



Police Reform Act 2002

2002 CHAPTER 30

PART 4

POLICE POWERS ETC.

CHAPTER 1

EXERCISE OF POLICE POWERS ETC. BY CIVILIANS

38 Police powers for [^{F1}civilian staff][^{F2}and volunteers]

[^{F3}(1) The chief officer of police of any police force may designate a relevant employee as either or both of the following—

- (a) a community support officer;
- (b) a policing support officer.

(1A) The chief officer of police of any police force may designate a police volunteer as either or both of the following—

- (a) a community support volunteer;
- (b) a policing support volunteer.]

(2) The description of officers are as follows—

- (a) community support officer;
- (b) investigating officer;
- (c) detention officer;
- (d) escort officer.

(3) ^{F4}

(4) A chief officer of police ^{F5} . . . shall not designate a person under this section unless he is satisfied that that person—

- (a) is a suitable person to carry out the functions for the purposes of which he is designated;

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- (b) is capable of effectively carrying out those functions; and
- (c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred [^{F6}or imposed] on him by virtue of the designation.

(5) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.

^{F7}(5A)

^{F7}(5B)

^{F7}(6)

^{F7}(6A)

[^{F8}(6B) The powers and duties that may be conferred or imposed on a person designated under this section are—

- (a) any power or duty of a constable, other than a power or duty specified in Part 1 of Schedule 3B (excluded powers and duties);
- (b) where the person is designated as a community support officer or a community support volunteer, any power or duty that is described in Schedule 3C as a power or duty of a community support officer or community support volunteer.

(6C) The Secretary of State may by regulations amend Part 1 of Schedule 3B so as to add to the list of powers and duties specified in it.

(6D) Part 2 of Schedule 3B makes provision about the application of legislation in relation to powers or duties of a constable that may be exercised or performed by a person designated under this section.

(6E) Any power or duty of a constable that is conferred or imposed on a person designated under this section by a chief officer of police of a police force may (subject to provision included in the designation under subsection (6F)) be exercised or performed by the person—

- (a) in the area of that police force, and
- (b) in any cases or circumstances in which it could be exercised or performed by a constable who is a member of that force.

(6F) A designation under this section may provide that any power or duty of a constable that is conferred or imposed by the designation may be exercised or performed by the person designated—

- (a) in such areas outside the area of the police force in question as are specified in the designation (as well as within the area of the police force);
- (b) only in such parts of the area of that police force as are specified in the designation;
- (c) only in cases or circumstances so specified.]

(7) [^{F9}A relevant employee]^{F10} . . . authorised or required to do anything by virtue of a designation under this section—

- (a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than in the course of that employment; and
- (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in his designation.

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- [^{F11}(7A) A police volunteer authorised or required to do anything by virtue of a designation under this section —
- (a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than while acting as a police volunteer;
 - (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in the designation.]
- (8) Where any power exercisable by any person in reliance on his designation under this section is a power which, in the case of its exercise by a constable, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a constable to use reasonable force.
- (9) Where any power exercisable by any person in reliance on his designation under this section includes power to use force to enter any premises, that power shall not be exercisable by that person except—
- (a) in the company, and under the supervision, of a constable; or
 - (b) for the purpose of saving life or limb or preventing serious damage to property.
- [^{F12}(9A) The chief officer of police of a police force must ensure that no person designated by the chief officer under this section is authorised to use a firearm, within the meaning given by section 57(1) of the Firearms Act 1968, in carrying out functions for the purposes of the designation.
- (9B) However, subsection (9A) does not apply to—
- (a) the use of a weapon, designed or adapted for the discharge of either of the following substances, for the purpose of discharging either of those substances—
 - (i) the substance, commonly known as “CS spray”, that is produced by the use of 2-chlorobenzalmalononitrile;
 - (ii) the substance, commonly known as PAVA spray, that is produced by the use of pelargonic acid vanillylamide;
 - (b) the use of a weapon for a purpose specified in regulations made by the Secretary of State;
 - (c) the use of a weapon of a description specified in regulations made by the Secretary of State, whether generally or for a purpose so specified.]
- [^{F13}(9C) A statutory instrument containing regulations under subsection (6C) or (9B)(b) or (c) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.]
- [^{F14}(11) In this section “relevant employee” means—
- (a) in the case of—
 - (i) a police force maintained for a police area in accordance with section 2 of the Police Act 1996, or
 - (ii) the police force maintained for the metropolitan police district in accordance with section 5A of that Act,
 a member of the civilian staff of that police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011);
 - (b) in the case of any other police force, a person who—
 - (i) is employed by the police authority maintaining that force, and

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

(ii) is under the direction and control of the chief officer making a designation under subsection (1).]

