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## SCHEDULES

### SCHEDULE 4

Section 38

#### POWERS EXERCISABLE BY POLICE CIVILIANS

##### Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 28\(1\)\(g\)\(2\)](#), 120 (with s. 72); S.I. 2004/1572, [art. 3\(k\)](#)

#### PART 1

##### COMMUNITY SUPPORT OFFICERS

###### *Powers to issue fixed penalty notices*

- 1 (1) Where a designation applies this paragraph to any person, that person shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed a relevant fixed penalty offence at a place within the relevant police area.
- (2) Those powers are the following powers so far as exercisable in respect of a relevant fixed penalty offence—
- (a) the powers of a constable in uniform and of an authorised constable to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (c. 16) (fixed penalty notices in respect of offences of disorder);
  - <sup>[F1]</sup>(aa) the power of a constable to give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil);]
  - (b) the power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (c. 50) (riding on a footway) committed by cycling;
  - (c) <sup>F2</sup> .....
  - <sup>[F3]</sup>(ca) the power of an authorised officer of a local authority to give a notice under section 43(1) of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting); and]
  - (d) the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices in respect of litter)<sup>[F4]</sup> and
  - (e) the power of an authorised officer of a primary or secondary authority, within the meaning of section 59 of the Clean Neighbourhoods and Environment Act 2005, to give a notice under that section (fixed penalty notices in respect of offences under dog control orders).]

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[<sup>F5</sup>(2A) The reference to the powers mentioned in sub-paragraph (2)(a) does not include those powers so far as they relate to an offence under the provisions in the following list—  
 section 1 of the Theft Act 1968,  
 section 87 of the Environmental Protection Act 1990.]

(3) In this paragraph “relevant fixed penalty offence”, in relation to a designated person, means an offence which—

- (a) is an offence by reference to which a notice may be given to a person in exercise of any of the powers mentioned in sub-paragraph [<sup>F6</sup>(2)(a) to (e)] ; and
- (b) is specified or described in that person’s designation as an offence he has been designated to enforce under this paragraph.

[<sup>F7</sup>(4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in sub-paragraph (2) (aa) , sub-paragraph (1) shall have effect as if for the words from “who he has reason to believe” to the end there were substituted “in the relevant police area who he has reason to believe has committed a relevant fixed penalty offence”.]

#### Textual Amendments

- F1** Sch. 4 para. 1(2)(aa) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. **23(3)**, 93; S.I. 2003/3300, **art. 3(a)(ii)**
- F2** Sch. 4 para. 1(2)(c) repealed (6.4.2006 for E. and 15.3.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 107, 108, **Sch. 5 Pt. 5**; S.I. 2006/795, **art. 2(3)**, Sch. 2 (with art. 4(3) (b)); S.I. 2006/2797, **art. 5(g)** (with art. 10(3)(b)) (as amended (30.1.2007) by S.I. 2007/120, art. 3); S.I. 2007/702
- F3** Sch. 4 para. 1(2)(ca) inserted (31.3.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. **46(1)(b)**, 93; S.I. 2004/690, **art. 2(a)(i)**
- F4** Sch. 4 para. 1(2)(e) and preceding word inserted (6.4.2006 for E. and 15.3.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. **62(2)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 4(x)**; S.I. 2007/739
- F5** Sch. 4 para. 1(2A) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), ss. **122(3)(a)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**
- F6** Words in Sch. 4 para. 1(3)(a) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(2)(a)**; S.I. 2007/709, **art. 3(h)** (subject to arts. 6, 7) and words substituted (27.1.2010) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 135, 245, **Sch. 6 para. 4(1)**; S.I. 2010/112, **art. 2(g)**
- F7** Sch. 4 para. 1(4) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. **23(4)**, 93; S.I. 2003/3300, **art. 3(a)(ii)**

#### Modifications etc. (not altering text)

- C2** Sch. 4 para. 1(2)(a) modified (1.11.2004) by The Criminal Justice and Police Act 2001 (Amendment) and Police Reform Act 2002 (Modification) Order 2004 (S.I. 2004/2540), arts. 1(4), 4

#### Commencement Information

- I1** Sch. 4 para. 1 wholly in force at 15.11.2003; Sch. 4 para. 1 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 1 (except sub-paragraph 1(2)(a)) in force at 2.12.2002 by S.I. 2002/2750, **art. 2(a)(ii)(a)**; Sch. 4 para. 1(2)(a) in force at 15.11.2003 by S.I. 2003/2593, **art. 2(d)**

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VALID FROM 27/01/2010

- [<sup>F8</sup>1ZA(1) This paragraph applies if a designation applies it to any person.
- (2) Such a designation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not all) relevant byelaws, being in each case specified in the designation.
  - (3) Where that person has reason to believe that an individual has committed an offence against a relevant byelaw at a place within the relevant police area, he may exercise the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 (fixed penalty notices in relation to offences against certain byelaws).
  - (4) In this paragraph “relevant byelaw”, in relation to a designated person, means a byelaw which—
    - (a) falls within sub-paragraph (5); and
    - (b) is specified or described in that person's designation as a byelaw he has been designated to enforce under this paragraph.
  - (5) A byelaw falls within this sub-paragraph if—
    - (a) it is a byelaw to which section 237A of the Local Government Act 1972 applies (fixed penalty notices in relation to offences against certain byelaws); and
    - (b) the chief officer of the police force for the relevant police area and the authority who made the byelaw have agreed to include it in a list of byelaws for the purposes of this sub-paragraph.
  - (6) A list under sub-paragraph (5)(b) must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.
  - (7) The list may be amended from time to time by agreement between the chief officer and the authority, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6).]

#### Textual Amendments

**F8** Sch. 4 para. 1ZA inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 133\(2\)\(b\), 245](#); S.I. 2010/112, [art. 2\(e\)](#)

#### Power to require name and address

- [<sup>F9</sup>1A (1) This paragraph applies if a designation applies it to any person.
- (2) Such a designation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not to all) relevant offences or relevant licensing offences, being in each case specified in the designation.
  - (3) Subject to sub-paragraph (4), where that person has reason to believe that another person has committed a relevant offence in the relevant police area, or a relevant

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licensing offence (whether or not in the relevant police area), he may require that other person to give him his name and address.

- (4) The power to impose a requirement under sub-paragraph (3) in relation to an offence under a relevant byelaw is exercisable only in a place to which the byelaw relates.
- (5) A person who fails to comply with a requirement under sub-paragraph (3) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in paragraph 1(2)(aa), sub-paragraph (3) of this paragraph shall have effect as if for the words “has committed a relevant offence in the relevant police area” there were substituted in the relevant police area has committed a relevant offence.
- (7) In this paragraph, “relevant offence”, “relevant licensing offence” and “relevant byelaw” have the meaning given in paragraph 2 (reading accordingly the references to “this paragraph” in paragraph 2(6)).]

#### Textual Amendments

- F9** Sch. 4 para. 1A inserted (1.7.2005 for certain purposes and 1.1.2006 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 2](#); [S.I. 2005/1521](#), [art. 3\(1\)\(h\)\(i\)](#); [S.I. 2005/3495](#), [art. 2\(1\)\(q\)\(r\)](#)

#### Modifications etc. (not altering text)

- C3** Sch. 4 para. 1A applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

#### *Power to detain etc.*

- 2 (1) This paragraph applies if a designation applies it to any person.
- [<sup>F10</sup>(2) A designation may not apply this paragraph to any person unless a designation also applies paragraph 1A to him.]
- (3) Where, in a case in which a requirement under [<sup>F11</sup>paragraph 1A(3)] has been imposed on another person—
  - (a) that other person fails to comply with the requirement, or
  - (b) the person who imposed the requirement has reasonable grounds for suspecting that the other person has given him a name or address that is false or inaccurate,
 the person who imposed the requirement may require the other person to wait with him, for a period not exceeding thirty minutes, for the arrival of a constable.
 

