint Central Conference. The sum determined shall be rounded off to the nearest number of pence divisible by three.

**4.2** As from 1st July 1995, out of the contributions made by each rank of each Force (with the exception of cadets) 30% overall shall be allocated to the appropriate Branch Board Fund and 70% to the appropriate Central Committee Fund: out of the said 70%, each Central Committee shall allocate, by agreement, part to the Joint Central Committee Fund.

**4.3** Out of the contributions made by the cadets of each Force, 30% shall be allocated to the local Constables' Branch Board Fund, and the remaining 70% to the Constables' Central Committee Fund.

**4.4** In each Force the following Funds may be set up within the Police Federation:-

- (i) The Constables' Branch Board Fund
- (ii) The Sergeants' Branch Board Fund
- (iii) The Inspectors' Branch Board Fund

**4.5** Additionally the following Funds will be maintained within the Police Federation.

(a) In each Force a Joint Branch Board Fund or, in the case of the Metropolitan Police, the Joint Executive Committee Fund, or in lieu of a Constables', Sergeants', and Inspectors' Branch Board Fund and, by agreement, a Joint Branch Board Fund only may be set up to receive the total contributions from members which would otherwise have been maintained in separate Branch Board Funds and shall be applied in financing the activities of the separate Branch Boards.

- (b) At national level
  - (i) The Constables' Central Committee Fund
  - (ii) The Sergeants' Central Committee Fund
  - (iii) The Inspectors' Central Committee Fund
  - (iv) The Joint Central Committee Fund

The Funds set up under (b) above shall be known as the Police Federation (Constables') Fund, the Police Federation (Sergeants') Fund, the Police Federation (Inspectors') Fund and the Police Federation Joint Fund.

**4.6** (a) In accordance with Regulation 18 of the Police Federation Regulations 1969, Branch Boards and Central Committees shall keep detailed accounts and shall have them audited annually by an authorised and independent auditor. Annual Statements of Accounts shall be made available by Branch Boards to their members and by Central Committees to the appropriate Central Conference. Copies of these Statements shall be sent, in the case of the Central Committees, to the Secretary of State. The Accounts of the Central Committees shall be published to the members of the Police Federation.

(b) Each Branch Board shall send a signed copy of the annual financial statement to the Treasurer of the appropriate Central Committee and, where the local Fund or Funds include the Joint Branch Board, a signed copy of such financial statement shall be sent to each Treasurer of the three separate Committees.

(c) A Central Committee shall send to the Secretary of State a copy of the Annual Statement of Accounts of any Branch Board for which he/she may call.

**4.7** For the avoidance of doubt, the allocation of 70% to the appropriate Central Committee fund as referred to in Rules 4.2 and 4.3 will only apply to the sums raised from voluntary contributions from members and shall not apply to funds raised by any other means permitted under these rules (including where relevant Rules 1(a) – 1(h)).

## **PART II AUTHORISATION OF EXPENDITURE BY COMPONENT PARTS OF THE POLICE FEDERATION**

**5.1** Federation Funds may only be used in the manner prescribed by the Regulations, and by these Rules made under the Regulations and approved by the Secretary of State, and within this general purpose, only as may be determined from time to time by the Joint Central Committee and approved by Conference.

Without prejudice to the generality of this paragraph, Federation Funds may be used as follows;

### **A. Joint Central Committee Fund**

**1.** (a) On the administrative expenses of the Joint Central Committee, including the provision of office accommodation, the payment of due taxes, the retention and payment of persons consulted in an administrative professional or advisory capacity, the engagement of all necessary staff, and generally in any manner which the Joint Central Committee shall deem necessary to enable it to carry out its functions.

(b) Expenses in connection with the publication and distribution of reports and other documents, including a journal or magazine, and the purchase of publications for the use of Committees and Boards.

(c) On such contributions to a Police Authority as may be required under the Regulations in respect of the pay, pension or allowances of the Chairman, General Secretary or Treasurer of the Joint Central Committee, together with the authority to make payment to the aforesaid Officers of an amount necessary to implement their salaries to that of the highest rate payable to a Chief Inspector of the Metropolitan Police, together also with the authority to make payments of any additional pay or allowance to the aforesaid Officers (and Deputy Officers as the case may be) as may be agreed by the Joint Central Committee, in accordance with a decision of Annual Conference.

(d) To meet, where not met from public funds, the cost of additional meetings of the Central Committees and of Sub-Committees, or any other meetings of these Committees, and the costs of members attending Discussion and Study Groups and other training courses.

(e) To grant honoraria to officials of the Central Committees. Honoraria so paid shall be met by the appropriate Central Committee in accordance with the decisions taken by Annual Conference; and in the case of the Joint Central Committee any such payment shall be met by the Police Federation Joint Fund, in accordance with the decision taken by the Joint Central Conference.

(f) To grant honoraria to members of the Joint Central Committee.

(g) To defray the expenses incurred by members of the Federation in assisting Branch Boards.

(h) To make payments to members of such an amount as the Joint Central Committee may, in its discretion decide, in respect of their out-of-pocket and other expenses in attending Federation meetings, and commitments falling within the jurisdiction of the fund.

(h) To make payment to members of such an amount as the Joint Central Committee may, in its discretion decide, in respect of their out of

pocket and other expenses in attending Federation meetings, any Charity or Benevolent event, any Federation event, any Chief Officers' event, any National Police Memorial Day event and any other event approved by the Joint Central Committee that is for the benefit of the members, and commitments falling within the jurisdiction of the fund.

(i) On the instigation and operation of insurance, medical and superannuation and similar schemes for the benefit of its members and staff.

(i) On the arrangement and operation of insurance, medical and superannuation and similar schemes and any other service for the benefit of its members their partners and families and committee staff; and where agreed by the Joint Central Committee the benefit of non members who are or were employed by a police authority and the partners and families of such non-members.

(j) To advance a loan or grant to a Committee, a Joint Branch Board or a Branch Board, or in the case of the Metropolitan Police, the Joint Executive Committee and upon such terms and conditions as the Joint Central Committee may determine.

(k) To test the validity of the decisions by the Police Authorities or by the Secretary of State, on matters of police pay, allowances, expenses or pensions. Only those cases involving a principle of universal application shall be supported in this way.

(l) To support individual members of the Police Federation, their widows and children, in pension or medical appeals.

(m) To meet the cost of medical and legal advice, and to support legal action on behalf of members in matters of general principle or importance to contributors generally.

