

Changes to legislation: Police Reform Act 2002, Part 4 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}SCHEDULE 4

[^{F1}POWERS EXERCISABLE BY CONTRACTED-OUT STAFF]

Textual Amendments

- F1** Sch. 4 heading substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 5(2)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)

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 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 [^{F1}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
 - (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 [^{F2}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 [^{F3}and under his control] .
- [^{F4}(d) a person who has taken another person to a police station in exercise of the power conferred by virtue of paragraph (a)—

Changes to legislation: *Police Reform Act 2002, Part 4 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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 [^{F5}application of] 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

- F1** 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\(1\)\(2\)\(a\)](#)
- F2** 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\(1\)\(h\)\(j\)](#)
- F3** 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\(1\)\(h\)\(j\)](#)
- F4** 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\(1\)\(h\)\(j\)](#)
- F5** Words in Sch. 4 para. 34(2) substituted (1.12.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 9, 53, [Sch. 5 para. 5\(10\)](#); S.I. 2007/3203, [art. 2\(c\)](#)

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.

Changes to legislation: *Police Reform Act 2002, Part 4 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) 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 [^{F6}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 [^{F7}and under his control] .
- [^{F8}(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 [^{F9}application of] 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 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.

Changes to legislation: Police Reform Act 2002, Part 4 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F6** 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\(1\)\(h\)\(j\)](#)
- F7** 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\(1\)\(h\)\(j\)](#)
- F8** 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\(1\)\(h\)\(j\)](#)
- F9** Words in Sch. 4 para. 35(4) substituted (1.12.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 9, 53, [Sch. 5 para. 5\(10\)](#); S.I. 2007/3203, [art. 2\(c\)](#)

Changes to legislation:

Police Reform Act 2002, Part 4 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

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

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