[^{F15}(11A) In the case of a police force maintained for a police area in England in accordance with section 2 of the Police Act 1996, the following are also relevant employees for the purposes of this section—

- (a) any member of staff transferred to the chief constable of the police force under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004 (transfer of property, rights and liabilities to chief constable to whom fire functions of a fire and rescue authority may be delegated);
- (b) any member of staff appointed by that chief constable under section 4I(4) of that Act (appointment of staff by chief constable to whom fire functions of a fire and rescue authority may be delegated).
- [^{F16}(c) any member of staff transferred to that chief constable under a scheme made by virtue of section 107EC(1) of the Local Democracy, Economic Development and Construction Act 2009 (transfer of property, rights and liabilities to chief constable to whom fire functions of combined authority may be delegated);
- (d) any member of staff appointed by that chief constable under section 107EC(2) of that Act (appointment of staff by chief constable to whom fire functions of combined authority may be delegated).]

[^{F17}(12) In this section, “police volunteer” means a person who is under the direction and control of the chief officer making a designation under subsection (1A) otherwise than because the person is a constable, a special constable or a relevant employee.

(13) For the purpose of subsection (12), a person is to be treated as a relevant employee only in relation to times when the person is acting in the course of the person's employment.]

Textual Amendments

- F1** Words in s. 38 title substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 292\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F2** Words in s. 38 heading inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(9\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F3** S. 38(1)(1A) substituted for s. 38(1) (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(2\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F4** S. 38(3) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 59, 174, 178, Sch. 4 para. 181\(2\), Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10, 12, 13(o) (subject to art. 4(2)-(7))
- F5** Words in s. 38(4) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 59, 174, 178, Sch. 4 para. 181\(3\), Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10, 12, 13(o) (subject to art. 4(2)-(7))
- F6** Words in s. 38(4)(c) inserted (1.12.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 9, 53, Sch. 5 para. 2\(2\)](#); S.I. 2007/3203, art. 2(c)
- F7** S. 38(5A)-(6A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), ss. 38\(3\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F8** S. 38(6B)-(6F) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(4\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- F9** Words in s. 38(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(4)**; S.I. 2011/3019, art. 3, Sch. 1
- F10** Words in s. 38(7) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 181(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F11** S. 38(7A) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 38(5)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)
- F12** S. 38(9A)(9B) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 38(6)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)
- F13** S. 38(9C) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 38(7)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)
- F14** S. 38(11) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(5)**; S.I. 2011/3019, art. 3, Sch. 1
- F15** S. 38(11A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 82**; S.I. 2017/399, reg. 2, **Sch. para. 38**
- F16** S. 38(11A)(c)(d) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(7)**, 183(1)(5)(e); S.I. 2017/726, **reg. 2(a)**
- F17** S. 38(12)(13) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 38(8)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)

Modifications etc. (not altering text)

- C1** S. 38 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(a)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

^{F18}38A Standard powers and duties of community support officers

.....

Textual Amendments

- F18** S. 38A omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 38(10)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)

^{F19}38B Police powers for civilian employees under collaboration agreements

- (1) The chief officer of police of a police force (the “assisted force”) may designate a person (“C”) who—
 - (a) is a civilian employee of [^{F20}, or a police volunteer with,] another police force (the “assisting force”),
 - (b) is designated under section 38 by the chief officer of police of the assisting police force (the “section 38 designation”), and
 - (c) is permitted, under relevant police collaboration provision, to discharge powers and duties specified in that provision for the purposes of the assisted force.

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- (2) The designation under subsection (1) (the “collaboration designation”) must designate C as an officer of [^{F21}either or both of the descriptions specified in section 38(1) (if C is a civilian employee of the assisting force) or section 38(1A) (if C is a police volunteer with the assisting force)].
- (3) The collaboration designation may designate C as an officer of a particular description specified in [^{F22}section 38(1) or (as the case may be) section 38(1A)] only if the section 38 designation designates C as an officer of that description.
- (4) C shall have the powers and duties conferred or imposed on C by the collaboration designation.
- (5) A power or duty may be conferred or imposed on C by the collaboration designation only if C is permitted, under the relevant police collaboration provision, to discharge that power or duty for the purposes of the assisted force.
- (6) C shall not be authorised or required by virtue of the collaboration designation to engage in any conduct otherwise than in the course of discharging a power or duty conferred or imposed on C by the collaboration designation.
- (7) The collaboration designation must specify the restrictions and conditions to which C is subject in the discharge of the powers and duties conferred or imposed by the collaboration designation.
- (8) Those restrictions and conditions must include the restrictions and conditions specified in the relevant police collaboration provision.
- (9) C is authorised or required to discharge any power or duty conferred or imposed by the collaboration designation subject to the restrictions and conditions specified in the collaboration designation.
- (10) References in this section to the discharge of functions by [^{F23}persons designated under section 38 by the chief officer of police of the assisting force] for the purposes of the assisted force have the same meaning as in [^{F24}section 23AA] of the Police Act 1996.
- (11) In this section—
 - “civilian employee” has the meaning given by section 23I of the Police Act 1996;
 - “relevant police collaboration provision” means provision, contained in a collaboration agreement under section 22A of the Police Act 1996, which is of the kind referred to in section 23AA of that Act.

