

SCHEDULES

SCHEDULE 9

Section 122

ADDITIONAL POWERS AND DUTIES OF 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 In paragraph 2 (power to detain etc.), after sub-paragraph (4) insert—
- “(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.”
- 3 In paragraph 4 (power to use reasonable force to detain person)—
- (a) in sub-paragraph (2)(b), after “relevant offences” insert “or relevant licensing offences”,
- (b) in sub-paragraph (3), after “making off” insert “and to keep him under control”.
- 4 After paragraph 4 insert—
- “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).
- 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

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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.”

Investigating officers

- 5 In paragraph 22 (power to transfer persons into custody of investigating officers), in sub-paragraph (2)—
- (a) in paragraph (b), after “duty” insert “to keep that person under control and”,
 - (b) in paragraph (c), at the end add “and under his control”.
- 6 After paragraph 22 insert—

“Powers in respect of detained persons

- 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.”

Detention officers

- 7 After paragraph 33A (inserted by paragraph 16 of Schedule 8 to this Act) insert—

“Powers in respect of detained persons

- 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.
- 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.”

Escort officers

- 8 (1) Paragraph 34 (power to take an arrested person to a police station) is amended as follows.
- (2) In sub-paragraph (1)(c)—
- (a) in paragraph (ii), after “duty” insert “to keep the person under control and”,
 - (b) in paragraph (iii), at the end add “and under his control”.
- (3) After sub-paragraph (1)(c) add—
- “(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 (ii).”
- 9 (1) Paragraph 35 (escort of persons in police detention) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) in paragraph (b), after “duty” insert “to keep the person under control and”,
 - (b) in paragraph (c), at the end add “and under his control”.
- (3) After sub-paragraph (3) insert—
- “(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).”

Staff custody officers

- 10 After paragraph 35A (inserted by section 120(5) of this Act) insert—

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“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;
- (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.”