(n) To support claims for compensation by members of the Police Federation who have sustained injuries on- or off-duty; and by the personal representatives or relations of members who have been killed on- or off-duty; and by the members' immediate family who have sustained injuries.

Provided always that the Joint Central Committee may reclaim from a member all or part of the legal or other expenses so incurred in circumstances where the member on his/her own or in concert with others has, by a wilful act, caused those expenses to be unnecessarily incurred.

(o) For payment from the Police Federation Joint Fund of **£2,570** in the case of any contributor or donor specified in Rule 1 who dies whilst serving. Payment to be made to the widow or any dependant or other person.

(The amount of the Death Benefit payment is reviewed annually.)

(p) On charitable or benevolent purposes.

(q) To authorise the purchase of a gift, not exceeding a cost of £500, for any person, whether or not a member of the Federation where, in the opinion of the Committee, the individual has made a valid or recognisable contribution to the Federation or its members.

(r) On all matters as may be incidental or conducive to the objects of the Police Federation.

(s) To support claims by members where damage to the members' own personal property has been sustained whilst on duty, or in circumstances arising out of any activity or event associated with Police duty, and compensation for such damage is neither paid by any party responsible, nor

paid under the terms of a policy of insurance arranged by the member or any other party.

(t) To support claims by members in claims for negligence arising out of the provision to members of legal advice or assistance, such advice or assistance having been capable of being funded by the committee under these rules (but not including any claim by members against the Federation or a part thereof).

(u) On the arrangement and operation of any Federation event approved by the Joint Central Committee for the benefit of the members.

(v) On the provision of welfare, support and facilities approved by the Joint Central Committee.

(w) On the purchase of items of Federation memorabilia for sale.

2. Federation Funds held by the Joint Central Committee (or with the consent thereof, Funds held by a Central Committee), **may, on such terms and conditions as may be specified** by the Joint Central Committee in the circumstances of a particular case, and with the prior consent of the Joint Central Committee, be used to defray legal charges incurred by a member or former member of the Federation, or by a central police officer, within the meaning of the Regulations from time to time in force under the Police Pensions Act 1976 entitled at the end of his/her period of central service to revert to his/her Police Force in a rank below that of Superintendent, in connection **with criminal proceedings brought against him/ her for any offence committed in, or founded upon something done in the performance or purported performance of his/her duties as a member of a Police Force** (including an offence committed on any occasion in respect of which an allowance is payable under Regulations made under Section 33 of the Police Act 1964 for the use of a motor vehicle or bicycle owned by a member), or as such a central police officer as the case may be. Such assistance will only be provided in those cases where the member's Chief Officer or Police Authority has not agreed to provide a solicitor acceptable to the member.

***Procedure note agreed by the Joint Central Committee Statutory Meeting 6th September 1990, as amended by the JCC Statutory Meeting 23rd January 1991.***

*Applications for assistance under this Fund Rule will be dealt with by application to the Deputy General Secretary of the Joint Central Committee. Where the Deputy General Secretary has rejected an application from a member, he/she must confer with the appropriate Separate Central Committee Secretary and, in the absence of an agreement thereafter, the matter must be referred for consideration by the Joint Central Committee. Should the Joint Central Committee also reject the same application, the matter may be further considered by the separate rank Central Committee. If then, by a majority decision of that Committee, it decides to support the member, they shall then determine whether to use their own Funds or Joint Funds to support that particular case.*

3. Federation Funds held by the Joint Central Committee may, **on such terms and conditions as may be specified** by that Committee in the

circumstances of a particular case, be used to defray legal charges incurred by a member or former member of the Federation, arising out of any step taken by him/her, **with the prior approval** of that Committee (given for the purposes hereof), in connection with an action for libel or slander which he/she has brought, or contemplates bringing, in respect of a statement or alleged statement which appears to the Committee :-

- (a) to relate to his/her conduct as a member of a Police Force, or
- (b) to disparage him/her in the office of Constable or other wise to cast doubt upon his/her fitness to be a member of a Police Force.

In all cases where support is given to a member it **will only be approved** by the Joint Central Committee and action shall normally be taken through the solicitors to the Police Federation.

4. Federation Funds held by the Joint Central Committee may, **with prior approval** and on such terms and conditions as may be specified by that Committee in the circumstances of a particular case, be used to defray legal charges incurred for a member in connection with his/ her legal representation in disciplinary proceedings, in

- (i) Disciplinary Proceedings
- (ii) Unsatisfactory Performance Proceedings; and
- (iii) Police Appeal Tribunal Proceedings

instituted in accordance with the provisions of the Police Act 1964, the Police and Criminal Evidence Act 1984, the Police and Magistrates Courts Act 1994 and any regulations made thereunder where legal representation is available to the member under the provisions of these Acts or Regulations.

**Procedure note agreed at the Joint Central Committee Statutory Meeting of 9th May, 1991.**

*Applications for assistance under this Fund Rule will be dealt with by application to the Deputy General Secretary of the Joint Central Committee. Where the Deputy General Secretary has rejected an application from a member, he/she must confer with the appropriate Separate Central Committee Secretary and, in the absence of an agreement thereafter, the matter must be referred for consideration by the Joint Central Committee. Should the Joint Central Committee also reject the same application, the matter may be further considered by the separate rank Central Committee. If then, by a majority decision of that Committee, it decides to support the member, they shall then determine whether to use their own Funds or Joint Funds to support that particular case.*

5. Federation Funds held by the Joint Central Committee may be used to defray legal charges incurred for a member of the Police Federation to provide legal advice and representation in connection with:-

- (i) the testing of decisions affecting all ranks, or decisions which might affect one rank only, but which are detrimental to Federation policy, and are matters of general or universal principle;
- (ii) proceedings before a Coroner's Court or Tribunal, when such assistance may be given to the personal representative or dependants of a deceased officer, or to an officer who was directly involved in such proceedings;

Provided always that in the granting of such legal advice and representation:

(I) the prior approval of the Joint Central Committee is obtained; and in all cases where support is given to a member, it will only be approved by the Joint Central Committee, and action shall normally be taken through the solicitors to the Police Federation.

(II) the Joint Central Committee shall have an absolute discretion as to the extent of such representation, and it shall be on such terms and circumstances of a particular case.