Textual Amendments

- F19** Ss. 38B, 38C inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 13 para. 3](#); S.I. 2011/3019, art. 3, Sch. 1
- F20** Words in s. 38B(1)(a) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(2\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))
- F21** Words in s. 38B(2) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(3\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))
- F22** Words in s. 38B(3) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(4\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- F23** Words in s. 38B(10) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 1(5)(a)**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, **reg. 2**)
- F24** Words in s. 38B(10) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 1(5)(b)**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, **reg. 2**)

38C Designations under section 38B: supplementary provision

- (1) The collaboration designation of C must be in accordance with the relevant police collaboration provision.
- (2) Subsection (1) is in addition to section 38B(5) and (8).
- (3) Subsections (8) and (9) of section 38 apply to any power exercisable by C in reliance on the collaboration designation as they apply to a power exercisable by a person in reliance on a designation under section 38.
- (4) In exercising or performing any power or duty in reliance on the collaboration designation, C is to be taken—
 - (a) as exercising or performing that power or duty in reliance on that collaboration designation (and not in reliance on any designation under section 38); and
 - (b) accordingly, as not being a designated person (within the meaning of section 46(1)) by virtue of any designation under section 38.
- (5) Expressions used in this section and section 38B have the same meanings in this section as in section 38B.]

Textual Amendments

- F19** Ss. 38B, 38C inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 3**; S.I. 2011/3019, art. 3, Sch. 1

39 Police powers for contracted-out staff

- (1) This section applies if a [^{F25}local policing body] has entered into a contract with a person (“the contractor”) for the provision of services relating to the detention or escort of persons who have been arrested or are otherwise in custody.
- (2) The chief officer of police of the police force maintained by that [^{F25}local policing body] may designate any person who is an employee of the contractor as either or both of the following—
 - (a) a detention officer; or
 - (b) an escort officer.
- (3) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.
- (4) A chief officer of police shall not designate a person under this section unless he is satisfied that that person—
 - (a) is a suitable person to carry out the functions for the purposes of which he is designated;

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- (b) is capable of effectively carrying out those functions; and
 - (c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred on him by virtue of the designation.
- (5) A chief officer of police shall not designate a person under this section unless he is satisfied that the contractor is a fit and proper person to supervise the carrying out of the functions for the purposes of which that person is designated.
- (6) Powers and duties may be conferred or imposed on a designated person by means only of the application to him by his designation of provisions of the applicable Part of Schedule 4 that are to apply to the designated person; and for this purpose the applicable Part of that Schedule is—
- (a) in the case of a person designated as a detention officer, Part 3; and
 - (b) in the case of a person designated as an escort officer, Part 4.
- (7) An employee of the contractor authorised or required to do anything by virtue of a designation under this section—
- (a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than in the course of that employment; and
 - (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in his designation.
- (8) Where any power exercisable by any person in reliance on his designation under this section is a power which, in the case of its exercise by a constable, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a constable to use reasonable force.
- ^{F26}(9)
- ^{F26}(10)
- ^{F26}(11)
- (12) A designation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (13), shall remain in force for such period as may be specified in the designation; but it may be renewed at any time with effect from the time when it would otherwise expire.
- (13) A designation under this section shall cease to have effect—
- (a) if the designated person ceases to be an employee of the contractor; or
 - (b) if the contract between the [^{F27}local policing body] and the contractor is terminated or expires.