[<sup>F12</sup>This sub-paragraph does not apply if the requirement was imposed in connection with a relevant licensing offence mentioned in paragraph (a), (c) or (f) of sub-paragraph (6A) believed to have been committed on licensed premises (within the meaning of the Licensing Act 2003).]
- [<sup>F13</sup>(3A) Where—
  - (a) a designation applies this paragraph to any person (“the CSO”); and

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(b) by virtue of a designation under paragraph 1A the CSO has the power to impose a requirement under sub-paragraph (3) of that paragraph in relation to an offence under a relevant byelaw,

the CSO shall also have any power a constable has under the relevant byelaw to remove a person from a place.

(3B) Where a person to whom this paragraph applies (“the CSO”) has reason to believe that another person is committing an offence under section 3 or 4 of the Vagrancy Act 1824, and requires him to stop doing whatever gives rise to that belief, the CSO may, if the other person fails to stop as required, require him to wait with the CSO, for a period not exceeding thirty minutes, for the arrival of a constable.]

(4) A person who has been required under sub-paragraph (3) [F14 or (3B)] to wait with a person to whom this Part of this Schedule applies may, if requested to do so, elect that (instead of waiting) he will accompany the person imposing the requirement to a police station in the relevant police area.

[F15(4A) If a person has imposed a requirement under sub-paragraph (3) or (3B) on another person (“P”), and P does not make an election under sub-paragraph (4), the person imposing the requirement shall, if a constable arrives within the thirty-minute period, be under a duty to remain with the constable and P until he has transferred control of P to the constable.

(4B) If, following an election under sub-paragraph (4), the person imposing the requirement under sub-paragraph (3) or (3B) (“the CSO”) takes the person upon whom it is imposed (“P”) to a police station, the CSO—

- (a) shall be under a duty to remain at the police station until he has transferred control of P to the custody officer there;
- (b) until he has so transferred control of P, shall be treated for all purposes as having P in his lawful custody; and
- (c) for so long as he is at the police station, or in its immediate vicinity, in compliance with, or having complied with, his duty under paragraph (a), shall be under a duty to prevent P's escape and to assist in keeping P under control.]

(5) A person who—

- (a) F16 .....
- (b) makes off while subject to a requirement under sub-paragraph (3) [F17 or (3B)] , or
- (c) makes off while accompanying a person to a police station in accordance with an election under sub-paragraph (4),

is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(6) In this paragraph “relevant offence”, in relation to a person to whom this paragraph applies, means any offence which is—

(a) a relevant fixed penalty offence for the purposes of the application of paragraph 1 to that person; or

[F18(aa) an offence under section 32(2) of the Anti-social Behaviour Act 2003; or]

[F19(ab) an offence committed in a specified park which by virtue of section 2 of the Parks Regulation (Amendment) Act 1926 is an offence against the Parks Regulation Act 1872; or]

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- [<sup>F20</sup>(ac) an offence under section 3 or 4 of the Vagrancy Act 1824; or  
(ad) an offence under a relevant byelaw; or]  
(b) an offence the commission of which appears to that person to have caused—  
(i) injury, alarm or distress to any other person; or  
(ii) the loss of, or any damage to, any other person’s property;  
but a designation applying this paragraph to any person may provide that an offence is not to be treated as a relevant offence by virtue of paragraph (b) unless it satisfies such other conditions as may be specified in the designation.
- [<sup>F21</sup>(6A) In this paragraph “relevant licensing offence” means an offence under any of the following provisions of the Licensing Act 2003—  
(a) section 141 (otherwise than by virtue of subsection (2)(c) or (3) of that section);  
(b) section 142;  
(c) section 146(1);  
(d) section 149(1)(a), (3)(a) or (4)(a);  
(e) section 150(1);  
(f) section 150(2) (otherwise than by virtue of subsection (3)(b) of that section);  
(g) section 152(1) (excluding paragraph (b)).
- (6B) In this paragraph “relevant byelaw” means a byelaw included in a list of byelaws which—  
(a) have been made by a relevant body with authority to make byelaws for any place within the relevant police area; and  
(b) the chief officer of the police force for the relevant police area and the relevant body have agreed to include in the list.
- (6C) The list must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.
- (6D) A list of byelaws mentioned in sub-paragraph (6B) may be amended from time to time by agreement between the chief officer and the relevant body in question, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6C).
- (6E) A relevant body for the purposes of sub-paragraph (6B) is—  
(a) in England, a county council, a district council, a London borough council or a parish council; or in Wales, a county council, a county borough council or a community council;  
(b) the Greater London Authority;  
(c) Transport for London;  
(d) a metropolitan county passenger transport authority established under section 28 of the Local Government Act 1985;  
(e) any body specified in an order made by the Secretary of State.
- (6F) An order under sub-paragraph (6E)(e) may provide, in relation to any body specified in the order, that the agreement mentioned in sub-paragraph (6B)(b) and (6D) is to be made between the chief officer and the Secretary of State (rather than between the chief officer and the relevant body).]

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(7) <sup>F22</sup> .....

[<sup>F23</sup>(8) The application of any provision of this paragraph by paragraph 3(2), 3A(2) or 7A(8) has no effect unless a designation under this paragraph has applied this paragraph to the CSO in question.]

#### Textual Amendments

- F10** Sch. 4 para. 2(2) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(2)**; S.I. 2005/1521, **art. 3(1)(h)(i)**
- F11** Words in Sch. 4 para. 2(3) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(3)(a)**; S.I. 2005/1521, **art. 3(1)(h)(i)**
- F12** Words in Sch. 4 para. 2(3) added (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(3)(b)**; S.I. 2005/3495, **art. 2(1)(q)(r)**
- F13** Sch. 4 para. 2(3A)(3B) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(4)**; S.I. 2005/1521, **art. 3(1)(h)(i)**
- F14** Words in Sch. 4 para. 2(4) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(5)**; S.I. 2005/1521, **art. 3(1)(h)(i)**
- F15** Sch. 4 para. 2(4A)(4B) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 2**; S.I. 2005/1521, **art. 3(1)(h)(j)**
- F16** Sch. 4 para. 2(5)(a) repealed (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 174, 178, **Sch. 8 para. 3(6)(a)**, **Sch. 17 Pt. 2**; S.I. 2005/1521, **art. 3(1)(h)(i)(cc)(ee)(vii)**
- F17** Words in Sch. 4 para. 2(5)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(6)(b)**; S.I. 2005/1521, **art. 3(1)(h)(i)**
- F18** Sch. 4 para. 2(6)(aa) inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 33(2)**, 93; S.I. 2003/3300, **art. 2(b)**
- F19** Sch. 4 para. 2(6)(ab) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 178, **Sch. 13 para. 13(2)**; S.I. 2005/1521, **art. 3(1)(x)(y)**
- F20** Sch. 4 para. 2(6)(ac)(ad) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(7)**; S.I. 2005/1521, **art. 3(1)(h)(i)**
- F21** Sch. 4 para. 2(6A)-(6F) inserted (1.7.2005 for the insertion of para. 2(6B)-(6F) and 1.1.2006 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(8)**; S.I. 2005/1521, **art. 3(1)(h)(i)**; S.I. 2005/3495, **art. 2(1)(q)(r)**
- F22** Sch. 4 para. 2(7) repealed (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 174, 178, **Sch. 8 para. 3(9)**, **Sch. 17 Pt. 2**; S.I. 2005/1521, **art. 3(1)(h)(i)(cc)(ee)(vii)**
- F23** Sch. 4 para. 2(8) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(10)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

#### Commencement Information

- I2** Sch. 4 para. 2 wholly in force at 23.12.2004; Sch. 4 para. 2 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 2(1)(2)(5) (except sub- paragraphs (b)(c) and (6) in force at 2.12.2002 by S.I. 2002/2750, **art. 2(a)(ii)(b)**; Sch. 4 para. 2(3)(4)(5)(b)(c) in force for specified areas only at 2.12.2002 by S.I. 2002/2750, **art. 3**; Sch. 4 para. 2 in force in so far as not already in force at 23.12.2004 by S.I. 2004/3338, **art. 2(a)**

#### *Powers to search individuals and to seize and retain items*

[<sup>F24</sup>2A(1) Where a designation applies this paragraph to any person, that person shall (subject to sub-paragraph (3)) have the powers mentioned in sub-paragraph (2) in relation to a person upon whom he has imposed a requirement to wait under paragraph 2(3) or (3B) (whether or not that person makes an election under paragraph 2(4)).



