



Police Reform Act 2002

2002 CHAPTER 30

PART 4

POLICE POWERS ETC.

CHAPTER 1

EXERCISE OF POLICE POWERS ETC. BY CIVILIANS

42 Supplementary provisions relating to designations and accreditations

^{F1}(A1)

^{F1}(B1)

^{F1}(C1)

- (1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 [^{F2}, 38B] or 39 or his accreditation under section 41 [^{F3} or 41A], or who purports to do so, shall produce that designation or accreditation to that person, if requested to do so.

^{F4}(1A)

- (2) A power exercisable by any person in reliance on his designation by a chief officer of police under section 38 or 39 or his accreditation under section 41 shall [^{F5}, subject to subsection (2A),] be exercisable only by a person wearing such uniform as may be—
- (a) determined or approved for the purposes of this Chapter by the chief officer of police who granted the designation or accreditation; and
 - (b) identified or described in the designation or accreditation;

and, in the case of an accredited person, such a power shall be exercisable only if he is also wearing such badge as may be specified for the purposes of this subsection by the Secretary of State, and is wearing it in such manner, or in such place, as may be so specified.

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- [^{F6}(2ZA) A power exercisable by any person in reliance on a designation under section 38B by the chief officer of police of the assisted force shall, subject to subsection (2A), be exercisable only by a person wearing such uniform as may be—
 - (a) determined or approved for the purposes of this Chapter by the chief officer of police of the assisting police force; and
 - (b) identified or described in the designation.

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

- [^{F7}(2A) A police officer of or above the rank of inspector may direct a particular [^{F8}policing support officer or policing support volunteer] not to wear a uniform for the purposes of a particular operation; and if he so directs, subsection (2) [^{F9}or (2ZA)] shall not apply in relation to that [^{F8}policing support officer or policing support volunteer] for the purposes of that operation.

- (2B) In subsection (2A), [^{F10} “policing support officer” and “policing support volunteer” mean (respectively) a person designated as a policing support officer or (as the case may be) a policing support volunteer] under section 38 [^{F11}(in relation to subsection (2)) or section 38B (in relation to subsection (2ZA))] by the chief officer of police of the same force as the officer giving the direction.]

- (3) A chief officer of police who has granted a designation or accreditation to any person under section 38 [^{F12}, 38B], 39 or 41 [^{F13}or an accreditation to any weights and measures inspector under section 41A] may at any time, by notice to the designated or accredited person [^{F14}or the accredited inspector], modify or withdraw that designation or accreditation.

[^{F15}(4)

- (5) Where any person’s designation under section 39 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the contractor responsible for supervising that person in the carrying out of the functions for the purposes of which the designation was granted.
- (6) Where any person’s accreditation under section 41 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the employer responsible for supervising that person in the carrying out of the functions for the purposes of which the accreditation was granted.

- [^{F16}(6A) Where the accreditation of a weights and measures inspector under section 41A is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the local weights and measures authority by which the inspector was appointed.]

- (7) For the purposes of determining liability for the unlawful conduct of employees of a [^{F17}chief officer of police or local policing body], conduct by such an employee in reliance or purported reliance on a designation under section 38 shall be taken to be conduct in the course of his employment by the [^{F17}chief officer of police or local policing body]; and, in the case of a tort, [^{F18}that chief officer or body] shall fall to be treated as a joint tortfeasor accordingly.

- [^{F19}(7A) For the purposes of determining liability for the unlawful conduct of a civilian employee of a police force (within the meaning of section 38B), conduct by such an employee in reliance or purported reliance on a designation under section 38B shall be taken to be conduct in the course of the employee's employment by the employer;

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and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.]

[^{F20}(7B) For the purposes of determining liability for the unlawful conduct of police volunteers designated under section 38, conduct by such a volunteer in reliance or purported reliance on a designation under that section is to be taken to be conduct by that person in the course of employment by the chief officer of police by whom the designation is made; and, in the case of a tort, that chief officer is to be treated as a joint tortfeasor accordingly.]

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

^{F15}(8)

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

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

[^{F21}(11) For the purposes of determining liability for the unlawful conduct of weights and measures inspectors, conduct by such an inspector in reliance or purported reliance on an accreditation under section 41A shall be taken to be conduct in the course of his duties as a weights and measures inspector; and, in the case of a tort, the local weights and measures authority by which he was appointed shall fall to be treated as a joint tortfeasor accordingly.]

Textual Amendments

- F1** S. 42(A1)-(C1) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 2\(2\)\(b\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F2** Word in s. 42(1) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 13 para. 4\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F3** Words in s. 42(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 43\(2\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F4** S. 42(1A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 2\(2\)\(b\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F5** Words in s. 42(2) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122(2)(a), 178; S.I. 2005/1521, [art. 3\(1\)\(h\)](#); S.I. 2005/2026, [art. 2\(d\)](#)

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- F6** S. 42(2ZA) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(3)**; S.I. 2011/3019, art. 3, Sch. 1
- F7** S. 42(2A)(2B) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(2)(b)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**
- F8** Words in s. 42(2A) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 2(3)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F9** Words in s. 42(2A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(4)**; S.I. 2011/3019, art. 3, Sch. 1
- F10** Words in s. 42(2B) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 2(4)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F11** Words in s. 42(2B) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(5)**; S.I. 2011/3019, art. 3, Sch. 1
- F12** Word in s. 42(3) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(6)**; S.I. 2011/3019, art. 3, Sch. 1
- F13** Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 52, 53, Sch. 14 para. 43(3)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F14** Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 52, 53, Sch. 14 para. 43(3)(b)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F15** S. 42(4)(8) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 59, 174, 178, Sch. 4 para. 182, Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F16** S. 42(6A) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 52, 53, Sch. 14 para. 43(4)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F17** Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F18** Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F19** S. 42(7A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(7)**; S.I. 2011/3019, art. 3, Sch. 1
- F20** S. 42(7B)(7C) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 2(5)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F21** S. 42(11) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 52, 53, Sch. 14 para. 43(5)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

Modifications etc. (not altering text)

- C1** S. 42 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(c)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**
- C2** S. 42(7) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 11(3)**
- C3** S. 42(7) modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 11(3)**

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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\(2\)](#)