Textual Amendments

- F25** Words in s. 39(1)(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 294\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F26** S. 39(9)-(11) repealed (8.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 94](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 5(d)(i) (with arts. 6, 7)
- F27** Words in s. 39(13)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 294\(4\)](#); S.I. 2011/3019, art. 3, Sch. 1

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

Modifications etc. (not altering text)

- C2** S. 39 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(b)(2), 120** (with s. 72); S.I. 2004/1572, **art. 3(k)**

Commencement Information

- II** S. 39 wholly in force at 1.4.2003; s. 39 not in force at Royal Assent, see s. 108(2); s. 39(9)(10)(11)(a) (b) and (d) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(d)(i)**; s. 39 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(b)**

40 Community safety accreditation schemes

- (1) The chief officer of police of any police force may, if he considers that it is appropriate to do so for the purposes specified in subsection (3), establish and maintain a scheme (“a community safety accreditation scheme”).
- (2) A community safety accreditation scheme is a scheme for the exercise in the chief officer’s police area by persons accredited by him under section 41 of the powers conferred by their accreditations under that section.
- (3) Those purposes are—
 - (a) contributing to community safety and security; and
 - (b) in co-operation with the police force for the area, combatting crime and disorder, public nuisance and other forms of anti-social behaviour.
- (4) Before establishing a community safety accreditation scheme for his police area, a chief officer of any police force (other than the Commissioner of Police of the Metropolis) must consult with—
 - (a) the [^{F28}local policing body] maintaining that force, and
 - (b) every local authority any part of whose area lies within the police area.
- (5) Before establishing a community safety accreditation scheme for the metropolitan police district, the Commissioner of Police of the Metropolis must consult with—
 - [^{F29}(a) the Mayor’s Office for Policing and Crime;]
 - (b) the Mayor of London; and
 - (c) every local authority any part of whose area lies within the metropolitan police district.
- (6) In subsections (4)(b) and (5)(c) “local authority” means—
 - (a) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly; and
 - (b) in relation to Wales, a county council or a county borough council.
- (7) Every [^{F30}police and crime plan under section 5 or 6 of the Police Reform and Social Responsibility Act 2011] which is issued after the commencement of this section, ^{F31}... must set out—
 - (a) whether a community safety accreditation scheme is maintained for the police area in question;
 - (b) if not, whether there is any proposal to establish such a scheme for that area during the period to which the plan relates;

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- (c) particulars of any such proposal or of any proposal to modify during that period any community safety accreditation scheme that is already maintained for that area;
 - (d) the extent (if any) of any arrangements for provisions specified in Schedule 4 to be applied to designated persons employed by the [^{F32}local policing body]; and
 - (e) the respects in which any community safety accreditation scheme that is maintained or proposed will be supplementing those arrangements during the period to which the plan relates.
- (8) A community safety accreditation scheme must contain provision for the making of arrangements with employers who—
- (a) are carrying on business in the police area in question, or
 - (b) are carrying on business in relation to the whole or any part of that area or in relation to places situated within it,
- for those employers to supervise the carrying out by their employees of the community safety functions for the purposes of which powers are conferred on those employees by means of accreditations under section 41.
- (9) It shall be the duty of a chief officer of police who establishes and maintains a community safety accreditation scheme to ensure that the employers of the persons on whom powers are conferred by the grant of accreditations under section 41 have established and maintain satisfactory arrangements for handling complaints relating to the carrying out by those persons of the functions for the purposes of which the powers are conferred.

Textual Amendments

- F28** Words in s. 40(4)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 295\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F29** S. 40(5)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 295\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F30** Words in s. 40(7) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 295\(4\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F31** Words in s. 40(7) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 295\(4\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F32** Words in s. 40(7) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 295\(4\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

- C3** S. 40(7) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\), art. 1\(2\), Sch. 1 para. 11\(2\)](#)
- C4** S. 40(7)(d) modified (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\), arts. 1\(2\), 33\(2\), Sch. 5 para. 11\(2\)](#)

41 Accreditation under community safety accreditation schemes

- (1) This section applies where a chief officer of police has, for the purposes of a community safety accreditation scheme, entered into any arrangements with any

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- employer for or with respect to the carrying out of community safety functions by employees of that employer.
- (2) The chief officer of police may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to any employee of the employer.
- (3) Schedule 5 (which sets out the powers that may be conferred on accredited persons) shall have effect.
- (4) A chief officer of police shall not grant accreditation to a person under this section unless he is satisfied—
- (a) that that person's employer is a fit and proper person to supervise the carrying out of the functions for the purposes of which the accreditation is to be granted;
 - (b) that the person himself is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation;
 - (c) that that person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on him; and
 - (d) that that person has received adequate training for the exercise of those powers.
- [^{F33}(4A) A chief officer of police may not grant accreditation under this section to a weights and measures inspector.]
- (5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—
- (a) considering an application for or for the renewal of an accreditation under this section;
 - (b) granting such an accreditation.
- (6) A person authorised or required to do anything by virtue of an accreditation under this section—
- (a) shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his employment by the employer with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); and
 - (b) shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.
- (7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation; but it may be renewed at any time with effect from the time when it would otherwise expire.
- (8) An accreditation under this section shall cease to have effect—
- (a) if the accredited person ceases to be an employee of the person with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); or
 - (b) if those arrangements are terminated or expire.