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- (2) Those powers are the same powers as a constable has under section 32 of the 1984 Act in relation to a person arrested at a place other than a police station—
- (a) to search the arrested person if the constable has reasonable grounds for believing that the arrested person may present a danger to himself or others; and to seize and retain anything he finds on exercising that power, if the constable has reasonable grounds for believing that the person being searched might use it to cause physical injury to himself or to any other person;
  - (b) to search the arrested person for anything which he might use to assist him to escape from lawful custody; and to seize and retain anything he finds on exercising that power (other than an item subject to legal privilege) if the constable has reasonable grounds for believing that the person being searched might use it to assist him to escape from lawful custody.
- (3) If in exercise of the power conferred by sub-paragraph (1) the person to whom this paragraph applies seizes and retains anything by virtue of sub-paragraph (2), he must—
- (a) tell the person from whom it was seized where inquiries about its recovery may be made; and
  - (b) comply with a constable's instructions about what to do with it.]

#### Textual Amendments

**F24** Sch. 4 para. 2A inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 4](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

#### *Power to require name and address of person acting in an anti-social manner*

- 3 (1) Where a designation applies this paragraph to any person, that person shall, in the relevant police area, have the powers of a constable in uniform under section 50 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)) to give his name and address.
- (2) Sub-paragraphs (3) to (5) of paragraph 2 apply in the case of a requirement imposed by virtue of sub-paragraph (1) as they apply in the case of a requirement under [F25 paragraph 1A(3)] .

#### Textual Amendments

**F25** Words in Sch. 4 para. 3(2) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 5](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

#### Modifications etc. (not altering text)

**C4** Sch. 4 para. 3 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), [art. 2](#), [Sch.](#)

#### Commencement Information

**I3** Sch. 4 para. 3 wholly in force at 23.12.2004; Sch. 4 para. 3 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 3(1) in force at 2.12.2002 by [S.I. 2002/2750](#), [art. 2\(a\)\(ii\)\(c\)](#); Sch. 4 para. 3(2) in force for



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specified areas only at 2.12.2002 by S. I. 2002/2750, **art. 3**; Sch. 4 para. 3(2) in force in so far as not already in force at 23.12.2004 by S.I. 2004/3338, **art. 2(b)**

#### *Power to require name and address: road traffic offences*

[<sup>F26</sup>3A (1) Where a designation applies this paragraph to any person, that person shall, in the relevant police area, have the powers of a constable—

- (a) under subsection (1) of section 165 of the Road Traffic Act 1988 to require a person mentioned in paragraph (c) of that subsection who he has reasonable cause to believe has committed, in the relevant police area, an offence under subsection (1) or (2) of section 35 of that Act (including that section as extended by paragraphs 11B(4) and 12(2) of this Schedule) to give his name and address; and
- (b) under section 169 of that Act to require a person committing an offence under section 37 of that Act (including that section as extended by paragraphs 11B(4) and 12(2) of this Schedule) to give his name and address.

(2) Sub-paragraphs (3) to (5) of paragraph 2 apply in the case of a requirement imposed by virtue of sub-paragraph (1) as they apply in the case of a requirement under paragraph 1A(3).

(3) The reference in section 169 of the Road Traffic Act 1988 to section 37 of that Act is to be taken to include a reference to that section as extended by paragraphs 11B(4) and 12(2) of this Schedule.]

#### **Textual Amendments**

**F26** Sch. 4 para. 3A inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, **Sch. 8 para. 6**; S.I. 2005/1521, **art. 3(1)(h)(i)**

#### **Modifications etc. (not altering text)**

**C5** Sch. 4 para. 3A applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, **Sch.**

#### *Power to use reasonable force to detain person*

4 (1) This paragraph applies where a designation—

- (a) applies this paragraph to a person to whom any or all of paragraphs 1 to 3 are also applied; and
- (b) sets out the matters in respect of which that person has the power conferred by this paragraph.

(2) The matters that may be set out in a designation as the matters in respect of which a person has the power conferred by this paragraph shall be confined to—

- (a) offences that are relevant penalty notice offences for the purposes of the application of paragraph 1 to the designated person;
- (b) offences that are relevant offences [<sup>F27</sup>or relevant licensing offences] for the purposes of the application of paragraph [<sup>F28</sup>1A or] 2 to the designated person; and

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- (c) behaviour that constitutes acting in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)).
- (3) In any case in which a person to whom this paragraph applies has imposed a requirement on any other person under [<sup>F29</sup>paragraph 1A(3)] or 3(1) in respect of anything appearing to him to be a matter set out in the designation, he may use reasonable force to prevent that other person from making off [<sup>F30</sup>and to keep him under control] while he is either—
- (a) subject to a requirement imposed in that case by the designated person under sub-paragraph (3) of paragraph 2; or
  - (b) accompanying the designated person to a police station in accordance with an election made in that case under sub-paragraph (4) of that paragraph.

#### Textual Amendments

- F27** Words in Sch. 4 para. 4(2)(b) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 3\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F28** Words in Sch. 4 para. 4(2)(b) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 7\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)
- F29** Words in Sch. 4 para. 4(3) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 7\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)
- F30** Words in Sch. 4 para. 4(3) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 3\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

#### Commencement Information

- I4** Sch. 4 para. 4 wholly in force at 23.12.2004; Sch. 4 para. 4 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 4 in force for specified areas only at 2.12.2002 by [S.I. 2002/2750](#), [art. 3](#); Sch. 4 para. 4 in force in so far as not already in force at 23.12.2004 by [S.I. 2004/3338](#), [art. 2\(c\)](#)

- [<sup>F31</sup>4ZA] Where a designation applies this paragraph to any person, that person may, if he has imposed a requirement on any person to wait with him under paragraph 2(3B) or by virtue of paragraph 7A(8) or 7C(2)(a), use reasonable force to prevent that other person from making off and to keep him under control while he is either—
- (a) subject to that requirement; or
  - (b) accompanying the designated person to a police station in accordance with an election made under paragraph 2(4).

#### Textual Amendments

- F31** Sch. 4 paras. 4ZA, 4ZB inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 4](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

- 4ZB Where a designation applies this paragraph to any person, that person, if he is complying with any duty under sub-paragraph (4A) or (4B) of paragraph 2, may use reasonable force to prevent P (as identified in those sub-paragraphs) from making off (or escaping) and to keep him under control.]

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#### Textual Amendments

**F31** Sch. 4 paras. 4ZA, 4ZB inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 4](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

#### *Power to disperse groups and remove young persons to their place of residence*

[<sup>F32</sup>4A Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers which, by virtue of an authorisation under section 30 of the Anti-social Behaviour Act 2003, are conferred on a constable in uniform by section 30(3) to (6) of that Act (power to disperse groups and remove persons under 16 to their place of residence).

#### Textual Amendments

**F32** Sch. 4 paras. 4A, 4B inserted (20.1.2004) by Anti-social [Behaviour Act 2003 \(c. 38\)](#), ss. [33\(3\)](#), 93; S.I. 2003/3300, [art. 2\(b\)](#)

#### *Power to disperse groups and remove young persons to their place of residence*

4B (1) Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable under section 15(3) of the Crime and Disorder Act 1998 (power to remove child to their place of residence).

(2) Section 15(1) of that Act shall have effect in relation to the exercise of that power by that person as if the reference to a constable in that section were a reference to that person.

(3) Where that person exercises that power, the duty in section 15(2) of that Act (duty to inform local authority of contravention of curfew notice) is to apply to him as it applies to a constable.]

#### Textual Amendments

**F32** Sch. 4 paras. 4A, 4B inserted (20.1.2004) by Anti-social [Behaviour Act 2003 \(c. 38\)](#), ss. [33\(3\)](#), 93; S.I. 2003/3300, [art. 2\(b\)](#)

#### *Power to remove truants to designated premises etc.*

[<sup>F33</sup>4C Where a designation applies this paragraph to any person, that person shall—

(a) as respects any area falling within the relevant police area and specified in a direction under section 16(2) of the Crime and Disorder Act 1998, but

(b) only during the period specified in the direction,

have the powers conferred on a constable by section 16(3) of that Act (power to remove truant found in specified area to designated premises or to the school from which truant is absent).]