### ***B. Constables', Sergeants', Inspectors' Central Committee Fund***

(a) On the administrative expenses of a Central Committee, including the provision of office accommodation, the payment of due taxes, the retention of and payment of persons involved in such administration, that is to say civilian staff, and all other general administrative expenses and the payment of persons consulted in an administrative, professional or advisory capacity, and generally in the manner which the Central Committee shall deem necessary to enable it to carry out its functions.

(b) On expenses in connection with the purchase, publication and distribution of publications, reports and other documents.

(c) On such contribution to a Police Authority as may be agreed by the Central Committee in respect of pay, pension or allowance of the Secretary of the Central Committee.

(d) To make payments to members of such an amount as the Central Committee may in its discretion decide, in respect of their out-of-pocket and other expenses in attending Federation meetings, and commitments falling within the jurisdiction of the Fund.

(d) To make payment to members of such an amount as the Central Committee may, in its discretion decide, in respect of their out of pocket and other expenses in attending Federation meetings, any Charity or Benevolent event, any Federation event, any Chief Officers' event, any National Police Memorial Day event and any other event approved by the Central Committee that is for the benefit of the members, and commitments falling within the jurisdiction of the fund.

(e) To grant honoraria to officials of the Central Committees. Honoraria so paid shall be met by the appropriate Central Committee in accordance with the decisions taken by Annual Conference.

(f) In the granting of honoraria to members of the Central Committee.

(g) On the instituting of, and the running of, any insurance or medical scheme.

(g) On the arrangement and operation of insurance, medical and superannuation and similar schemes and any other service for the benefit of its members their partners and families and committee staff; and where agreed by the central committee the benefit of non members who are or were employed by a police authority and the partners and families of such non-members.

(h) To advance a loan or grant to a Branch Board upon such terms and conditions as the Central Committee may determine.

(i) To test the validity of the decisions by the Police Authorities, or by the Secretary of State, on matters of police pay, allowances, expenses or

pensions. Only those cases involving a principle of universal application shall be supported in this way.

(j) To meet the cost of medical and legal advice and to support legal action on behalf of members in matters of general principle or importance to contributors generally.

(k) To support claims for compensation by members of the Police Federation who have sustained injuries on- or off-duty; and by the personal representatives or relations of members who have been killed on- or off-duty; and by the members' immediate family who have sustained injuries.

Provided always that the Central Committee may reclaim from a member all or part of the legal or other expenses so incurred in circumstances where the member on his/her own or in concert with others has, by a wilful act, caused those expenses to be unnecessarily incurred.

(l) To meet any expenses incurred in connection with Federation activities, including the cost of legal advice or professional services on questions of interest generally which affect the welfare and efficiency of members of the Police Federation, which are not payable from public funds, and are not prohibited by the Police Federation Regulations, and are not agreed by the Joint Central Committee for payment from the Joint Fund.

(m) On legal advice and legal action in connection with:

(i) claims for compensation by members of the particular rank who have sustained injuries on- or off-duty and claims by personal representatives and dependants of those whose injuries have resulted in death; and by the members' immediate family who have sustained injuries;

(ii) with the testing of Force and Department of Social Security decisions affecting one particular member only, or affecting all the members of that rank only;

(iii) to the extent that assistance shall be limited to advice only, the giving of legal advice to members on any matter affecting the life of himself/herself and his/her family; and

(iv) any other matter which the Joint Central Committee shall approve of; Provided always that in the granting of legal advice:

(I) the prior approval of the Central Committee is obtained; and

(II) the Central Committee shall have an absolute discretion as to the extent of such advice and assistance.

And provided always that the Central Committee may reclaim from a member all or part of the legal or other expenses so incurred in circumstances where the member, on his/her own or in concert with others has, by a wilful act, caused those expenses to be unnecessarily incurred.

(n) To support individual members of the Police Federation, their widows and children, in pension or medical appeals.

(o) On charitable or benevolent purposes.

(p) To authorise the payment of a sum of money to, or the purchase of a gift for, any person, whether or not a member of the Federation where, in the opinion of the Committee, the individual has made a valid or recognisable contribution to the Federation or its members.

(q) Other purposes approved by the Secretary of State.

(r) To support claims by members where damage to the members' own personal property has been sustained whilst on duty, or in circumstances

arising out of any activity or event associated with Police duty, and compensation for such damage is neither paid by any party responsible, nor paid under the terms of a policy of insurance arranged by the member or any other party.

(s) To support claims by members in claims for negligence arising out of the provision to members of legal advice or assistance, such advice or assistance having been capable of being funded by the committee under these rules (but not including any claim by members against the Federation or a part thereof).

(t) On the arrangement and operation of any Federation event approved by the Central Committee for the benefit of the members.

(u) On the provision of welfare, support and facilities approved by the Central Committee.

(v) On the purchase of items of Federation memorabilia for sale.

### **PART III BRANCH BOARDS**

6. Subject to the approval of the Joint Central Conference, the Federation Fund of Branch Boards may be used for the following purposes:-

(Note: In the following paragraphs, the term Branch Board refers to both Joint Branch Boards or, in the case of the Metropolitan Police, the Joint Executive Committee, and separate Branch Boards).

(a) On the administrative expenses of a Branch Board, including the provision of office accommodation and equipment, the employment of civilian staff, and all general administrative work.

(b) On expenses in connection with the purchase, publication and distribution of reports and other documents to members.

(c) On charitable or benevolent purposes.

(d) To meet, where not met from public funds, the cost of additional regional conferences of Policewomen, and additional meetings of Branch Boards and Sub-Committees of Branch Boards, and any other meetings.

(e) On granting honoraria to Branch Board members.

(f) To meet the difference between the actual cost incurred by delegates and observers attending conferences of the Police Federation, and the amount paid by the Police Authority under Police Regulations.

(g) On the instigation and operation of insurance and medical schemes for the benefit of members.

(g) On the arrangement and operation of insurance, medical and superannuation and similar schemes and any other service for the benefit of its members their partners and families and branch board staff; and where agreed by the branch board the benefit of non members who are or were employed by the police authority and the partners and families of such non-members.

(h) To meet the cost of approved general meetings held under the auspices of Branch Boards or Central Committees.

(i) To meet any expenses incurred in connection with Federation activities, including meeting the cost of legal advice or professional services on questions of interest generally which affect the welfare and efficiency of

members at local level, which are not payable from public funds or the funds of the Central Committees, nor prohibited by the Police Federation Regulations.

Provided always that in the granting of legal advice:-

(I) the prior approval of the Branch Board is obtained; and

(II) the Branch Board shall have an absolute discretion as to

the extent of such advice.