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

Textual Amendments

F33 S. 41(4A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 42](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to [arts. 6, 7](#))

[^{F34} **41A Accreditation of weights and measures inspectors**

- (1) The chief officer of police of any police force may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to a weights and measures inspector.
- (2) A weights and measures inspector to whom an accreditation under this section is granted by a chief officer of police may exercise the powers conferred by the accreditation in the chief officer's police area.
- (3) Schedule 5A (which sets out the powers that may be conferred on inspectors accredited under this section) shall have effect.
- (4) A chief officer of police shall not grant accreditation to a weights and measures inspector under this section unless he is satisfied that—
 - (a) the inspector is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation; and
 - (b) the inspector has received adequate training for the exercise of those powers.
- (5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—
 - (a) considering an application for or for the renewal of an accreditation under this section;
 - (b) granting an accreditation under this section.
- (6) A weights and measures inspector authorised or required to do anything by virtue of an accreditation under this section—
 - (a) shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his duties as a weights and measures inspector; and
 - (b) shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.
- (7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation, but it may be renewed at any time with effect from the time when it would otherwise expire.
- (8) An accreditation under this section shall cease to have effect if the accredited inspector ceases to hold office as a weights and measures inspector.]

Textual Amendments

F34 S. 41A inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 15\(1\)](#), 53; S.I. 2007/709, [art. 3\(k\)](#) (subject to [arts. 6, 7](#))

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

[^{F35}**41B Power to apply accreditation provisions**

- (1) The Secretary of State may by order provide for section 41 A and any other provision of this Chapter relating to accredited inspectors to apply (with or without modification) in relation to persons of a description specified in the order.
- (2) The provision which may be made by an order under this section includes such modifications of other enactments as appear to the Secretary of State to be necessary or appropriate.
- (3) No order shall be made under this section unless a draft of it has been laid before and approved by a resolution of each House of Parliament.]

Textual Amendments

F35 S. 41B inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 16, 53**; [S.I. 2007/709](#), **art. 3(1)**; (subject to arts. 6, 7)

42 Supplementary provisions relating to designations and accreditations

- ^{F36}(A1)
- ^{F36}(B1)
- ^{F36}(C1)

- (1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 [^{F37}, 38B] or 39 or his accreditation under section 41 [^{F38} or 41A], or who purports to do so, shall produce that designation or accreditation to that person, if requested to do so.

- ^{F39}(1A)

- (2) A power exercisable by any person in reliance on his designation by a chief officer of police under section 38 or 39 or his accreditation under section 41 shall [^{F40}, subject to subsection (2A),] be exercisable only by a person wearing such uniform as may be—
 - (a) determined or approved for the purposes of this Chapter by the chief officer of police who granted the designation or accreditation; and
 - (b) identified or described in the designation or accreditation;and, in the case of an accredited person, such a power shall be exercisable only if he is also wearing such badge as may be specified for the purposes of this subsection by the Secretary of State, and is wearing it in such manner, or in such place, as may be so specified.

- [^{F41}(2ZA) A power exercisable by any person in reliance on a designation under section 38B by the chief officer of police of the assisted force shall, subject to subsection (2A), be exercisable only by a person wearing such uniform as may be—
 - (a) determined or approved for the purposes of this Chapter by the chief officer of police of the assisting police force; and
 - (b) identified or described in the designation.

In this subsection, “assisted force” and “assisting force” have the same meanings as in section 38B.]

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

[^{F42}(2A) A police officer of or above the rank of inspector may direct a particular [^{F43}policing support officer or policing support volunteer] not to wear a uniform for the purposes of a particular operation; and if he so directs, subsection (2) [^{F44}or (2ZA)] shall not apply in relation to that [^{F43}policing support officer or policing support volunteer] for the purposes of that operation.

(2B) In subsection (2A), [^{F45}“policing support officer” and “policing support volunteer” mean (respectively) a person designated as a policing support officer or (as the case may be) a policing support volunteer] under section 38 [^{F46}(in relation to subsection (2)) or section 38B (in relation to subsection (2ZA))] by the chief officer of police of the same force as the officer giving the direction.]