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#### **Textual Amendments**

- F33** Sch. 4 para. 4C inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 8, 53**; [S.I. 2007/709](#), **art. 3(f)** (subject to [arts. 6, 7](#))

#### *Alcohol consumption in designated public places*

5 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers of a constable under section 12 of the Criminal Justice and Police Act 2001 (c. 16) (alcohol consumption in public places)—

- (a) to impose a requirement under subsection (2) of that section; and
- (b) to dispose under subsection (3) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (5) were references to that person.

#### **Modifications etc. (not altering text)**

- C6** Sch. 4 para. 5 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), **art. 2, Sch.**

#### *Power to serve closure notice for licensed premises persistently selling to children*

[<sup>F34</sup>5A Where a designation applies this paragraph to any person, that person shall have—

- (a) within the relevant police area, and
- (b) if it appears to him as mentioned in subsection (7) of section 169A of the Licensing Act 2003 (closure notices served on licensed premises persistently serving children),

the capacity of a constable under that subsection to be the person by whose delivery of a closure notice that notice is served.]

#### **Textual Amendments**

- F34** Sch. 4 para. 5A inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 24(6), 66**; [S.I. 2007/858](#), **art. 2(a)**

#### *Confiscation of alcohol*

6 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (confiscation of intoxicating liquor)—

- (a) to impose a requirement under subsection (1) of that section; and
- (b) to dispose under subsection (2) of that section of anything surrendered to him;

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and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (4) (but not the reference in subsection (5) (arrest)) were references to that person.

**Modifications etc. (not altering text)**

C7 Sch. 4 para. 6 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Confiscation of tobacco etc.*

- 7 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have—
- (a) the power to seize anything that a constable in uniform has a duty to seize under subsection (3) of section 7 of the Children and Young Persons Act 1933 (c. 12) (seizure of tobacco etc. from young persons); and
  - (b) the power to dispose of anything that a constable may dispose of under that subsection;
- and the power to dispose of anything shall be a power to dispose of it in such manner as the police authority may direct.

**Modifications etc. (not altering text)**

C8 Sch. 4 para. 7 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Search and seizure powers: alcohol and tobacco*

- [<sup>F35</sup>7A (1) Where a designation applies this paragraph to any person (“the CSO”), the CSO shall have the powers set out below.
- (2) Where—
- (a) in exercise of the powers referred to in paragraph 5 or 6 the CSO has imposed, under section 12(2) of the Criminal Justice and Police Act 2001 or under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997, a requirement on a person to surrender alcohol or a container for alcohol;
  - (b) that person fails to comply with that requirement; and
  - (c) the CSO reasonably believes that the person has alcohol or a container for alcohol in his possession,
- the CSO may search him for it.
- (3) Where—
- (a) in exercise of the powers referred to in paragraph 7 the CSO has sought to seize something which by virtue of that paragraph he has a power to seize;
  - (b) the person from whom he sought to seize it fails to surrender it; and
  - (c) the CSO reasonably believes that the person has it in his possession,
- the CSO may search him for it.
- (4) The power to search conferred by sub-paragraph (2) or (3)—

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- (a) is to do so only to the extent that is reasonably required for the purpose of discovering whatever the CSO is searching for; and
  - (b) does not authorise the CSO to require a person to remove any of his clothing in public other than an outer coat, jacket or gloves.
- (5) A person who without reasonable excuse fails to consent to being searched is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) A CSO who proposes to exercise the power to search a person under sub-paragraph (2) or (3) must inform him that failing without reasonable excuse to consent to being searched is an offence.
- (7) If the person in question fails to consent to being searched, the CSO may require him to give the CSO his name and address.
- (8) Sub-paragraph (3) of paragraph 2 applies in the case of a requirement imposed by virtue of sub-paragraph (7) as it applies in the case of a requirement under paragraph 1A(3); and sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.
- (9) If on searching the person the CSO discovers what he is searching for, he may seize it and dispose of it.

#### **Textual Amendments**

**F35** Sch. 4 paras. 7A-7C inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 8](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

#### *Powers to seize and detain: controlled drugs*

- [<sup>F35</sup>7B] (1) Where a designation applies this paragraph to any person (“the CSO”), the CSO shall, within the relevant police area, have the powers set out in sub-paragraphs (2) and (3).
- (2) If the CSO—
- (a) finds a controlled drug in a person's possession (whether or not he finds it in the course of searching the person by virtue of a designation under any paragraph of this Schedule); and
  - (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO may seize it and retain it.
- (3) If the CSO—
- (a) finds a controlled drug in a person's possession (as mentioned in sub-paragraph (2)); or
  - (b) reasonably believes that a person is in possession of a controlled drug, and reasonably believes that it is unlawful for the person to be in possession of it, the CSO may require him to give the CSO his name and address.
- (4) If in exercise of the power conferred by sub-paragraph (2) the CSO seizes and retains a controlled drug, he must—
- (a) if the person from whom it was seized maintains that he was lawfully in possession of it, tell the person where inquiries about its recovery may be made; and
  - (b) comply with a constable's instructions about what to do with it.

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- (5) A person who fails to comply with a requirement under sub-paragraph (3) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In this paragraph, “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.]

#### Textual Amendments

**F35** Sch. 4 paras. 7A-7C inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 8](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

#### Modifications etc. (not altering text)

**C9** Sch. 4 para. 7B applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

#### *Powers to seize and detain: controlled drugs*

- 7C (1) Sub-paragraph (2) applies where a designation applies this paragraph to any person (“the CSO”).
- (2) If the CSO imposes a requirement on a person under paragraph 7B(3)—
- (a) sub-paragraph (3) of paragraph 2 applies in the case of such a requirement as it applies in the case of a requirement under paragraph 1A(3); and
  - (b) sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.]

#### Textual Amendments

**F35** Sch. 4 paras. 7A-7C inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 8](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

#### *Park Trading offences*

- [<sup>F36</sup>7D(1) This paragraph applies if—
- (a) a designation applies it to any person (“the CSO”), and
  - (b) the CSO has under paragraph 2(3) required another person (“P”) to wait with him for the arrival of a constable.
- (2) If the CSO reasonably suspects that P has committed a park trading offence, the CSO may take possession of anything of a non-perishable nature which—
- (a) P has in his possession or under his control, and
  - (b) the CSO reasonably believes to have been used in the commission of the offence.
- (3) The CSO may retain possession of the thing in question for a period not exceeding 30 minutes unless P makes an election under paragraph 2(4), in which case the CSO may retain possession of the thing in question until he is able to transfer control of it to a constable.



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- (4) In this paragraph “park trading offence” means an offence committed in a specified park which is a park trading offence for the purposes of the Royal Parks (Trading) Act 2000.]

**Textual Amendments**

**F36** Sch. 4 para. 7D inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 161, 178, [Sch. 13 para. 13\(3\)](#); S.I. 2005/1521, [art. 3\(1\)\(x\)\(y\)](#)

*Entry to save life or limb or prevent serious damage to property*

- 8 Where a designation applies this paragraph to any person, that person shall have the powers of a constable under section 17 of the 1984 Act to enter and search any premises in the relevant police area for the purpose of saving life or limb or preventing serious damage to property.

**Modifications etc. (not altering text)**

**C10** Sch. 4 para. 8 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Entry to investigate licensing offences*

- [<sup>F37</sup>8A (1) Where a designation applies this paragraph to any person, that person shall have the powers of a constable under section 180 of the Licensing Act 2003 to enter and search premises other than clubs in the relevant police area, but only in respect of a relevant licensing offence (as defined for the purposes of paragraph 2).
- (2) Except as mentioned in sub-paragraph (3), a person to whom this paragraph applies shall not, in exercise of the power conferred by sub-paragraph (1), enter any premises except in the company, and under the supervision, of a constable.
- (3) The prohibition in sub-paragraph (2) does not apply in relation to premises in respect of which the person to whom this paragraph applies reasonably believes that a premises licence under Part 3 of the Licensing Act 2003 authorises the sale of alcohol for consumption off the premises.]