(j) To make payments to members of such an amount as the Branch Board may, in its discretion decide, in respect of their out-of-pocket and other expenses in attending Federation meetings, and commitments falling within the jurisdiction of the Fund.

(j) To make payment to members of such an amount as the Branch Board may, in its discretion decide, in respect of their out of pocket and other expenses in attending Federation meetings, any Charity or Benevolent event, any Federation event, any Chief Officers' event, any National Police Memorial Day event and any other event approved by the Branch Board that is for the benefit of the members, and commitments falling within the jurisdiction of the fund.

(k) To authorise the payment of a sum of money to, or the purchase of a gift for, any person, whether or not a member of the Federation where, in the opinion of the Committee, the individual has made a valid or recognisable contribution to the Federation or its members.

(l) In the case of a Joint Branch Board or (in the case of the Metropolitan Police the Joint Executive Committee), to advance a loan or grant to the Joint Central Committee upon such terms or conditions as the Joint Branch Board or, as appropriate Joint Executive Committee, may determine.

(m) On subscriptions to the National Association of Retired Police Officers (NARPO) for retiring or retired members for a period of time to be determined by Branch Boards.

(n) On the provision of Courses and Training approved by the Branch Board.

(o) On the arrangement and operation of any Federation event approved by the Branch Board for the benefit of the members.

(p) On the provision of welfare, support and facilities approved by the Branch Board.

(q) On the purchase of items of Federation memorabilia for sale.

#### **PART IV GENERAL**

7. When matters relating to the Federation Funds are being dealt with at Annual Conference, at meetings of the Joint Central Committee or a separate Central Committee, and at meetings of the Joint Branch Board or a separate Branch Board, only those who are contributors to the Funds from amongst those present shall be entitled to speak on such matters; any non-contributors amongst those present have no right to raise any issue concerning the voluntary Funds or contributions, or to speak or vote on any such issue.

At General Meetings convened by the Joint Central Committee, a separate Central Committee, a Joint Branch Board or a separate Branch

Board, no non-contributor shall have a right to initiate, discuss or vote on issues relating to these Funds or contributions.

A reference in these Rules to “the Regulations” shall mean the Police Federation Regulations 1969, as amended from time to time.

8. The general principle underlying these Rules can be altered or added to only as a result of an application from a Central Committee, or a Branch Board, which has been approved by the Secretary of State. The application and operation of the relevant Rules, as regards the national Funds, shall be subject to any additions or alterations made by the Annual Conference on a motion submitted in accordance with the Annual Conference Regulations and Standing Orders; and as regards local Funds, shall be subject to any additions or alterations made by any properly convened General Meeting of the Branch Board.

9. In the event of the merger of two or more Police Forces, whether voluntary or otherwise, all assets held by the Branch Boards or Joint Branch Board of the forces merging shall be transferred to the new Branch Board or Joint Branch Board (or in the case of the Metropolitan Police, the JEC). Where on such a merger existing Branch Board members are split between 2 or more new Branch Boards or Joint Branch Boards then the assets as above shall be transferred pro rata the number of members involved.

## **PART V USE OF FUNDS – DISPUTE PROCEDURE**

The Joint Central Committee of the Police Federation will be the arbiters as to whether Funds held by Branch Boards have been used in accordance with these Rules or Regulations, as may be amended from time to time. Appeal against a ruling of the Joint Central Committee shall be to a panel of arbitrators consisting of a Chairman, who shall be a legal adviser, appointed jointly by the Joint Central Committee and the Branch Board concerned, plus one person nominated by the Branch Board, and one person nominated by the Joint Central Committee, neither of whom shall be a member of the Committee or Board, and any decisions made by that arbitration panel shall be final and binding.

***(This section is a reproduction of the Police Federation Fund Rules, including the Police Federation (Amendment) Regulations 2004, which came into force on 5<sup>th</sup> November 2004).***

## **Joint Fund Trust Deed Document Comparison**

This section reproduces the proposed new Trust Deed followed by the Current Trust Deed. We are grateful to Greater Manchester JBB for pointing out some drafting errors from the original draft.

*(See page 13 re commentary).*

**THIS TRUST DEED IS DATED**

**2007**

**BETWEEN:-**

**JANETTE BERRY** and **JOHN FRANCIS** of 15-17 Langley Road, Surbiton, Surrey KT6 6LP as Chairman and General Secretary for and on behalf of the Joint Central Committee of the Police Federation of England and Wales ("**the JCC**") of the first part; and

**ALAN STEVENS** of Barnsdale, Bolton Street, Lavenham, Sudbury, Suffolk CO10 9RG, **MARK NURTHEN** of 1 Rose Dale, Orpington, Kent BR6 8LD and **GRANT THORBURN** of 10 Goulton Close, Yarm, Cleveland TS15 9RY ("**the Trustees**") of the second part.

**WHEREAS:**

- (1) The Police Federation of England and Wales ("**the Federation**") was established by the Police Act 1919. Its function and activities are now governed by the Police Act 1964 as amended by the Police Act 1972 and the Regulations and Rules made thereunder.
- (2) Under the Police Federation Regulations 1969 (as amended) by Regulation 20(2A) Federation property and funds held by the JCC is required to be vested in three trustees, of whom each of the central conferences shall have elected one from among the delegates to that conference, appointed by the JCC.
- (3) By a Deed of Trust dated 25<sup>th</sup> August 1960 ("**the 1960 Trust Deed**") and made between Herbert Henry Charles Beavitt, Percival William Parsons, Geoffrey White and Leonard Jamieson Smith ("**the Original Trustees**") of the first part and Charles Herbert White and Arthur Charles Evans for and behalf of the JCC of the second part it was declared that the Original Trustees were to hold the property mentioned in the 1960 Trust Deed and any other property moneys and investments which might thereafter be transferred to them upon the

trusts declared by the 1960 Trust Deed so long as the JCC shall think fit.

