



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 1

CRIMINAL JUSTICE

Offences involving police or prison officers

26 Corrupt or other improper exercise of police powers and privileges

- (1) A police constable listed in subsection (3) commits an offence if he or she—
 - (a) exercises the powers and privileges of a constable improperly, and
 - (b) knows or ought to know that the exercise is improper.
- (2) A police constable guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years or a fine (or both).
- (3) The police constables referred to in subsection (1) are—
 - (a) a constable of a police force in England and Wales;
 - (b) a special constable for a police area in England and Wales;
 - (c) a constable or special constable of the British Transport Police Force;
 - (d) a constable of the Civil Nuclear Constabulary;
 - (e) a constable of the Ministry of Defence Police;
 - (f) a National Crime Agency officer designated under section 9 or 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable.
- (4) For the purposes of this section, a police constable exercises the powers and privileges of a constable improperly if—
 - (a) he or she exercises a power or privilege of a constable for the purpose of achieving—
 - (i) a benefit for himself or herself, or
 - (ii) a benefit or a detriment for another person, and
 - (b) a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 26. (See end of Document for details)

- (5) For the purposes of this section, a police constable is to be treated as exercising the powers and privileges of a constable improperly in the cases described in subsections (6) and (7).
- (6) The first case is where—
- (a) the police constable fails to exercise a power or privilege of a constable,
 - (b) the purpose of the failure is to achieve a benefit or detriment described in subsection (4)(a), and
 - (c) a reasonable person would not expect a constable to fail to exercise the power or privilege for the purpose of achieving that benefit or detriment.
- (7) The second case is where—
- (a) the police constable threatens to exercise, or not to exercise, a power or privilege of a constable,
 - (b) the threat is made for the purpose of achieving a benefit or detriment described in subsection (4)(a), and
 - (c) a reasonable person would not expect a constable to threaten to exercise, or not to exercise, the power or privilege for the purpose of achieving that benefit or detriment.
- (8) An offence is committed under this section if the act or omission in question takes place in the United Kingdom or in United Kingdom waters.
- (9) In this section—
- “benefit” and “detriment” mean any benefit or detriment, whether or not in money or other property and whether temporary or permanent;
 - “United Kingdom waters” means the sea and other waters within the seaward limits of the United Kingdom's territorial sea.
- (10) References in this section to exercising, or not exercising, the powers and privileges of a constable include performing, or not performing, the duties of a constable.
- (11) Nothing in this section affects what constitutes the offence of misconduct in public office at common law in England and Wales or Northern Ireland.

Commencement Information

II S. 26 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 22

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