**Textual Amendments**

**F37** Sch. 4 para. 8A inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 9](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

*Seizure of vehicles used to cause alarm etc.*

- 9 (1) Where a designation applies this paragraph to any person—
- (a) that person shall, within the relevant police area, have all the powers of a constable in uniform under section 59 of this Act which are set out in subsection (3) of that section; and
  - (b) references in that section to a constable, in relation to the exercise of any of those powers by that person, are references to that person.

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- (2) A person to whom this paragraph applies shall not enter any premises in exercise of the power conferred by section 59(3)(c) except in the company, and under the supervision, of a constable.

**Modifications etc. (not altering text)**

- C11** Sch. 4 para. 9 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, **Sch.**

*Abandoned vehicles*

- 10 Where a designation applies this paragraph to any person, that person shall have any such powers in the relevant police area as are conferred on persons designated under that section by regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) (removal of abandoned vehicles).

**Modifications etc. (not altering text)**

- C12** Sch. 4 para. 10 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, **Sch.**

*Power to stop vehicle for testing*

- 11 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable in uniform to stop a vehicle under subsection (3) of section 67 of the Road Traffic Act 1988 (c. 52) for the purposes of a test under subsection (1) of that section.

*Power to stop cycles*

- [<sup>F38</sup>11A(1) Subject to sub-paragraph (2), where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable in uniform under section 163(2) of the Road Traffic Act 1988 to stop a cycle.

- (2) The power mentioned in sub-paragraph (1) may only be exercised by that person in relation to a person who he has reason to believe has committed an offence under section 72 of the Highway Act 1835 (riding on a footway) by cycling.]

**Textual Amendments**

- F38** Sch. 4 para. 11A inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 89(3), 93; [S.I. 2003/3300](#), art. 2(f)(iv)

**Modifications etc. (not altering text)**

- C13** Sch. 4 para. 11A applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, **Sch.**

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*Power to control traffic for purposes other than escorting a load of exceptional dimensions*

- [<sup>F39</sup>11B(1) Where a designation applies this paragraph to any person, that person shall have, in the relevant police area—
- (a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;
  - (b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.
- (2) The purposes for which those powers may be exercised do not include the purpose mentioned in paragraph 12(1).
- (3) Where a designation applies this paragraph to any person, that person shall also have, in the relevant police area, the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.
- (4) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (3), for the purposes for which they may be exercised and by a person whose designation applies this paragraph to him, as if the references to a constable were references to him.
- (5) A designation may not apply this paragraph to any person unless a designation also applies paragraph 3A to him.]

**Textual Amendments**

**F39** Sch. 4 para. 11B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 10](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

**Modifications etc. (not altering text)**

**C14** Sch. 4 para. 11B applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Power to control traffic for purposes of escorting a load of exceptional dimensions*

- 12 (1) Where a designation applies this paragraph to any person, that person shall have, for the purpose of escorting a vehicle or trailer carrying a load of exceptional dimensions either to or from the relevant police area, the power of a constable engaged in the regulation of traffic in a road—
- (a) to direct a vehicle to stop;
  - (b) to make a vehicle proceed in, or keep to, a particular line of traffic; and
  - (c) to direct pedestrians to stop.
- (2) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of those powers for the purpose mentioned in sub-paragraph (1) by a person whose designation applies this paragraph to him as if the

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references to a constable engaged in regulation of traffic in a road were references to that person.

- (3) The powers conferred by virtue of this paragraph may be exercised in any police area in England and Wales.
- (4) In this paragraph “vehicle or trailer carrying a load of exceptional dimensions” means a vehicle or trailer the use of which is authorised by an order made by the Secretary of State under section 44(1)(d) of the Road Traffic Act 1988.

#### *Carrying out of road checks*

- 13 Where a designation applies this paragraph to any person, that person shall have the following powers in the relevant police area—
- (a) the power to carry out any road check the carrying out of which by a police officer is authorised under section 4 of the 1984 Act (road checks); and
  - (b) for the purpose of exercising that power, the power conferred by section 163 of the Road Traffic Act 1988 (c. 52) (power of police to stop vehicles) on a constable in uniform to stop a vehicle.

#### **Modifications etc. (not altering text)**

**C15** Sch. 4 para. 13 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, **Sch.**

#### *Power to place traffic signs*

- [<sup>F40</sup>13A(1) Where a designation applies this paragraph to any person, that person shall have, in the relevant police area, the powers of a constable under section 67 of the Road Traffic Regulation Act 1984 to place and maintain traffic signs.
- (2) Section 36 of the Road Traffic Act 1988 (drivers to comply with traffic directions) shall apply to signs placed in the exercise of the powers conferred by virtue of subparagraph (1).]

#### **Textual Amendments**

**F40** Sch. 4 para. 13A inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, **Sch. 8 para. 11**; S.I. 2005/1521, art. 3(1)(h)(i)

#### **Modifications etc. (not altering text)**

**C16** Sch. 4 para. 13A applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, **Sch.**

#### *Cordoned areas*

- 14 Where a designation applies this paragraph to any person, that person shall, in relation to any cordoned area in the relevant police area, have all the powers of a constable in uniform under section 36 of the Terrorism Act 2000 (c. 11) (enforcement of cordoned area) to give orders, make arrangements or impose prohibitions or restrictions.

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**Modifications etc. (not altering text)**

**C17** Sch. 4 para. 14 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Power to stop and search vehicles etc. in authorised areas*

- 15 (1) Where a designation applies this paragraph to any person—
- (a) that person shall, in any authorised area within the relevant police area, have all the powers of a constable in uniform by virtue of section 44(1)(a) and (d) and (2)(b) and 45(2) of the Terrorism Act 2000 (powers of stop and search)—
    - (i) to stop and search vehicles;
    - (ii) to search anything in or on a vehicle or anything carried by the driver of a vehicle or any passenger in a vehicle;
    - (iii) to search anything carried by a pedestrian; and
    - (iv) to seize and retain any article discovered in the course of a search carried out by him or by a constable by virtue of any provision of section 44(1) or (2) of that Act;
  - and
  - (b) the references to a constable in subsections (1) and (4) of section 45 of that Act (which relate to the exercise of those powers) shall have effect in relation to the exercise of any of those powers by that person as references to that person.
- (2) A person shall not exercise any power of stop, search or seizure by virtue of this paragraph except in the company, and under the supervision, of a constable.

**Modifications etc. (not altering text)**

**C18** Sch. 4 para. 15 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Photographing of persons arrested, detained or given fixed penalty notices*

- [<sup>F41</sup>15ZA Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc.) to take a photograph of a person elsewhere than at a police station.]

**Textual Amendments**

**F41** Sch. 4 para. 15ZA inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 12](#); [S.I. 2005/3495](#), [art. 2\(1\)\(q\)\(r\)](#)

**Modifications etc. (not altering text)**

**C19** Sch. 4 para. 15ZA applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

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### Power to modify paragraph <sup>F43</sup>1(2A)]

<sup>F42</sup><sup>F44</sup><sup>F41</sup>(1) The Secretary of State may by order amend paragraph 1(2A) so as to remove a provision from the list or add a provision to the list; but the list must contain only provisions mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001.]

(2) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this paragraph unless a draft of that order has been laid before Parliament and approved by a resolution of each House.]

