



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 3

#### POLICE WORKFORCE AND REPRESENTATIVE INSTITUTIONS

### CHAPTER 1

#### POLICE WORKFORCE

##### *Powers of police civilian staff and volunteers*

### **38 Powers of police civilian staff and police volunteers**

- (1) Chapter 1 of Part 4 of the Police Reform Act 2002 (exercise of police powers etc by civilians) is amended as follows.
- (2) In section 38 (police powers for civilian staff), for subsections (1) and (2) substitute—
  - “(1) The chief officer of police of any police force may designate a relevant employee as either or both of the following—
    - (a) a community support officer;
    - (b) a policing support officer.
  - (1A) The chief officer of police of any police force may designate a police volunteer as either or both of the following—
    - (a) a community support volunteer;
    - (b) a policing support volunteer.”
- (3) In that section, omit subsections (5A) to (6A).
- (4) In that section, before subsection (7) insert—
  - “(6B) The powers and duties that may be conferred or imposed on a person designated under this section are—

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*Status: This is the original version (as it was originally enacted).*

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- (a) any power or duty of a constable, other than a power or duty specified in Part 1 of Schedule 3B (excluded powers and duties);
  - (b) where the person is designated as a community support officer or a community support volunteer, any power or duty that is described in Schedule 3C as a power or duty of a community support officer or community support volunteer.
- (6C) The Secretary of State may by regulations amend Part 1 of Schedule 3B so as to add to the list of powers and duties specified in it.
- (6D) Part 2 of Schedule 3B makes provision about the application of legislation in relation to powers or duties of a constable that may be exercised or performed by a person designated under this section.
- (6E) Any power or duty of a constable that is conferred or imposed on a person designated under this section by a chief officer of police of a police force may (subject to provision included in the designation under subsection (6F)) be exercised or performed by the person—
- (a) in the area of that police force, and
  - (b) in any cases or circumstances in which it could be exercised or performed by a constable who is a member of that force.
- (6F) A designation under this section may provide that any power or duty of a constable that is conferred or imposed by the designation may be exercised or performed by the person designated—
- (a) in such areas outside the area of the police force in question as are specified in the designation (as well as within the area of the police force);
  - (b) only in such parts of the area of that police force as are specified in the designation;
  - (c) only in cases or circumstances so specified.”
- (5) In that section, after subsection (7) insert—
- “(7A) A police volunteer authorised or required to do anything by virtue of a designation under this section —
- (a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than while acting as a police volunteer;
  - (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in the designation.”
- (6) In that section, after subsection (9) insert—
- “(9A) The chief officer of police of a police force must ensure that no person designated by the chief officer under this section is authorised to use a firearm, within the meaning given by section 57(1) of the Firearms Act 1968, in carrying out functions for the purposes of the designation.
- (9B) However, subsection (9A) does not apply to—
- (a) the use of a weapon, designed or adapted for the discharge of either of the following substances, for the purpose of discharging either of those substances—

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

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- (i) the substance, commonly known as “CS spray”, that is produced by the use of 2-chlorobenzalmalononitrile;
    - (ii) the substance, commonly known as PAVA spray, that is produced by the use of pelargonic acid vanillylamide;
  - (b) the use of a weapon for a purpose specified in regulations made by the Secretary of State;
  - (c) the use of a weapon of a description specified in regulations made by the Secretary of State, whether generally or for a purpose so specified.”
- (7) In that section, after subsection (9B) (as inserted by subsection (6) above) insert—
  - “(9C) A statutory instrument containing regulations under subsection (6C) or (9B) (b) or (c) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (8) In that section, at the end insert—
  - “(12) In this section, “police volunteer” means a person who is under the direction and control of the chief officer making a designation under subsection (1A) otherwise than because the person is a constable, a special constable or a relevant employee.
  - (13) For the purpose of subsection (12), a person is to be treated as a relevant employee only in relation to times when the person is acting in the course of the person’s employment.”
- (9) In the heading to section 38, after “civilian staff” insert “and volunteers”.
- (10) Omit section 38A (standard powers and duties of community support officers).
- (11) After Schedule 3 insert —
  - (a) the new Schedule 3B set out in Schedule 10 to this Act, and
  - (b) (after that new Schedule) the new Schedule 3C set out in Schedule 11 to this Act.