



# Equality Act 2010

## 2010 CHAPTER 15

### PART 5

#### WORK

### CHAPTER 1

#### EMPLOYMENT, ETC.

#### *Police officers*

#### **42 Identity of employer**

- (1) For the purposes of this Part, holding the office of constable is to be treated as employment—
  - (a) by the chief officer, in respect of any act done by the chief officer in relation to a constable or appointment to the office of constable;
  - (b) by the responsible authority, in respect of any act done by the authority in relation to a constable or appointment to the office of constable.
- (2) For the purposes of this Part, holding an appointment as a police cadet is to be treated as employment—
  - (a) by the chief officer, in respect of any act done by the chief officer in relation to a police cadet or appointment as one;
  - (b) by the responsible authority, in respect of any act done by the authority in relation to a police cadet or appointment as one.
- (3) Subsection (1) does not apply to service with the Civil Nuclear Constabulary (as to which, see section 55(2) of the Energy Act 2004).
- (4) Subsection (1) does not apply to a constable at SOCA, SPSA or SCDEA.

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*Status: This is the original version (as it was originally enacted).*

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- (5) A constable at SOCA or SPSA is to be treated as employed by it, in respect of any act done by it in relation to the constable.
- (6) A constable at SCDEA is to be treated as employed by the Director General of SCDEA, in respect of any act done by the Director General in relation to the constable.

### **43 Interpretation**

- (1) This section applies for the purposes of section 42.
- (2) “Chief officer” means—
  - (a) in relation to an appointment under a relevant Act, the chief officer of police for the police force to which the appointment relates;
  - (b) in relation to any other appointment, the person under whose direction and control the body of constables or other persons to which the appointment relates is;
  - (c) in relation to a constable or other person under the direction and control of a chief officer of police, that chief officer of police;
  - (d) in relation to any other constable or any other person, the person under whose direction and control the constable or other person is.
- (3) “Responsible authority” means—
  - (a) in relation to an appointment under a relevant Act, the police authority that maintains the police force to which the appointment relates;
  - (b) in relation to any other appointment, the person by whom a person would (if appointed) be paid;
  - (c) in relation to a constable or other person under the direction and control of a chief officer of police, the police authority that maintains the police force for which that chief officer is the chief officer of police;
  - (d) in relation to any other constable or any other person, the person by whom the constable or other person is paid.
- (4) “Police cadet” means a person appointed to undergo training with a view to becoming a constable.
- (5) “SOCA” means the Serious Organised Crime Agency; and a reference to a constable at SOCA is a reference to a constable seconded to it to serve as a member of its staff.
- (6) “SPSA” means the Scottish Police Services Authority; and a reference to a constable at SPSA is a reference to a constable—
  - (a) seconded to it to serve as a member of its staff, and
  - (b) not at SCDEA.
- (7) “SCDEA” means the Scottish Crime and Drugs Enforcement Agency; and a reference to a constable at SCDEA is a reference to a constable who is a police member of it by virtue of paragraph 7(2)(a) or (b) of Schedule 2 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 ([asp 10](#)) (secondment).
- (8) For the purposes of this section, the relevant Acts are—
  - (a) the [Metropolitan Police Act 1829](#);
  - (b) the City of London Police Act 1839;
  - (c) the [Police \(Scotland\) Act 1967](#);

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(d) the [Police Act 1996](#).

(9) A reference in subsection (2) or (3) to a chief officer of police includes, in relation to Scotland, a reference to a chief constable.