#### Textual Amendments

- F42** Sch. 4 para. 15A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 89(4), 93; S.I. 2003/3300, art. 2(f)(iv)
- F43** Words in Sch. 4 para. 15A heading substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(3)(b), 178; S.I. 2005/1521, art. 3(1)(h); S.I. 2005/2026, art. 2(d)
- F44** Sch. 4 para. 15A(1) substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(3)(b), 178; S.I. 2005/1521, art. 3(1)(h); S.I. 2005/2026, art. 2(d)

## PART 2

### INVESTIGATING OFFICERS

#### Search warrants

- 16 Where a designation applies this paragraph to any person—
- he may apply as if he were a constable for a warrant under section 8 of the 1984 Act (warrants for entry and search) in respect of any premises <sup>F45</sup>whether in the relevant police area or not];
  - the persons to whom a warrant to enter and search any such premises may be issued under that section shall include that person;
  - that person shall have the power of a constable under section 8(2) of that Act in any premises in the relevant police area to seize and retain things for which a search has been authorised under subsection (1) of that section;
  - section 15 of that Act (safeguards) shall have effect in relation to the issue of such a warrant to that person as it has effect in relation to the issue of a warrant under section 8 of that Act to a constable;
  - section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued (whether to that person or to any other person) <sup>F46</sup>, but in respect of premises in the relevant police area only,] as if references in that section to a constable included references to that person;
  - section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (c) as it has effect in relation to the seizure of anything by a constable;



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- (g) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by virtue of sub-paragraph (c) as it applies in relation to the power of seizure conferred on a constable by section 8(2) of that Act;
- (h) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (c) as if the references to a constable and to an officer included references to that person; and
- (i) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power, or taken away by him following the imposition of a requirement by virtue of sub-paragraph (g)—
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 8(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and
  - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

#### Textual Amendments

- F45** Words in Sch. 4 para. 16(a) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 13\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)
- F46** Words in Sch. 4 para. 16(e) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 13\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

- [<sup>F47</sup>16A Where a designation applies this paragraph to any person—
- (a) the persons to whom a warrant may be addressed under section 26 of the Theft Act 1968 (search for stolen goods) shall, in relation to persons or premises in the relevant police area, include that person; and
  - (b) in relation to such a warrant addressed to him, that person shall have the powers under subsection (3) of that section.

#### Textual Amendments

- F47** Sch. 4 paras. 16A, 16B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 14](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

- 16B Where a designation applies this paragraph to any person, subsection (3), and (to the extent that it applies subsection (3)) subsection (3A), of section 23 of the Misuse of Drugs Act 1971 (powers to search and obtain evidence) shall have effect as if, in relation to premises in the relevant police area, the reference to a constable included a reference to that person.]

#### Textual Amendments

- F47** Sch. 4 paras. 16A, 16B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 14](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)



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### *Access to excluded and special procedure material*

- 17 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under section 9(1) of the 1984 Act (special provisions for access) to obtain access, in accordance with Schedule 1 to that Act and the following provisions of this paragraph, to excluded material and special procedure material;
  - (b) that Schedule shall have effect for the purpose of conferring those powers on that person as if —
    - (i) the references in paragraphs 1, 4, 5, 12 and 13 of that Schedule to a constable were references to that person; and
    - (ii) the references in paragraphs 12 and 14 of that Schedule to premises were references to premises in the relevant police area [<sup>F48</sup>(in the case of a specific premises warrant) or any premises, whether in the relevant police area or not (in the case of an all premises warrant)];
  - [<sup>F49</sup>(bb) section 15 of that Act (safeguards) shall have effect in relation to the issue of any warrant under paragraph 12 of that Schedule to that person as it has effect in relation to the issue of a warrant under that paragraph to a constable;
  - (bc) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued under paragraph 12 of that Schedule (whether to that person or to any other person) [<sup>F50</sup>, but in respect of premises in the relevant police area only,] as if references in that section to a constable included references to that person;]
  - (c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as it has effect in relation to the seizure of anything under that paragraph by a constable;
  - (d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by paragraph 13 of Schedule 1 to that Act as it applies in relation to the power of seizure conferred on a constable by that paragraph;
  - (e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as if the references to a constable and to an officer included references to that person; and
  - (f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d), and to anything produced to him under paragraph 4(a) of Schedule 1 to that Act—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by paragraph 13 of that Schedule or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act or, as the case may be, to anything produced to a constable under paragraph 4(a) of that Schedule; and

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- (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

#### Textual Amendments

- F48** Words in Sch. 4 para. 17(b)(ii) added (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 15\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)
- F49** Sch. 4 para. 17(bb)(bc) inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, [Sch. 1 para. 17](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F50** Words in Sch. 4 para. 17(bc) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 15\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

#### *Entry and search after arrest*

- 18 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under section 18 of the 1984 Act (entry and search after arrest) to enter and search any premises in the relevant police area and to seize and retain anything for which he may search under that section;
  - (b) subsections (5) and (6) of that section (power to carry out search before arrested person taken to police station and duty to inform senior officer) shall have effect in relation to any exercise by that person of those powers as if the references in those subsections to a constable were references to that person;
  - (c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
  - (d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by virtue of sub-paragraph (a) as it applies in relation to the power of seizure conferred on a constable by section 18(2) of that Act;
  - (e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
  - (f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d)—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 18(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and
    - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

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VALID FROM 31/03/2008

### *Entry and search for evidence of nationality after arrest*

- [<sup>F51</sup>18A Where a designation applies this paragraph to any person—
- (a) sections 44 to 46 of the UK Borders Act 2007 (entry, search and seizure after arrest) shall apply to that person (with any necessary modifications) as if a reference to a constable included a reference to that person, and
  - (b) a provision of the 1984 Act which applies to constables in connection with any of those sections shall apply (with any necessary modifications) to that person.]

### **Textual Amendments**

**F51** Sch. 4 para. 18A inserted (31.3.2008) by UK Borders Act 2007 (c. 30), ss. 47, 59; S.I. 2008/309, art. 3(b) (subject to art. 6)

### *General power of seizure*

- 19 Where a designation applies this paragraph to any person—
- (a) he shall, when lawfully on any premises in the relevant police area, have the same powers as a constable under section 19 of the 1984 Act (general powers of seizure) to seize things;
  - (b) he shall also have the powers of a constable to impose a requirement by virtue of subsection (4) of that section in relation to information accessible from such premises;
  - (c) subsection (6) of that section (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
  - (d) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
  - (e) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 19(2) or (3) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 19(4) of that Act; and
    - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

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### *Access and copying in the case of things seized by constables*

- 20 Where a designation applies this paragraph to any person, section 21 of the 1984 Act (access and copying) shall have effect in relation to anything seized in the relevant police area by a constable [<sup>F52</sup>or by a person authorised to accompany him under section 16(2) of that Act] as if the references to a constable in subsections (3), (4) and (5) of section 21 (supervision of access and photographing of seized items) included references to a person to whom this paragraph applies.

#### **Textual Amendments**

**F52** Words in Sch. 4 para. 20 inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, Sch. 1 para. 18; S.I. 2004/81, art. 2(1)(2)(a)

### *Arrest at a police station for another offence*

- 21 (1) Where a designation applies this paragraph to any person, he shall have the power to make an arrest at any police station in the relevant police area in any case where an arrest—
- (a) is required to be made under section 31 of the 1984 Act (arrest for a further offence of a person already at a police station); or
  - (b) would be so required if the reference in that section to a constable included a reference to a person to whom this paragraph applies.
- (2) Section 36 of the Criminal Justice and Public Order Act 1994 (c. 33) (consequences of failure by arrested person to account for objects etc.) shall apply (without prejudice to the effect of any designation applying paragraph 23) in the case of a person arrested in exercise of the power exercisable by virtue of this paragraph as it applies in the case of a person arrested by a constable.

### *Power to transfer persons into custody of investigating officers*

- 22 (1) Where a designation applies this paragraph to any person, the custody officer for a designated police station in the relevant police area may transfer or permit the transfer to him of a person in police detention for an offence which is being investigated by the person to whom this paragraph applies.
- (2) A person into whose custody another person is transferred under sub-paragraph (1)—
- (a) shall be treated for all purposes as having that person in his lawful custody;
  - (b) shall be under a duty [<sup>F53</sup>to keep that person under control and] to prevent his escape; and
  - (c) shall be entitled to use reasonable force to keep that person in his custody [<sup>F54</sup>and under his control] .
- (3) Where a person is transferred into the custody of a person to whom this paragraph applies, in accordance with sub-paragraph (1), subsections (2) and (3) of section 39 of the 1984 Act shall have effect as if—
- (a) references to the transfer of a person in police detention into the custody of a police officer investigating an offence for which that person is in police detention were references to that person's transfer into the custody of the person to whom this paragraph applies; and

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- (b) references to the officer to whom the transfer is made and to the officer investigating the offence were references to the person to whom this paragraph applies.