- (4) The Trustees are the present trustees of the 1960 Trust Deed.
- (5) At a meeting of the JCC duly convened and held on the 6<sup>th</sup> & 7<sup>th</sup> September 2006, the JCC resolved to revoke the trusts declared by the 1960 Trust Deed and to declare new trusts in the terms set out in this Deed below. The JCC further resolved to authorise the said JANETTE BERRY and JOHN FRANCIS to execute this Deed on behalf of the JCC and to direct the Trustees to join in this Deed.
- (6) A draft of this Deed has been submitted to and approved by the Annual Conference of the Federation on [17<sup>th</sup> May 2007] and the terms of the said resolution and of this Deed have been duly notified to the Secretary of State.
- (7) A draft of this Deed has been submitted to and approved by the JCC by resolution dated [18<sup>th</sup> May 2007] and entered in the book of minutes of the proceedings of the JCC and signed by the Chairman.
- (8) This Deed is supplemental to the 1960 Trust Deed and is intended to replace that deed and all previous deeds of trust or amendments or variations thereof.

## **NOW THIS DEED WITNESSES:**

### **1 Definitions**

- 1.1 **"the Committee"** means the three Central Committees of the Police Federation of England and Wales, (namely the Constables', Sergeants' and Inspectors' Central Committees) sitting as the JCC and such expression shall, where the context so admits, mean and include the members from time to time of the JCC.
- 1.2 **"the Regulations"** means the Police Federation Regulations 1969 (as amended) made pursuant to section 44(4) of the Police Act 1964 as amended and for the avoidance of doubt shall include the Regulations in force from time to time. Any reference to a Regulation by Regulation number is a reference to the corresponding Regulation of the Regulations.
- 1.3 **"the Rules"** means the Police Federation Fund Rules made pursuant to Regulation 15A of the Regulations and for the avoidance of doubt shall include the Rules in force from time to time.
- 1.4 **"the Chairman"** or **"the Secretary"** means the Chairman or Secretary respectively of the Committee for the time being.
- 1.5 **"the Trustees"** means, where the context so admits, the trustees for the time being of this Deed.
- 1.6 **"the Joint Fund"** means the Federation property and funds of the JCC set out in the Schedule hereto, held or to be held by the Trustees on the terms of this Deed and shall include and any other property, moneys and investments consisting of or representing the same from time to time including any property

or funds which may hereafter be transferred to the Trustees upon the trusts hereof.

- 1.7 "**Conference**" means the annual Joint Central Conference of the Federation held in accordance with Regulation 10.
- 1.8 The expression "**written**" or "**in writing**" refers to a legible document on paper including fax and email messages.
- 1.9 References to any Act of Parliament are references to the Act as amended or re-enacted from time to time together with any subordinate legislation made under it and/or any statutory modification of it for the time being in force.
- 1.10 Any reference to the masculine should be construed as either masculine or feminine.

## **2. Declaration of Trust**

- 2.1 The 1960 Trust Deed is hereby revoked together with any subsequent deeds of amendment thereof.
- 2.2 The Trustees shall hold the Joint Fund **UPON TRUST** subject to the provisions of this Deed for so long as the Committee shall think fit and shall pay transfer and apply the Joint Fund or any part thereof to the Committee or as the Committee shall from time to time direct for such purposes as are authorised under the Rules or Regulations.

### 3 **Administrative provisions**

3.1 Trustees shall manage and administer the Joint Fund as directed by the Committee and for that purpose they shall have the following powers:

3.1.1 Power, subject to the direction of the Committee, to invest the Joint Fund or any part thereof in accordance with the powers of investment conferred upon them by the Trustee Act 2000 with the power subject to the direction of the Committee to vary or transpose any investments for or into others of the nature hereby authorised.

3.1.2 Power, subject to the direction of the Committee, to apply the Joint Fund or any proportion thereof in the building, improvement or refurbishment of property in the United Kingdom (whether freehold or leasehold) whether to provide office accommodation for the Federation or otherwise.

3.1.3 Power to open any account or accounts to deposit all monies of the Joint Fund which are not immediately required with such bank as the Committee may from time to time direct. The title of each and every such bank account shall include the title of the Committee.

3.1.4 Power to instruct any bank to honour not less than any two of the joint signatures of the persons (not being any of the Trustees) as named in any resolution of the Committee directing the same in which case the Trustees shall act upon such direction and shall be relieved from all liability in respect of payments made in the manner authorised by the resolution while it is in force PROVIDED THAT nothing herein shall authorise any borrowing without the prior written consent of the Trustees and the Committee.

- 3.2 The Trustees shall act upon any direction or resolution purporting to have been given or passed by the Committee and certified by the persons purporting to be the Chairman and the Secretary and shall not be concerned to inquire whether such direction or resolution was in fact duly given or passed or whether the meeting at which the same purports to have been given or passed was in fact duly convened held or constituted or whether the persons giving such certificate are in fact such Chairman and Secretary as aforesaid and the Trustees shall not be responsible for acting upon such purported direction or resolution or for any loss occasioned thereby.
- 3.3 Where the Joint Fund is vested in three Trustees in accordance with the provisions of Regulation 20, any two of the Trustees shall, subject to the direction of the Committee, have the same powers to deal with the Joint Fund or any property consisting of the same as they would have had if they had been the sole Trustees thereof.
- 3.4 Section 11(1) of the Trusts of Land and Appointment of Land Act 1996 (duty to consult with beneficiaries) shall not apply.
- 3.5 The Trustees shall keep and maintain proper accounts on an annual basis. The accounts shall be audited annually by professional auditors and annual statements of the accounts shall be furnished to the Committee and a copy of each statement shall be forwarded to the Secretary of State.
- 3.6 The Trustees shall take account of any tax due on any interest received or due on any sum deposited before any such interest is distributed.

## **4 Delegation of Investment Powers**

- 4.1 The Trustees may at the direction of the Committee, delegate their investment powers to any investment manager approved by the Committee who shall exercise the Trustees' power to acquire and sell any investments on behalf of the Trustees in strict accordance with the Policy Statement as laid down or amended by the Trustees at the direction of the Committee from time to time.
- 4.2 The Trustees may appoint as the investment manager for the Joint Fund, any person corporate or otherwise to act in that capacity and who is either: -
  - 4.2.1 a suitably qualified individual who is an authorised person within the meaning of the Financial Services Act and Markets Act 2000 (or supplemental regulations or guidelines);
  - 4.2.2 or any company or firm so authorised to undertake discretionary investment management business in accordance with and that Act.
- 4.3 Where the Trustees delegate any of their investment powers pursuant to this clause, the Trustees shall at the direction of the Committee:
  - 4.3.1 inform the investment manager in writing of the extent of their investment powers;
  - 4.3.2 put in place a detailed Policy Statement with the assistance of the investment manager concerned;
  - 4.3.3 ensure that the terms of the delegated authority are clearly set out in writing and notified to the investment manager concerned together with any amendments;

