



# 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.

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*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)*

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- (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.

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**Commencement Information**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 26.