#### Textual Amendments

- F53** Words in Sch. 4 para. 22(2)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, Sch. 9 para. 5(a); S.I. 2005/1521, art. 3(1)(h)(j)
- F54** Words in Sch. 4 para. 22(2)(c) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, Sch. 9 para. 5(b); S.I. 2005/1521, art. 3(1)(h)(j)

#### *Powers in respect of detained persons*

- [<sup>F55</sup>22A Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—
- (a) to assist any officer or other designated person to keep any person detained at the police station under control; and
- (b) to prevent the escape of any such person,
- and for those purposes shall be entitled to use reasonable force.]

#### Textual Amendments

- F55** Sch. 4 para. 22A inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, Sch. 9 para. 6; S.I. 2005/1521, art. 3(1)(h)(j)

#### *Power to require arrested person to account for certain matters*

- 23 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under sections 36(1)(c) and 37(1)(c) of the Criminal Justice and Public Order Act 1994 (c. 33) to request a person who—
- (i) has been arrested by a constable, or by any person to whom paragraph 21 applies, and
- (ii) is detained at any place in the relevant police area,
- to account for the presence of an object, substance or mark or for the presence of the arrested person at a particular place; and
- (b) the references to a constable in sections 36(1)(b) and (c) and (4) and 37(1)(b) and (c) and (3) of that Act shall have effect accordingly as including references to the person to whom this paragraph is applied.

#### *Extended powers of seizure*

- 24 Where a designation applies this paragraph to any person—
- (a) the powers of a constable under Part 2 of the Criminal Justice and Police Act 2001 (c. 16) (extension of powers of seizure) that are exercisable in the case of a constable by reference to a power of a constable that is conferred on that person by virtue of the provisions of this Part of this Schedule shall be exercisable by that person by reference to that power to the same extent

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as in the case of a constable but in relation only to premises in the relevant police area and things found on any such premises; and

- (b) section 56 of that Act (retention of property seized by a constable) shall have effect as if the property referred to in subsection (1) of that section included property seized by that person at any time when he was lawfully on any premises in the relevant police area.

*Persons accompanying investigating officers*

- [<sup>F56</sup>24A(1) This paragraph applies where a person (“an authorised person”) is authorised by virtue of section 16(2) of the 1984 Act to accompany an investigating officer designated for the purposes of paragraph 16 (or 17) in the execution of a warrant.
- (2) The reference in paragraph 16(h) (or 17(e)) to the seizure of anything by a designated person in exercise of a particular power includes a reference to the seizure of anything by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
- (3) In relation to any such seizure, paragraph 16(h) (or 17(e)) is to be read as if it provided for the references to a constable and to an officer in section 21(1) and (2) of the 1984 Act to include references to the authorised person.
- (4) The reference in paragraph 16(i) (or 17(f)) to anything seized by a designated person in exercise of a particular power includes a reference to anything seized by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
- (5) In relation to anything so seized, paragraph 16(i)(ii) (or 17(f)(ii)) is to be read as if it provided for—
- (a) the references to the supervision of a constable in subsections (3) and (4) of section 21 of the 1984 Act to include references to the supervision of a person designated for the purposes of paragraph 16 (or paragraph 17), and
- (b) the reference to a constable in subsection (5) of that section to include a reference to such a person or an authorised person accompanying him.
- (6) Where an authorised person accompanies an investigating officer who is also designated for the purposes of paragraph 24, the references in sub-paragraphs (a) and (b) of that paragraph to the designated person include references to the authorised person.]

**Textual Amendments**

**F56** Sch. 4 para. 24A inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, [Sch. 1 para. 19](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)

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### PART 3

#### DETENTION OFFICERS

##### *Attendance at police station for fingerprinting*

- 25 Where a designation applies this paragraph to any person, he shall, in respect of police stations in the relevant police area, have the power of a constable under section 27(1) of the 1984 Act (fingerprinting of suspects) to require a person to attend a police station in order to have his fingerprints taken.

##### *Non-intimate searches of detained persons*

- 26 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54 of the 1984 Act (non-intimate searches of detained persons)—
- (a) to carry out a search under that section of any person at a police station in the relevant police area or of any other person otherwise in police detention in that area; and
  - (b) to seize or retain, or cause to be seized or retained, anything found on such a search.
- (2) Subsections (6C) and (9) of section 54 of that Act (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this paragraph as they apply to the exercise of the power in question by a constable.

##### *Searches and examinations to ascertain identity*

- 27 Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54A of the 1984 Act (searches and examinations to ascertain identity)—
- (a) to carry out a search or examination at any police station in the relevant police area; and
  - (b) to take a photograph at any such police station of an identifying mark.

VALID FROM 14/12/2009

##### *Searches of persons answering to live link bail*

- [<sup>F57</sup>27A(1) Where a designation applies this paragraph to any person, that person has the powers of a constable under section 54B of the 1984 Act (searches of persons answering to live link bail)—
- (a) to carry out a search of any person attending a police station in the relevant police area; and
  - (b) to seize or retain articles found on such a search.
- (2) Anything seized by a person under the power conferred by sub-paragraph (1) must be delivered to a constable as soon as practicable and in any case before the person from whom the thing was seized leaves the police station.]



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### Textual Amendments

**F57** Sch. 4 para. 27A inserted (in regard to specified local justice areas on 14.12.2009 and 3.10.2011) by Coroners and Justice Act 2009 (c. 25), ss. 108(3), 182, (with s. 180, Sch. 22); S.I. 2009/3253, art. 3; S.I. 2011/2148, art. 2

### *Intimate searches of detained persons*

- 28 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable by virtue of section 55(6) of the 1984 Act (intimate searches) to carry out an intimate search of a person at any police station in the relevant police area.
- (2) Subsection (7) of section 55 of that Act (no intimate search to be carried out by a constable of the opposite sex) shall apply to the exercise by a person to whom this paragraph applies of any power exercisable by virtue of this paragraph as it applies to the exercise of the power in question by a constable.

### *Fingerprinting without consent*

- 29 Where a designation applies this paragraph to any person—
- (a) he shall have, at any police station in the relevant police area, the power of a constable under section 61 of the 1984 Act (fingerprinting) to take fingerprints without the appropriate consent; and
  - (b) the requirement by virtue of subsection (7A)(a) of that section that a person must be informed by an officer that his fingerprints may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.

### *Warnings about intimate samples*

- 30 Where a designation applies this paragraph to any person, the requirement by virtue of section 62(7A)(a) of the 1984 Act (intimate samples) that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search shall be capable of being discharged, in the case of a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies.

### *Non-intimate samples*

- 31 Where a designation applies this paragraph to any person—
- (a) he shall have the power of a constable under section 63 of the 1984 Act (non-intimate samples), in the case of a person in a police station in the relevant police area, to take a non-intimate sample without the appropriate consent;
  - (b) the requirement by virtue of subsection (6) of that section (information about authorisation) that a person must be informed by an officer of the matters mentioned in that subsection shall be capable of being discharged, in the case of an authorisation in relation to a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies; and

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- (c) the requirement by virtue of subsection (8B)(a) of that section that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search shall be capable of being discharged, in the case of a person in such a police station, by his being so informed by the person to whom this paragraph applies.

#### *Attendance at police station for the taking of a sample*

- 32 Where a designation applies this paragraph to any person, he shall, as respects any police station in the relevant police area, have the power of a constable under subsection (4) of section 63A of the 1984 Act (supplementary provisions relating to fingerprints and samples) to require a person to attend a police station in order to have a sample taken.

#### *Photographing persons in police detention*

- 33 Where a designation applies this paragraph to any person, he shall, at police stations in the relevant police area, have the power of a constable under section 64A of the 1984 Act (photographing of suspects etc.) to take a photograph of a person detained at a police station.

#### *Taking of impressions of footwear*

- [<sup>F58</sup>33A Where a designation applies this paragraph to any person—
- (a) he shall, at any police station in the relevant police area, have the powers of a constable under section 61A of the 1984 Act (impressions of footwear) to take impressions of a person's footwear without the appropriate consent; and
- (b) the requirement by virtue of section 61A(5)(a) of the 1984 Act that a person must be informed by an officer that an impression of his footwear may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.]