- 4.3.4 ensure that the investment manager is kept informed and review upon a regular basis the performance of the investment portfolio as managed by the investment manager together with the exercise of the authority delegated to the same;
- 4.3.5 review the appointment of the investment manager upon the request of the Committee or alternatively, at such intervals as the Trustees think fit.
- 4.4 Where the Trustees delegate any of their powers pursuant this clause, they shall do so on the terms that:
  - 4.4.1 the investment manager shall comply with the terms of his delegated authority and act in the best interests of the Joint Fund at all times;
  - 4.4.2 the investment manager shall not do anything that the Trustees do not have the power to do;
  - 4.4.3 the investment manager must have regard to the suitability of investments of the Joint Fund being made from time to time together also with the need for diversification of investments as far as is appropriate and shall review from time to time the investments of the Joint Fund and consider whether, having regard to the suitability and diversity of the investments, they should be varied.
  - 4.4.4 The Trustees shall at the request of the Committee revoke the delegation or vary any of its terms.
- 4.5 In the event of there being any conflict between the terms of the Policy Statement, the investment management agreement and/or of any provision(s) of this Deed, the terms of this Deed shall prevail.

4.6 The Trustees may with the consent of the Committee:

4.6.1 make such arrangements as they think fit for any investments of the Joint Fund or income from such investments to be held by a corporate body as the Trustees' nominee or custodian;

4.6.2 pay reasonable and proper remuneration to any corporate body or firm acting as the Trustees' nominee or custodian in pursuance of this clause.

## **5 Proceedings of the Trustees**

5.1 The Trustees shall meet at least once a year and at such other times as the Committee shall direct and keep minutes of their proceedings in a book kept for that purpose and shall permit the Committee or any person or persons authorised by it to have access to and inspect the minute book.

5.2 A quorum at any meeting of the Trustees shall be two Trustees.

5.3 Save where the Regulations otherwise provide, decisions of the Trustees shall be unanimous. In the event of any disagreement the question in dispute shall be referred by the Trustees to the Committee whose decision will be final and binding on all the Trustees.

5.4 In the event that any Trustee has a personal interest relating to any matter to be discussed at a meeting of the Trustees, the Trustee concerned must:

5.4.1 declare his interest before the meeting or at the meeting before discussion of the matter begins;

5.4.2 be absent from the meeting for that item unless expressly invited to remain in order to provide information;

5.4.3 not be counted in the quorum during that part of the meeting; and

5.4.4 be absent during the vote and have no vote on the matter.

## **6 Termination of Office and Appointment of New Trustees**

6.1 A Trustee shall hold the office of trustee for such term as the Committee shall decide.

6.2 There shall (so far as practicable) be three Trustees at any one time. If at any time the number of Trustees shall fall below three the Committee shall take immediate steps to appoint a new or additional Trustee or Trustees as necessary.

6.3 A Trustee shall automatically cease to be a Trustee:

6.3.1 if he is adjudged bankrupt, has a receiving order in bankruptcy made against him, enters into a voluntary agreement or arrangement with any creditor or compound with the same;

6.3.2 if he becomes incapable, mentally or physically, of managing his own affairs;

6.3.3 if he ceases to be contributor to one of the voluntary funds of the Federation;

6.3.4 if he is required to retire by resolution of either the Committee or Conference to do so;

- 6.3.5 if he is elected to serve as the Chairman, Secretary or Treasurer of the Committee or be appointed as auditor of the Committee;
- 6.3.6 if he is absent without notice from three consecutive meetings of the Trustees and is instructed to resign by the Committee.
- 6.4 A Trustee may at any time upon written notice to the Chairman retire from the office of trustee whereupon the retiring Trustee shall cease to be a Trustee save for the purpose of any acts and deeds necessary for the appointment of a new Trustee and for the proper vesting of the Trust Fund in the continuing Trustees PROVIDED THAT at least two Trustees shall at all times remain in office.

## 7. **Expenses**

- 7.1 The Trustees shall have the power to incur or pay any expenses which they consider to be reasonable, including professional fees of any duly appointed agent in respect of: -
- 7.1.1 any proper business activity or travel for and on behalf of the Joint Fund;
- 7.1.2 the acquisition of property for the Joint Fund;
- 7.1.3 any professional fees, charges or costs that may be incurred by the Trustees from time to time in respect of the proper administration and/or business of the Joint Fund subject to the provisions of this Deed;
- 7.1.4 any other purpose which is undertaken by any Trustee or Trustees in the furtherance or implementation of the provisions of this Deed or administration of the Joint Fund;  
and

7.1.5 any expenditure approved by the Committee for any of the purposes authorised under the Rules or Regulations and which shall include any expenses, professional fees, charges or costs whatsoever as may be incurred from time to time by the Committee in establishing, administering and funding any limited company pursuant to Regulation 20(6).

7.2 Any expenses incurred by the Trustees pursuant to Clause 7.1 shall for the avoidance of doubt be defrayed by the Committee.

## **8. Indemnity**

A Trustee shall be entitled, on the termination of his trusteeship for whatever reason other than fraud, theft or wilful misconduct, to a release and indemnity from the Committee in respect of any actions, claim, charge, costs, orders, proceedings, counter-claim and/or demands whatever made against him personally (or his estate) which relates to any acts or things done or suffered by him in the office of Trustee.

## **9. Duty of Care**

The statutory duty of care under section 1 of the Trustee Act 2000 shall apply to the Trustees and these trusts.

## **10. Exclusion of personal liability**

No Trustee shall be liable for any loss to the Joint Fund unless caused by his own fraud, dishonesty or bad faith.

## 11. **Power of Amendment**

The Committee may if authorised by a resolution of Conference revoke or vary all or any of the provisions of this Deed and the Trustees shall comply with any such resolution in order to implement such amendments or variations to this Deed at the direction of the Committee.

## 12. **Conflict**

In the event of a conflict between any of the foregoing provisions of this Deed and any provision of the Regulations or the Rules the Regulations and the Rules shall prevail.