(3) A chief officer of police who has granted a designation or accreditation to any person under section 38 [^{F47}, 38B], 39 or 41 [^{F48}or an accreditation to any weights and measures inspector under section 41A] may at any time, by notice to the designated or accredited person [^{F49}or the accredited inspector], modify or withdraw that designation or accreditation.

^{F50}(4)

(5) Where any person’s designation under section 39 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the contractor responsible for supervising that person in the carrying out of the functions for the purposes of which the designation was granted.

(6) Where any person’s accreditation under section 41 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the employer responsible for supervising that person in the carrying out of the functions for the purposes of which the accreditation was granted.

[^{F51}(6A) Where the accreditation of a weights and measures inspector under section 41A is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the local weights and measures authority by which the inspector was appointed.]

(7) For the purposes of determining liability for the unlawful conduct of employees of a [^{F52}chief officer of police or local policing body], conduct by such an employee in reliance or purported reliance on a designation under section 38 shall be taken to be conduct in the course of his employment by the [^{F52}chief officer of police or local policing body]; and, in the case of a tort, [^{F53}that chief officer or body] shall fall to be treated as a joint tortfeasor accordingly.

[^{F54}(7A) For the purposes of determining liability for the unlawful conduct of a civilian employee of a police force (within the meaning of section 38B), conduct by such an employee in reliance or purported reliance on a designation under section 38B shall be taken to be conduct in the course of the employee's employment by the employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.]

[^{F55}(7B) For the purposes of determining liability for the unlawful conduct of police volunteers designated under section 38, conduct by such a volunteer in reliance or purported reliance on a designation under that section is to be taken to be conduct by that person in the course of employment by the chief officer of police by whom the designation is made; and, in the case of a tort, that chief officer is to be treated as a joint tortfeasor accordingly.]

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

(7C) For the purposes of determining liability for the unlawful conduct of police volunteers designated under section 38, conduct by such a volunteer in reliance or purported reliance on a designation under section 38B is to be taken to be conduct by that person in the course of employment by the chief officer of police by whom the designation under section 38 is made; and, in the case of a tort, that chief officer is to be treated as a joint tortfeasor accordingly.]

^{F50}(8)

(9) For the purposes of determining liability for the unlawful conduct of employees of a contractor (within the meaning of section 39), conduct by such an employee in reliance or purported reliance on a designation under that section shall be taken to be conduct in the course of his employment by that contractor; and, in the case of a tort, that contractor shall fall to be treated as a joint tortfeasor accordingly.

(10) For the purposes of determining liability for the unlawful conduct of employees of a person with whom a chief officer of police has entered into any arrangements for the purposes of a community safety accreditation scheme, conduct by such an employee in reliance or purported reliance on an accreditation under section 41 shall be taken to be conduct in the course of his employment by that employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.

[^{F56}(11) For the purposes of determining liability for the unlawful conduct of weights and measures inspectors, conduct by such an inspector in reliance or purported reliance on an accreditation under section 41A shall be taken to be conduct in the course of his duties as a weights and measures inspector; and, in the case of a tort, the local weights and measures authority by which he was appointed shall fall to be treated as a joint tortfeasor accordingly.]

Textual Amendments

- F36** S. 42(A1)-(C1) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 2\(2\)\(b\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F37** Word in s. 42(1) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 13 para. 4\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F38** Words in s. 42(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 43\(2\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6,7)
- F39** S. 42(1A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 2\(2\)\(b\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F40** Words in s. 42(2) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122(2)(a), 178; S.I. 2005/1521, [art. 3\(1\)\(h\)](#); S.I. 2005/2026, [art. 2\(d\)](#)
- F41** S. 42(2ZA) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 13 para. 4\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F42** S. 42(2A)(2B) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122(2)(b), 178; S.I. 2005/1521, [art. 3\(1\)\(h\)](#); S.I. 2005/2026, [art. 2\(d\)](#)
- F43** Words in s. 42(2A) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 2\(3\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- F44** Words in s. 42(2A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(4)**; S.I. 2011/3019, art. 3, Sch. 1
- F45** Words in s. 42(2B) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 2(4)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F46** Words in s. 42(2B) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(5)**; S.I. 2011/3019, art. 3, Sch. 1
- F47** Word in s. 42(3) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(6)**; S.I. 2011/3019, art. 3, Sch. 1
- F48** Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(3)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F49** Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(3)(b)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F50** S. 42(4)(8) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 182, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F51** S. 42(6A) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(4)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F52** Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F53** Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F54** S. 42(7A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(7)**; S.I. 2011/3019, art. 3, Sch. 1
- F55** S. 42(7B)(7C) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 2(5)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F56** S. 42(11) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(5)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

