

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Policing and Crime Act 2017, SCHEDULE 10 is up to date with all changes known to be in force on or before 16 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 10

Section 38

#### SCHEDULE TO BE INSERTED AS SCHEDULE 3B TO THE POLICE REFORM ACT 2002

##### Commencement Information

**II** [Sch. 10](#) in force for certain purposes at Royal Assent, see [s. 183](#)

#### “SCHEDULE 3B

Section 38(6B)(a) and (6D)

#### DESIGNATIONS UNDER SECTION 38

##### PART 1

###### EXCLUDED POWERS AND DUTIES OF CONSTABLES

- 1 Any power or duty of a constable to make an arrest.
- 2 Any power or duty of a constable to stop and search an individual or a vehicle or other thing.
- 3 The power of a constable, under section 36(4) of the Police and Criminal Evidence Act 1984, to perform the functions of a custody officer at a designated police station if a custody officer is not readily available to perform them.
- 4 Any power that is exercisable only by a constable of a particular rank.
- 5 Any power of a constable under—
  - (a) the Terrorism Act 2000;
  - (b) the Terrorism Act 2006;
  - (c) the Counter-Terrorism Act 2008;
  - (d) the Terrorism Prevention and Investigation Measures Act 2011;
  - (e) the Counter-Terrorism and Security Act 2015.
- 6 Any power of a constable under the Official Secrets Acts 1911 to 1989.
- 7 The power of a constable to make an application on behalf of the Commissioner of Police of the Metropolis under section 19 or 21 of the Investigatory Powers Act 2016 (applications for warrants under Chapter 1 of Part 2 of that Act).

##### PART 2

###### APPLICATION OF LEGISLATION

- 8 (1) Where a power or duty of a constable is conferred or imposed on a person designated under section 38—

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- (a) a reference to a constable (however expressed) in legislation relating to the power or duty includes a reference to the person designated under section 38;
  - (b) a reference in legislation to anything done in the exercise or purported exercise of the power, or in the performance or purported performance of the duty, includes a reference to anything done in the exercise or purported exercise of the power, or the performance or purported performance of the duty, by the person designated under section 38.
- (2) The Secretary of State may by regulations make provision for legislation relating to a power or duty of a constable specified in the regulations to apply in relation to a person designated under section 38 in a way that modifies or supplements the effect of subparagraph (1).
- (3) In this paragraph, “legislation” means any provision of—
- (a) an Act;
  - (b) subordinate legislation within the meaning of the Interpretation Act 1978;
  - (c) a Measure or Act of the National Assembly for Wales or an instrument made under a Measure or Act of that Assembly.”

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