## **SCHEDULE**

[This section will *list all the current assets of the Joint Fund*]

**IN WITNESS** whereof the parties hereto have hereunto set  
**their hands the day and year first before written.**

SIGNED as a DEED by the said

**JANETTE BERRY** :

for and on behalf of

the Committee of the

As authorised

in the presence of:

name :

address :

:

occupation :

SIGNED as a DEED by the said

**JOHN FRANCIS:**

for and on behalf of

the Committee of the

As authorised

in the presence of:

name :

address :

:

:

occupation :

SIGNED as a DEED by the said

**ALAN STEVENS:**

in the presence of:

name :

address :

:

:

occupation :

SIGNED as a DEED by the said

**MARK NURTHEN:**

in the presence of:

name :

address :

:

:

occupation :

SIGNED as a DEED by the said

**GRANT THORBURN:**

in the presence of:

name :

address :

:

:

occupation :

DATED:

2007

Re: THE JOINT CENTRAL COMMITTEE FUND  
**OF THE  
JOINT CENTRAL COMMITTEE  
OF THE POLICE FEDERATION OF  
ENGLAND AND WALES**

TRUSTEES:

MARK NURTHEN  
ALAN STEVENS  
GRANT THORBURN

Russell Jones and Walker  
80-86 Grays Inn Road  
London WC1X 8NH  
Tel: 020 7339 6515  
Fax: 020 7339 6655

Ref: DSO.GC.JCC/Joint Fund Jan07

## 1960 Trust Deed

At the annual conference held on 14<sup>th</sup> November 1958 it was resolved that the Joint Fund should be vested in Trustees. On 16<sup>th</sup> November 1959 a transfer of property title, namely 30, Newman Street, Marylebone, London W1 was made to the Trustees giving them permission to sell the property. On 25<sup>th</sup> August 1960 the Police Federation of England and Wales brought into force a Trust Deed as resolved at the conference 1958. Section 44 of The Police Act 1964 (as amended) made the appointment of Trustees for Federation Property and Funds law under Regulation 20 Police federation Regulations, Part III, Financial Arrangements.

This Trust Deed has not been revised or amended since that date and remains in force; copy of original document held by our solicitors follows. This Trust Deed is governed by the Trustee Act 1925; this Act has certain sections that are still relevant to Trustees and Trust Deeds however the Trustee Act 1961, the Trusts of Land and Appointment of Trustees Act 1996 and the Trustee Act 2000 have come into force since then and are applicable where relevant.

If approved by this conference the new Trust Deed will be authorised under section 12 of the current Trust Deed and placed before the Joint Central Committee on 18<sup>th</sup> May 2007 for final resolution to execute the Deed.



12/2/69

T H I S T R U S T D E E D is made the 25<sup>th</sup> day of August

One thousand nine hundred and sixty Between HERBERT HENRY CHARLES BEAVITT PERCIVAL WILLIAM PARSONS GEOFFREY WHITE and LEONARD JAMIESON SMITH all of 30 Newman Street London (hereinafter called the Trustees which expression shall where the context so admits mean and include the survivor or survivors of them or other the Trustee or Trustees for the time being hereof) of the one part and CHARLES HERBERT WHITE and ARTHUR CHARLES EVANS both of 184 Camden High Street London for and on behalf of the persons mentioned in the Second Schedule hereto (hereinafter called the Joint Central Committee which expression shall where the context so admits mean and include the members for the time being of the said Joint Central Committee

W H E R E A S:-

(i) for the purpose of this deed the following expressions shall have the meanings hereby given to them respectively that is to say:-

The expression "the Federation" shall mean the Police Federation of England and Wales established by the Police Act 1919.

The expressions "the Constitution" and "the Rules" shall mean respectively the Constitution of the Federation and Rules for the time being governing its voluntary funds adopted by the Federation and approved by the Secretary of State including any variations or amendments thereof so adopted and approved respectively for the time being in force

The expression "the Annual Conference" shall mean the Conference of the respective federated ranks of the Federation sitting in joint conference.

The expression "the Joint Central Committee" shall mean the three Central Committees sitting as a Joint Central Committee, and

The expression "the Joint Fund" shall mean such part of the fund established by the Rules under the name of the Police Federation (Joint) Fund as is by the respective Central Conferences or Committees allocated or transferable to

the Joint Central Committee.

(ii) this Deed is supplemental to a Transfer dated 16th November 1959 whereby the freehold premises specified in the First Schedule hereto (hereinafter called the said property) was transferred to the Trustees in fee simple upon trust that they should sell the said property and hold the net proceeds of sale thereof upon the trusts declared by the Deed

(iii) the Trustees are the registered proprietors with an absolute title of the said property

(iv) at the Annual Conference of the Federation held on the 14th day of November 1958 it was resolved by the Annual Conference that the Joint Fund or such part thereof as the Joint Central Committee should from time to time determine should be vested in trustees upon the terms and in accordance with the provisions of this Deed and that the Trustees should be the first trustees hereof and the said resolution and the terms and provisions of this Deed have been duly notified to the Secretary of State

(v) in fact the said property was purchased by the Trustees out of moneys provided by the Joint Central Committee out of the Joint Fund.

(vi) a draft of this deed has been submitted to and approved by the Joint Central Committee who by resolution dated 7th July 1960 and entered in the book of Minutes of the proceedings of the Joint Central Committee and signed by the Chairman have directed that the said property and any other property of any sort becoming subject to the trusts hereof shall be held until sale and the proceeds of sale thereof shall also be held by the Trustees upon the trusts hereby declared

NOW THIS DEED WITNESSETH as follows:-

1. THE TRUSTEES shall hold the said property and any other property moneys and investments which may hereafter be transferred to them upon the trusts hereof UPON TRUST, so long as the Joint Central Committee shall think fit, to allow the same to remain in specie or as actually invested or, as directed by the Joint Central Committee, to sell the same or any part thereof and, as directed by the Joint Central Committee, to invest all moneys produced by such sale and any moneys paid to the Trustees hereafter upon the trusts hereof in or upon any investments authorised by law for the investment of trust funds with power

under the like direction to vary or transpose any investments for or into others of the nature hereby authorised

2. THE TRUSTEES shall hold the said property and the said other property investments and moneys and the income thereof respectively UPON TRUST to pay transfer and apply the same to the Joint Central Committee or as the Joint Central Committee shall from time to time direct for such of the purposes for the benefit of the Federation as are authorised under the Rules.

3. THE TRUSTEES shall act upon any direction in writing or resolution purporting to have been given or passed by the Joint Central Committee and certified by the persons purporting to be the Chairman and the Secretary thereof and shall not be concerned to enquire whether such direction or resolution was in fact duly given or passed or whether the meeting at which the same purports to have been given or passed was in fact duly convened held or constituted or whether the persons giving such certificate are in fact such Chairman and Secretary as aforesaid and the Trustees shall not be responsible for acting upon such purported direction or resolution or for any loss occasioned thereby.