Modifications etc. (not altering text)

- C5** S. 42 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(c)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**
- C6** S. 42(7) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 11(3)**
- C7** S. 42(7) modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 11(3)**

43 Railway safety accreditation scheme

- (1) The Secretary of State may make regulations for the purpose of enabling the chief constable of the British Transport Police Force to establish and maintain a scheme (“a railway safety accreditation scheme”).
- [^{F57}(2) A railway safety accreditation scheme is a scheme for the exercise, within a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales, by persons accredited by the chief constable of the British Transport Police Force under the scheme, of the powers conferred on those persons by their accreditation under that scheme.]
- (3) The regulations may make provision—

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- (a) as to the purposes for which a railway safety accreditation scheme may be established;
 - (b) as to the procedure to be followed in the establishment of such a scheme; and
 - (c) as to matters for which such a scheme must contain provision.
- (4) The regulations may make provision as to the descriptions of persons who may be accredited under a railway safety accreditation scheme and as to the procedure and criteria to be applied for the grant of any accreditation under such a scheme.
- (5) The regulations may make provision as to the powers which may be conferred on a person by an accreditation under such a scheme.
- (6) Subject to subsection (7), no regulations made by virtue of subsection (5) shall permit a power to be conferred on a person accredited under a railway safety accreditation scheme which could not be conferred on an accredited person under a community safety accreditation scheme.
- (7) The regulations may provide that the powers which may be conferred on a person by an accreditation under a railway safety accreditation scheme include the powers of a constable^{F58} ... to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices) in respect of the following offences—
- (a) an offence under section 55 of the British Transport Commission Act 1949 (c. xxix) (trespassing on a railway);
 - (b) an offence under section 56 of that Act (throwing stones etc. at trains or other things on railways).
- (8) In relation to a person accredited under a railway safety accreditation scheme, the regulations may apply, with such modifications as may be prescribed by them, any provision of this Chapter which applies in relation to an accredited person.
- (9) Before making regulations under this section the Secretary of State shall consult with—
- (a) [^{F59}the National Police Chiefs' Council];
 - (b) the chief constable of the British Transport Police Force;
 - [^{F60}(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
 - (ca) the Mayor's Office for Policing and Crime;
 - (cb) the Common Council of the City of London; and]
 - (d) the [^{F61}British Transport Police Authority] ;
 - (e) persons whom he considers to represent the interests of local authorities;
 - (f) the Mayor of London; and
 - (g) such other persons as he thinks fit.
- (10) In this section—
- “local authorities” means district councils, London borough councils, county councils in Wales, county borough councils and the Common Council of the City of London; and
- ^{F62}

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

Textual Amendments

- F57** S. 43(2) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), [art. 12\(7\)\(a\)](#)
- F58** Words in s. 43(7) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 14\(2\)](#); S.I. 2013/453, art. 4(e)
- F59** Words in s. 43(9)(a) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), Sch. 14 paras. 6, [7\(e\)](#); S.I. 2017/399, reg. 2, [Sch. para. 41](#)
- F60** S. 43(9)(c)-(cd) substituted for s. 43(9)(c) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 297](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 69)
- F61** Words in s. 43(9)(d) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), [art. 12\(7\)\(b\)](#)
- F62** S. 43(10): definition of "policed premises" repealed (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), [art. 12\(7\)\(c\)](#)

Modifications etc. (not altering text)

- C8** S. 43 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 73, 120, [Sch. 5 para. 4](#) (with s. 72); S.I. 2004/1572, [art. 3\(jjj\)](#)

^{F63} 44 Removal of restriction on powers conferred on traffic wardens

.....

Textual Amendments

- F63** S. 44 omitted (31.1.2017 for specified purposes, 1.12.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 13 para. 5](#); S.I. 2017/1139, reg. 3

^{F64} 45 Code of practice relating to chief officers' powers under Chapter 1

.....

