

Status: Point in time view as at 14/03/2012. This version of this schedule contains provisions that are prospective.

Changes to legislation: Serious Organised Crime and Police Act 2005, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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.

Commencement Information

- I1** Sch. 9 para. 1 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

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.”

Commencement Information

- I2** Sch. 9 para. 2 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

- 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 ”.

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I3 Sch. 9 para. 3 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

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 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.”

Commencement Information

I4 Sch. 9 para. 4 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

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 ”.

Commencement Information

I5 Sch. 9 para. 5 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

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.”

Commencement Information

I6 Sch. 9 para. 6 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

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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.

Powers in respect of detained persons

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.”

Commencement Information

I7 Sch. 9 para. 7 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

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;

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- (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 (iii).”

Commencement Information

I8 Sch. 9 para. 8 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

- 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).”

Commencement Information

I9 Sch. 9 para. 9 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

PROSPECTIVE

Staff custody officers

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Textual Amendments

F1 Sch. 9 para. 10 repealed (12.1.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(b), [Sch. 8 Pt. 13](#)

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