



Police Reform Act 2002

2002 CHAPTER 30

PART 4

POLICE POWERS ETC.

CHAPTER 1

EXERCISE OF POLICE POWERS ETC. BY CIVILIANS

39 Police powers for contracted-out staff

- (1) This section applies if a [^{F1}local policing body] has entered into a contract with a person (“the contractor”) for the provision of services relating to the detention or escort of persons who have been arrested or are otherwise in custody.
- (2) The chief officer of police of the police force maintained by that [^{F1}local policing body] may designate any person who is an employee of the contractor as either or both of the following—
 - (a) a detention officer; or
 - (b) an escort officer.
- (3) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.
- (4) A chief officer of police shall not designate a person under this section unless he is satisfied that that person—
 - (a) is a suitable person to carry out the functions for the purposes of which he is designated;
 - (b) is capable of effectively carrying out those functions; and
 - (c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred on him by virtue of the designation.

Changes to legislation: Police Reform Act 2002, Section 39 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) A chief officer of police shall not designate a person under this section unless he is satisfied that the contractor is a fit and proper person to supervise the carrying out of the functions for the purposes of which that person is designated.
- (6) Powers and duties may be conferred or imposed on a designated person by means only of the application to him by his designation of provisions of the applicable Part of Schedule 4 that are to apply to the designated person; and for this purpose the applicable Part of that Schedule is—
 - (a) in the case of a person designated as a detention officer, Part 3; and
 - (b) in the case of a person designated as an escort officer, Part 4.
- (7) An employee of the contractor authorised or required to do anything by virtue of a designation under this section—
 - (a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than in the course of that employment; and
 - (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in his designation.
- (8) Where any power exercisable by any person in reliance on his designation under this section is a power which, in the case of its exercise by a constable, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a constable to use reasonable force.
- ^{F2}(9)
- ^{F2}(10)
- ^{F2}(11)
- (12) A designation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (13), shall remain in force for such period as may be specified in the designation; but it may be renewed at any time with effect from the time when it would otherwise expire.
- (13) A designation under this section shall cease to have effect—
 - (a) if the designated person ceases to be an employee of the contractor; or
 - (b) if the contract between the [^{F3}local policing body] and the contractor is terminated or expires.

Textual Amendments	
F1	Words in s. 39(1)(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 294(2) ; S.I. 2011/3019, art. 3, Sch. 1
F2	S. 39(9)-(11) repealed (8.4.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 94 (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 5(d)(i) (with arts. 6, 7)
F3	Words in s. 39(13)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 294(4) ; S.I. 2011/3019, art. 3, Sch. 1
Modifications etc. (not altering text)	
C1	S. 39 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 28(1)(b)(2), 120 (with s. 72); S.I. 2004/1572, art. 3(k)

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Commencement Information

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

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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\(2\)](#)