Textual Amendments

- F64** S. 45 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 3](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))

46 Offences against designated and accredited persons etc.

- (1) Any person who assaults—
- (a) a designated person in the execution of his duty,
 - (b) an accredited person in the execution of his duty,
 - [^{F65}(ba) an accredited inspector in the execution of his duty,] or
 - (c) a person assisting a designated or accredited person [^{F66}or an accredited inspector] in the execution of his duty,

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

- (2) Any person who resists or wilfully obstructs—
- (a) a designated person in the execution of his duty,
 - (b) an accredited person in the execution of his duty,
 - [^{F67}(ba) an accredited inspector in the execution of his duty,] or
 - (c) a person assisting a designated or accredited person [^{F66}or an accredited inspector] in the execution of his duty,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.

- (3) Any person who, with intent to deceive—
- (a) impersonates a designated person [^{F68}, an accredited person or an accredited inspector] ,
 - (b) makes any statement or does any act calculated falsely to suggest that he is a designated person [^{F69}, that he is an accredited person or that he is an accredited inspector] , or
 - (c) makes any statement or does any act calculated falsely to suggest that he has powers as a designated or accredited person [^{F70}or as an accredited inspector] that exceed the powers he actually has,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

- (4) In this section references to the execution by a designated person [^{F71}, accredited person or accredited inspector] of his duty are references to his exercising any power or performing any duty which is his by virtue of his designation or accreditation.

- [^{F72}(5) References in this section to a designated person are to—
- (a) a designated person within the meaning given by section 47(1), and
 - (b) a person in relation to whom a designation under section 38B is for the time being in force.]

Textual Amendments

- F65** S. 46(1)(ba) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(2\)\(a\)](#); [S.I. 2007/709, art. 3\(p\)](#) (subject to arts. 6, 7)
- F66** Words in s. 46(1)(c)(2)(c) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(2\)\(b\)](#); [S.I. 2007/709, art. 3\(p\)](#) (subject to arts. 6, 7)
- F67** S. 46(2)(ba) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(2\)\(a\)](#); [S.I. 2007/709, art. 3\(p\)](#) (subject to arts. 6, 7)
- F68** Words in s. 46(3)(a) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(3\)\(a\)](#); [S.I. 2007/709, art. 3\(p\)](#) (subject to arts. 6, 7)
- F69** Words in s. 46(3)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(3\)\(b\)](#); [S.I. 2007/709, art. 3\(p\)](#) (subject to arts. 6, 7)
- F70** Words in s. 46(3)(c) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(3\)\(c\)](#); [S.I. 2007/709, art. 3\(p\)](#) (subject to arts. 6, 7)
- F71** Words in s. 46(4) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(4\)](#); [S.I. 2007/709, art. 3\(p\)](#) (subject to arts. 6, 7)

Changes to legislation: Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

F72 S. 46(5) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 13 para. 5](#); S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C9 S. 46 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 28\(1\)\(e\)\(2\)](#), 120 (with s. 72); S.I. 2004/1572, [art. 3\(k\)](#)

47 Interpretation of Chapter 1

(1) In this Chapter—

[^{F73}“accredited inspector” means a weights and measures inspector in relation to whom an accreditation under section 41A is for the time being in force;]

“accredited person” means a person in relation to whom an accreditation under section 41 is for the time being in force;

“community safety functions” means any functions the carrying out of which would be facilitated by the ability to exercise one or more of the powers mentioned in Schedule 5;

“conduct” includes omissions and statements;

“designated person” means a person in relation to whom a designation under section 38 or 39 is for the time being in force;

^{F74}

^{F75}

[^{F76}“weights and measures inspector” means an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.]

(2) In this Chapter—

(a) references to carrying on business include references to carrying out functions under any enactment; and

(b) references to the employees of a person carrying on business include references to persons holding office under a person, and references to employers shall be construed accordingly.

Textual Amendments

F73 S. 47(1): definition of “accredited inspector” inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 52, 53](#), [Sch. 14 para. 45](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to [arts. 6, 7](#))

F74 S. 47(1): definition of “Director General” repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 59, 174, 178](#), [Sch. 4 para. 184](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), [Sch. paras. 10, 12, 13\(oo\)](#) (subject to [art. 4\(2\)-\(7\)](#))

F75 S. 47(1): definition of “Service Authority” repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 59, 174, 178](#), [Sch. 4 para. 184](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), [Sch. paras. 10, 12, 13\(oo\)](#) (subject to [art. 4\(2\)-\(7\)](#))

F76 S. 47(1): definition of “weights and measures inspector” inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 52, 53](#), [Sch. 14 para. 45](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to [arts. 6, 7](#))

Modifications etc. (not altering text)

C10 S. 47 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 28\(1\)\(f\)\(2\)](#), 120 (with s. 72); S.I. 2004/1572, [art. 3\(k\)](#)

Changes to legislation:

Police Reform Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 22 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)