#### **Textual Amendments**

**F58** Sch. 4 para. 33A inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 16](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

#### *Powers in respect of detained persons*

- [<sup>F59</sup>33B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—
- (a) to keep under control any person detained at the police station and for whom he is for the time being responsible;
- (b) to assist any officer or other designated person to keep any other person detained at the police station under control; and
- (c) to prevent the escape of any such person as is mentioned in paragraph (a) or (b),
- and for those purposes shall be entitled to use reasonable force.

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**Textual Amendments**

**F59** Sch. 4 paras. 33B, 33C inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 7](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

33C Where a designation applies this paragraph to any person, he shall be entitled to use reasonable force when—

- (a) securing, or assisting an officer or another designated person to secure, the detention of a person detained at a police station in the relevant police area, or
- (b) escorting within a police station in the relevant police area, or assisting an officer or another designated person to escort within such a police station, a person detained there.]

**Textual Amendments**

**F59** Sch. 4 paras. 33B, 33C inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 7](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

[<sup>F60</sup>33D Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—

- (a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;
- (b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.]

**Textual Amendments**

**F60** Sch. 4 para. 33D inserted (1.1.2006) by [Drugs Act 2005 \(c. 17\)](#), ss. [5\(2\)\(a\)](#), 24; S.I. 2005/3053, [art. 3\(c\)](#)

## PART 4

### ESCORT OFFICERS

#### *Power to take an arrested person to a police station*

- 34 (1) Where a designation applies this paragraph to any person—
- (a) the persons who, in the case of a person arrested by a constable in the relevant police area, are authorised for the purposes of [<sup>F61</sup>subsection (1A) of section 30] of the 1984 Act (procedure on arrest of person elsewhere than at a police station) to take the person arrested to a police station in that area shall include that person;
  - (b) that section shall have effect in relation to the exercise by that person of the power conferred by virtue of paragraph (a) as if the references to a constable in subsections (3), (4)(a) and (10) (but not the references in subsections (5) to (9)) included references to that person; and

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- (c) a person who is taking another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
    - (i) shall be treated for all purposes as having that person in his lawful custody;
    - (ii) shall be under a duty [<sup>F62</sup>to keep the person under control and] to prevent his escape; and
    - (iii) shall be entitled to use reasonable force to keep that person in his charge [<sup>F63</sup>and under his control] .
  - [<sup>F64</sup>(d) a person who has taken another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
    - (i) shall be under a duty to remain at the police station until he has transferred control of the other person to the custody officer at the police station;
    - (ii) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;
    - (iii) for so long as he is at the police station or in its immediate vicinity in compliance with, or having complied with, his duty under sub-paragraph (i), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and
    - (iv) shall be entitled to use reasonable force for the purpose of complying with his duty under sub-paragraph (iii).]
- (2) Without prejudice to any designation under paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (1) of this paragraph—
- (a) he shall have the same powers under subsections (6A) and (6B) of section 54 of the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—
    - (i) to carry out a search of the other person; and
    - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
  - (b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

#### Textual Amendments

- F61** Words in Sch. 4 para. 34(1)(a) substituted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 12, 336, Sch. 1 para. 20](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F62** Words in Sch. 4 para. 34(1)(c)(ii) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 9 para. 8\(2\)\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F63** Words in Sch. 4 para. 34(1)(c)(iii) added (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 9 para. 8\(2\)\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F64** Sch. 4 para. 34(1)(d) added (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 9 para. 8\(3\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

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*Escort of persons in police detention*

- 35 (1) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station in the relevant police area to escort a person in police detention—
- (a) from that police station to another police station in that or any other police area; or
  - (b) from that police station to any other place specified by the custody officer and then either back to that police station or on to another police station in that area or in another police area.
- (2) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station outside the relevant police area to escort a person in police detention—
- (a) from that police station to a designated police station in that area; or
  - (b) from that police station to any place in that area specified by the custody officer and either back to that police station or on to another police station (whether in that area or elsewhere).
- (3) A person who is escorting another in accordance with an authorisation under sub-paragraph (1) or (2)—
- (a) shall be treated for all purposes as having that person in his lawful custody;
  - (b) shall be under a duty [<sup>F65</sup>to keep the person under control and] to prevent his escape; and
  - (c) shall be entitled to use reasonable force to keep that person in his charge [<sup>F66</sup>and under his control] .
- [<sup>F67</sup>(3A) A person who has escorted another person to a police station or other place in accordance with an authorisation under sub-paragraph (1) or (2) —
- (a) shall be under a duty to remain at the police station or other place until he has transferred control of the other person to a custody officer or other responsible person there;
  - (b) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;
  - (c) for so long as he is at the police station or other place, or in its immediate vicinity, in compliance with, or having complied with, his duty under paragraph (a), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and
  - (d) shall be entitled to use reasonable force for the purpose of complying with his duty under paragraph (c).]

(4) Without prejudice to any designation under paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (3) of this paragraph—

    - (a) he shall have the same powers under subsections (6A) and (6B) of section 54 the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—
      - (i) to carry out a search of the other person; and
      - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
    - (b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of

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any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

- (5) Section 39(2) of that Act (responsibilities of custody officer transferred to escort) shall have effect where the custody officer for any police station transfers or permits the transfer of any person to the custody of a person who by virtue of this paragraph has lawful custody outside the police station of the person transferred as it would apply if the person to whom this paragraph applies were a police officer.

#### Textual Amendments

- F65** Words in Sch. 4 para. 35(3)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 9(2)(a)**; S.I. 2005/1521, **art. 3(1)(h)(j)**
- F66** Words in Sch. 4 para. 35(3)(c) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 9(2)(b)**; S.I. 2005/1521, **art. 3(1)(h)(j)**
- F67** Sch. 4 para. 35(3A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 9(3)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

## PART 4A

### STAFF CUSTODY OFFICERS

PROSPECTIVE

#### *Exercise of functions of custody officers*

- 35A (1) Where a designation applies this paragraph to any person, he may (subject to sub-paragraph (2)) perform all the functions of a custody officer under the 1984 Act (except those under section 45A(4) of that Act) and under any other enactment which confers functions on such a custody officer.
- (2) But in relation to a police station designated under section 35(1) of the 1984 Act, the person must first also be appointed a custody officer for that police station under section 36(2) of that Act.
- (3) A person performing the functions of a custody officer by virtue of a designation under this paragraph (together with, if appropriate, an appointment as such) shall have all the powers and duties of a custody officer.
- (4) Except in sections 36 and 45A(4) of the 1984 Act, references in any enactment to a custody officer within the meaning of that Act include references to a person performing the functions of a custody officer by virtue of a designation under this paragraph.

#### *Powers in respect of detained persons*

- 35B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—
- (a) to keep under control any person detained at the police station and for whom he is for the time being responsible;

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- (b) to assist any officer or other designated person to keep any other person detained at the police station under control; and
  - (c) to prevent the escape of any such person as is mentioned in paragraph (a) or (b),
- and for those purposes shall be entitled to use reasonable force.

- 35C Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—
- (a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;
  - (b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.

## PART 5

### INTERPRETATION OF SCHEDULE

- 36 (1) In this Schedule “the relevant police area”—
- (a) in relation to a designation under section 38 or 39 by the chief officer of any police force, means the police area for which that force is maintained; <sup>F68</sup> . . .
  - (b) <sup>F68</sup> . . . . .
- (2) In this Schedule “a designation” means a designation under section 38.
- (3) In Parts 3 and 4 of this Schedule “a designation” also includes a designation under section 39.
- [<sup>F69</sup>(3A) In this Schedule “specified park” has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.]
- (4) Expressions used in this Schedule and in the 1984 Act have the same meanings in this Schedule as in that Act.

#### Textual Amendments

- F68** Sch. 4 para. 36(1)(b) and preceding word repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, Sch. 4 para. 190, [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 12, 13(oo) (subject to [art. 4\(2\)-\(7\)](#))
- F69** Sch. 4 para. 36(3A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 161, 178, [Sch. 13 para. 13\(4\)](#); S.I. 2005/1521, [art. 3\(1\)\(x\)\(y\)](#)



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