

SCHEDULES

SCHEDULE 10

Section 152

POWERS OF COMMUNITY SUPPORT OFFICERS

Introduction

- 1 Part 1 of Schedule 4 to the Police Reform Act 2002 (powers of community support officers) is amended as follows.

Additional powers to issue fixed penalty notices

- 2 (1) In paragraph 1 (powers to issue fixed penalty notices), in sub-paragraph (2)(b), for the words after “in respect of an offence” there is substituted “listed in sub-paragraph (2B)”.
- (2) In sub-paragraph (2) of that paragraph, after paragraph (ca) there is inserted—
“(cb) the power of an authorised officer of a borough council to give a notice under section 15 of the London Local Authorities Act 2004 in respect of an offence under section 38(1) of the London Local Authorities Act 1990 or section 27(1) of the City of Westminster Act 1999 (unlicensed street trading);”.
- (3) After sub-paragraph (2A) of that paragraph there is inserted—
“(2B) The offences referred to in sub-paragraph (2)(b) are—
(a) an offence under section 72 of the Highway Act 1835 (riding on a footway) committed by cycling;
(b) an offence under section 5(1) or 8(1) of the Road Traffic Regulation Act 1984 involving a contravention of a prohibition or restriction that relates to—
(i) stopping, waiting or parking at or near a school entrance,
(ii) one-way traffic on a road, or
(iii) lanes or routes for use only by cycles, only by buses or only by cycles and buses;
(c) an offence under section 24 of the Road Traffic Act 1988 (more than one person on a one-person bicycle);
(d) an offence under section 35 of that Act (failing to comply with traffic directions) committed by the rider of a cycle;
(e) an offence under section 36 of that Act (failing to comply with traffic signs) committed by the rider of a cycle who fails to comply with the indication given by a red traffic light;
(f) an offence under section 42 of that Act of contravening or failing to comply with a construction or use requirement about—
(i) lighting equipment or reflectors for cycles,

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- (ii) the use on a road of a motor vehicle in a way that causes excessive noise,
- (iii) stopping the action of a stationary vehicle’s machinery,
- (iv) the use of a vehicle’s horn on a road while the vehicle is stationary or on a restricted road at night, or
- (v) opening a vehicle’s door on a road so as to injure or endanger a person;
- (g) an offence under section 163 of that Act (failing to stop vehicle or cycle when required to do so by constable or traffic officer).”

(4) After sub-paragraph (4) of that paragraph there is inserted—

“(5) In this paragraph “cycle” has the same meaning as in the Road Traffic Act 1988 (see section 192(1) of that Act).”

Powers to issue fixed penalty notices: consultation with local authorities

3 In paragraph 1, after sub-paragraph (2B) (inserted by paragraph 2(3) above) there is inserted—

“(2C) Before a chief officer of police makes a designation applying this paragraph to any person and specifying or describing an offence listed in sub-paragraph (2B)(b)(i), the officer shall consult every local authority any part of whose area lies within the officer’s police area.

(2D) In paragraph (2C) “local authority” means—

- (a) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly; and
- (b) in relation to Wales, a county council or a county borough council.”

General power of seizure

4 After paragraph 2A there is inserted—

“General power of seizure

2B Where a designation applies this paragraph to any person—

- (a) that person shall, when lawfully on any premises in the relevant police area, have the same powers as a constable under section 19 of the 1984 Act (general powers of seizure) to seize things;
- (b) that person shall also have the powers of a constable to impose a requirement by virtue of subsection (4) of that section in relation to information accessible from such premises;
- (c) subsection (6) of that section (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
- (d) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that

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- person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
- (e) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—
- (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 19(2) or (3) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 19(4) of that Act; and
 - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.”

Powers with regard to charity collectors

- 5 After paragraph 3A there is inserted—

“Power to require name and address etc: charity collectors

- 3B 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 section 6 of the House to House Collections Act 1939 to require a person to give his name and address and to sign his name; and
 - (b) under regulations under section 4 of that Act to require a person to produce his certificate of authority.”

Power to stop cycles

- 6 In paragraph 11A (power to stop cycles), in sub-paragraph (2), for the words after “has committed an offence” there is substituted “listed in paragraph 1(2B)(a) to (e), (f)(i) or (g)”.