



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.

Status: Point in time view as at 16/01/2012.

Changes to legislation: Equality Act 2010, Cross Heading: Police officers is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 [F1local policing body or 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 [F1local policing body or 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;

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- (c) the Police (Scotland) Act 1967;
- [^{F2}(d) the Police Reform and Social Responsibility Act 2011.]

(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.

Textual Amendments

- F1** Words in s. 43(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 99, Sch. 16 para. 382\(a\)](#); S.I. 2011/3019, art. 3, {Sch. 1 para. (nnn)(iii)}
- F2** S. 43(8)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 99, Sch. 16 para. 382\(b\)](#); S.I. 2011/3019, art. 3, {Sch. 1 para. (nnn)(iii)} (with Sch. 2 para. 80)

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