

SCHEDULES

SCHEDULE 8

POWERS OF DESIGNATED AND ACCREDITED PERSONS

PART 1

DESIGNATED PERSONS

- 1 Schedule 4 to the Police Reform Act 2002 (c. 30) (powers exercisable by police civilians) is amended as follows.

Community support officers

- 2 After paragraph 1 insert—

“Power to require name and address

- 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 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)).”

Status: This is the original version (as it was originally enacted).

- 3 (1) Paragraph 2 (power to detain etc.) is amended as follows.
- (2) For sub-paragraph (2) substitute—
- “(2) A designation may not apply this paragraph to any person unless a designation also applies paragraph 1A to him.”
- (3) In sub-paragraph (3)—
- (a) for “sub-paragraph (2)” substitute “paragraph 1A(3)”,
- (b) at the end add the following new sentence—
- “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).”
- (4) After sub-paragraph (3) insert—
- “(3A) Where—
- (a) a designation applies this paragraph to any person (“the CSO”); and
- (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.”
- (5) In sub-paragraph (4), after “(3)” insert “or (3B)”.
- (6) In sub-paragraph (5)—
- (a) omit paragraph (a),
- (b) in paragraph (b), after “(3)” insert “or (3B)”.
- (7) In sub-paragraph (6), after the paragraph (ab) inserted by paragraph 13(2) of Schedule 13 to this Act, insert—
- “(ac) an offence under section 3 or 4 of the Vagrancy Act 1824; or
- (ad) an offence under a relevant byelaw; or”.
- (8) After sub-paragraph (6) insert—
- “(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);

Status: This is the original version (as it was originally enacted).

- (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).”

(9) Omit sub-paragraph (7).

(10) At the end add—

“(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.”

4 After paragraph 2 insert—

“Powers to search individuals and to seize and retain items

- 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

Status: This is the original version (as it was originally enacted).

requirement to wait under paragraph 2(3) or (3B) (whether or not that person makes an election under paragraph 2(4)).

(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.”

5 In paragraph 3 (power to require name and address of person acting in anti-social manner), in sub-paragraph (2), for “sub-paragraph (2) of that paragraph” substitute “paragraph 1A(3)”.

6 After paragraph 3 insert—

“Power to require name and address: road traffic offences

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).

Status: This is the original version (as it was originally enacted).

(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.”

7 In paragraph 4 (power to use reasonable force to detain person)—

- (a) in sub-paragraph (2)(b), after “paragraph” insert “1A or”,
- (b) in sub-paragraph (3), for “paragraph 2(2)” substitute “paragraph 1A(3)”.

8 After paragraph 7 insert—

“Search and seizure powers: alcohol and tobacco

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)—

- (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.

Status: This is the original version (as it was originally enacted).

- (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.

Powers to seize and detain: controlled drugs

- 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.
- (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.
- 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

Status: This is the original version (as it was originally enacted).

- (b) sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.”

9 After paragraph 8 insert—

“Entry to investigate licensing offences

- 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.”

10 After paragraph 11A insert—

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

- 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.

Status: This is the original version (as it was originally enacted).

(5) A designation may not apply this paragraph to any person unless a designation also applies paragraph 3A to him.”

11 After paragraph 13 insert—

“Power to place traffic signs

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 sub-paragraph (1).”

12 After paragraph 15 insert—

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

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.”

Investigating officers

13 In paragraph 16 (search warrants)—

- (a) in paragraph (a), for “in the relevant police area” substitute “whether in the relevant police area or not”,
- (b) in paragraph (e), for “in respect of premises in the relevant police area” substitute “, but in respect of premises in the relevant police area only,”.

14 After paragraph 16 insert—

“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.

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.”

15 In paragraph 17 (access to excluded and special procedure material)—

- (a) in paragraph (b)(ii), at the end add “(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);”,

Status: This is the original version (as it was originally enacted).

- (b) in paragraph (bc), for “in respect of premises in the relevant police area” substitute “, but in respect of premises in the relevant police area only.”.

Detention officers

16 After paragraph 33 insert—

“Taking of impressions of footwear

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.”