

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 16th APRIL 2013**

Question

Will H.M. Attorney General advise whether the Police Association is a public body, as defined under the European Union Convention of Human Rights?

Given that the Association's officers are full time paid policemen given time off to undertake Police Association duties; the Association is given an office rent free at Police Headquarters and Police Officers are not entitled by Law to strike, is the Association actually a public authority?

Answer

The purpose of the Police Association is to represent police officers in respect of, inter alia, all matters affecting their welfare and efficiency. These functions are not public in nature. The Association is clearly not a public authority.

A 'public authority', is not defined in the Human Rights Law itself but is essentially a reference to a body *whose nature is governmental in the broad sense of that expression.....the most obvious examples are government departments, local authorities, the police and the armed forces. Behind the instinctive classification of these organisations as bodies whose nature is governmental lies factors such as special powers, democratic accountability, public funding in whole or in part, an obligation to act only in the public interest and a statutory constitution*": see Aston Cantlow PCC v Wallbank [2004] 1 AC 546 HL at paragraph 7.

The Police Association was not established with a view to public administration as part of the process of government. Indeed, there is nothing governmental about its functions. Rather, it represents the interests of its members in the workplace. The fact that the membership of the Association are not entitled to strike and that the employer is apparently prepared to provide time and an office to assist the Association in the furtherance of good employer-employee relations does not change the fundamental character, nature and purpose of the Association.