4. THE TRUSTEES shall keep proper books of account dealing with the trust property and the income thereof and their expenditure and these accounts shall be audited yearly by professional auditors and annual statements of such accounts shall be furnished to the Joint Central Committee and a copy of each such statement shall be sent to the Secretary of State.

5. THE TRUSTEES shall meet at least once annually and at such other times as they think fit and shall cause Minutes of their proceedings to be entered in a book kept for that purpose and shall permit the Joint Central Committee or any person or persons authorised by them to have access to and inspect such book of Minutes.

6. DECISIONS OF THE TRUSTEES shall be unanimous and in the event of any disagreement the question in dispute shall be referred by the Trustees to the Joint Central Committee whose decision will be binding on all the Trustees.

7. THE TRUSTEES shall have general power to manage the business of the trust and may do all things authorised by law to enable

MEMORANDUM: By Deed of App.  
Ian Niven

them so to do (save that they may only deal with trust assets and income thereof as directed by the Joint Central Committee) but notwithstanding this general power they shall act and administer the trust as the Joint Central Committee may from time to time direct.

8. ANY TRUSTEE may at any time upon giving written notice of his desire to the Chairman of the Joint Central Committee and to his co-Trustees retire from his office as Trustee.

9. A TRUSTEE shall vacate his office of Trustee and forthwith cease to be a Trustee:

- (a) if a Receiving Order in Bankruptcy be made against him
- (b) if he (not being an accountant solicitor or other professional person) shall cease to be a contributor to one of the voluntary funds of the Federation
- (c) if he shall be required by Resolution of either the Joint Central Committee or Annual Conference so to do
- (d) if he shall be elected to serve as a member of the Constables Central Committee the Sergeants Central Committee or the Inspectors Central Committee or any sub-committees thereof but this clause shall not prevent a Trustee from being co-opted ad hoc to any such Committee or sub-committee

10. THE STATUTORY POWER of appointment of new trustees shall be exercisable by resolution of the Joint Central Committee and upon such resolution being passed the trustees shall do all things necessary to give effect to such appointment.

11. ANY TRUSTEE for the time being thereof being a person engaged in any profession or business shall be entitled to charge and be paid all usual professional or other charges for business done by him or his firm in relation to the trusts hereof.

12. THE JOINT CENTRAL COMMITTEE may if authorised by a resolution of the Annual Conference revoke or vary all or any of the provisions of this Deed.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

THE FIRST SCHEDULE above referred to

No. 30 Newman Street, Marylebone, London, W.1. registered at H.M. Land Registry with an Absolute Title under Title

No.282999

THE SECOND SCHEDULE above referred to

ARTHUR DONOVAN BLEACH	THOMAS EDWARD HEYWORTH WOODS
ALBERT ERNEST NICHOLLS	ALBERT EDWARD BAKER
HENRY RALPH HANBURY	PERCIVAL FREDERICK BIGGS
MISS JANE HUDSON	DEREK VALENTINE NEEDHAM
CHARLES HERBERT WHITE	ROBERT HENRY STRINGER
EDWARD LEE	JAMES MURRAY
WILLIAM BARCLAY KNIGHT	MISS ANN EILEEN HOGBEN
ARTHUR CHARLES EVANS	JOSEPH HAGEE
GRAHAM ANTHONY ROBERT ELLIOTT	ANTHONY ROBERT JUDGE
REGINALD JAMES WEBB	WILLIAM GEORGE HACK, G.M.
MRS. DOREEN IRENE FOX.	

SIGNED, SEALED and DELIVERED by the said }  
HERBERT HENRY CHARLES BEAVITT in the }  
presence of: *Herbert H. Beavitt*

*H. H. Beavitt*

SIGNED, SEALED and DELIVERED by the said }  
PERCIVAL WILLIAM PARSONS in the presence }  
of: *Perceval W. Parsons*

*P. W. Parsons*

SIGNED, SEALED and DELIVERED by the said }  
GEOFFREY WHITE in the presence of: *G. White*

*G. White*

SIGNED, SEALED and DELIVERED by the said }  
LEONARD JAMIESON SMITH in the presence of }  
*Leonard Jamieson Smith*

*Leonard - J. S. Smith*

SIGNED, SEALED and DELIVERED by the said }  
CHARLES HERBERT WHITE in the presence of: }  
*Charles Herbert White*

*Ch. White*

SIGNED, SEALED and DELIVERED by the said }  
ARTHUR CHARLES EVANS in the presence of: }  
*Arthur Charles Evans*

*A. C. Evans*

*Kenneth G. Evans*  
*Assistant to Secretary*  
*184, Camden High Street,*  
*London N.W. 1*

Tan Nixon were appointed Trustees in place of Ian Cowan Morley and Edward James Nixon who have resigned.

MEMORANDUM: On the 15th day of April 1977 Norman David Christy resigned as a Trustee this resignation being accepted by the Joint Central Committee on the 5th day of May 1977

DATED 25th August 1960

H.H.C. BEAVITT ESQ. and Others

-and-

C.H. WHITE Esq. and A.C. EVANS Esq.

TRUST DEED

Memorandum: By deed of appointment dated 1<sup>st</sup> March 1962 Kenneth Ernest Lewis Short was appointed Trustee in place of the within named Herbert Henry Charles Beavitt who had resigned

Memorandum: By deed of appointment dated 20<sup>th</sup> March 1964 Ian Cowan Morley was appointed Trustee in place of the within named Percival William Parsons who had resigned

Memorandum: By deed of appointment dated 8<sup>th</sup> July 1968 Byron Arthur Jones was appointed Trustee in place of the within named Geoffrey White who had resigned

Memorandum: By deed of appointment dated 30<sup>th</sup> June 1969 Edward James Nixon was appointed Trustee in place of the within named Byron Arthur Jones who had resigned

Memorandum: By deed of appointment dated 5<sup>th</sup> May 1970 Alain Rain Brown was appointed Trustee in place of Kenneth Ernest Lewis Short who had resigned

Memorandum: By Deed of Appointment dated 19 March 1973 Alan George Walsh was appointed Trustee in place of Alan Rain Brown who has resigned.

Memorandum: By Deed of Appointment dated 31 July 1974 Norman David Christy was appointed Trustee in place of Leonard Jamieson Smith who has resigned