



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 4

#### POLICE POWERS ETC.

### CHAPTER 1

#### EXERCISE OF POLICE POWERS ETC. BY CIVILIANS

### **38 Police powers for police authority employees**

- (1) The chief officer of police of any police force may designate any person who—
  - (a) is employed by the police authority maintaining that force, and
  - (b) is under the direction and control of that chief officer,as an officer of one or more of the descriptions specified in subsection (2).
- (2) The description of officers are as follows—
  - (a) community support officer;
  - (b) investigating officer;
  - (c) detention officer;
  - (d) escort officer.
- (3) <sup>F1</sup>.....
- (4) A chief officer of police <sup>F2</sup>... shall not designate a person under this section unless he is satisfied that that person—
  - (a) is a suitable person to carry out the functions for the purposes of which he is designated;
  - (b) is capable of effectively carrying out those functions; and
  - (c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred on him by virtue of the designation.

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- (5) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.
- (6) Powers and duties may be conferred or imposed on a designated person by means only of the application to him by his designation of provisions of the applicable Part of Schedule 4 that are to apply to the designated person; and for this purpose the applicable Part of that Schedule is—
- (a) in the case of a person designated as a community support officer, Part 1;
  - (b) in the case of a person designated as an investigating officer, Part 2;
  - (c) in the case of a person designated as a detention officer, Part 3; and
  - (d) in the case of a person designated as an escort officer, Part 4.
- (7) An employee of a police authority<sup>F3</sup> . . . 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 in the course of that employment; and
  - (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in his designation.
- (8) Where any power exercisable by any person in reliance on his designation under this section is a power which, in the case of its exercise by a constable, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a constable to use reasonable force.
- (9) Where any power exercisable by any person in reliance on his designation under this section includes power to use force to enter any premises, that power shall not be exercisable by that person except—
- (a) in the company, and under the supervision, of a constable; or
  - (b) for the purpose of saving life or limb or preventing serious damage to property.

#### **Textual Amendments**

- F1** S. 38(3) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, Sch. 4 para. 181(2), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F2** Words in s. 38(4) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, Sch. 4 para. 181(3), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F3** Words in s. 38(7) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, Sch. 4 para. 181(4), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

#### **Modifications etc. (not altering text)**

- C1** S. 38 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. [28\(1\)\(a\)\(2\)](#), 120 (with s. 72); S.I. 2004/1572, [art. 3\(k\)](#)

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### [<sup>F4</sup>38A Standard powers and duties of community support officers

- (1) The Secretary of State may by order provide for provisions of Part 1 of Schedule 4 to apply to every person who under section 38 is designated as a community support officer.
- (2) The powers and duties conferred or imposed by the provisions for the time being applied under subsection (1) are to be known as the standard powers and duties of a community support officer.
- (3) Before making an order under subsection (1), the Secretary of State shall consult with—
  - (a) the Association of Police Authorities; and
  - (b) the Association of Chief Police Officers.
- (4) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by subsection (1) unless a draft of that order has been laid before Parliament and approved by a resolution of each House.
- (5) A provision of Part 1 of Schedule 4 may be applied to a person concurrently by an order under subsection (1) and a designation under section 38.
- (6) If an order under subsection (1) confers or imposes additional powers and duties on a person who is under the direction and control of a chief officer of police of a police force, that chief officer must ensure that the person receives adequate training in the exercise and performance of the additional powers and duties.]

#### Textual Amendments

**F4** S. 38A inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 7\(2\), 53](#); [S.I. 2007/709, art. 3\(e\)](#) (subject to [arts. 6, 7](#))

### 39 Police powers for contracted-out staff

- (1) This section applies if a police authority has entered into a contract with a person (“the contractor”) for the provision of services relating to the detention or escort of persons who have been arrested or are otherwise in custody.
- (2) The chief officer of police of the police force maintained by that police authority may designate any person who is an employee of the contractor as either or both of the following—
  - (a) a detention officer; or
  - (b) an escort officer.
- (3) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.
- (4) A chief officer of police shall not designate a person under this section unless he is satisfied that that person—
  - (a) is a suitable person to carry out the functions for the purposes of which he is designated;
  - (b) is capable of effectively carrying out those functions; and

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- (c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred on him by virtue of the designation.
- (5) A chief officer of police shall not designate a person under this section unless he is satisfied that the contractor is a fit and proper person to supervise the carrying out of the functions for the purposes of which that person is designated.
- (6) Powers and duties may be conferred or imposed on a designated person by means only of the application to him by his designation of provisions of the applicable Part of Schedule 4 that are to apply to the designated person; and for this purpose the applicable Part of that Schedule is—
- (a) in the case of a person designated as a detention officer, Part 3; and
  - (b) in the case of a person designated as an escort officer, Part 4.
- (7) An employee of the contractor 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 in the course of that employment; and
  - (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in his designation.
- (8) Where any power exercisable by any person in reliance on his designation under this section is a power which, in the case of its exercise by a constable, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a constable to use reasonable force.
- (9) The Secretary of State may by regulations make provision for the handling of complaints relating to, or other instances of misconduct involving, the carrying out by any person designated under this section of the functions for the purposes of which any power or duty is conferred or imposed by his designation.
- (10) Regulations under subsection (9) may, in particular, provide that any provision made by Part 2 of this Act with respect to complaints against persons serving with the police is to apply, with such modifications as may be prescribed by them, with respect to complaints against persons designated under this section.
- (11) Before making regulations under this section, the Secretary of State shall consult with—
- [<sup>F5</sup>(a) the Association of Police Authorities;
  - (b) the Association of Chief Police Officers;]
  - (c) the Independent Police Complaints Commission; and
  - (d) such other persons as he thinks fit.
- (12) A designation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (13), shall remain in force for such period as may be specified in the designation; but it may be renewed at any time with effect from the time when it would otherwise expire.
- (13) A designation under this section shall cease to have effect—
- (a) if the designated person ceases to be an employee of the contractor; or
  - (b) if the contract between the police authority and the contractor is terminated or expires.

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#### Textual Amendments

- F5** S. 39(11)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 6, 53, [Sch. 4 para. 13](#); [S.I. 2007/709](#), [art. 3\(d\)](#)

#### Modifications etc. (not altering text)

- C2** S. 39 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. [28\(1\)\(b\)\(2\)](#), 120 (with s. 72); [S.I. 2004/1572](#), [art. 3\(k\)](#)

#### Commencement Information

- II** S. 39 wholly in force at 1.4.2003; s. 39 not in force at Royal Assent, see s. 108(2); s. 39(9)(10)(11)(a) (b) and (d) in force at 1.10.2002 by [S.I. 2002/2306](#), [art. 2\(d\)\(i\)](#); s. 39 in force in so far as not already in force at 1.4.2003 by [S.I. 2003/808](#), [art. 2\(b\)](#)

## 40 Community safety accreditation schemes

- (1) The chief officer of police of any police force may, if he considers that it is appropriate to do so for the purposes specified in subsection (3), establish and maintain a scheme (“a community safety accreditation scheme”).
- (2) A community safety accreditation scheme is a scheme for the exercise in the chief officer’s police area by persons accredited by him under section 41 of the powers conferred by their accreditations under that section.
- (3) Those purposes are—
  - (a) contributing to community safety and security; and
  - (b) in co-operation with the police force for the area, combatting crime and disorder, public nuisance and other forms of anti-social behaviour.
- (4) Before establishing a community safety accreditation scheme for his police area, a chief officer of any police force (other than the Commissioner of Police of the Metropolis) must consult with—
  - (a) the police authority maintaining that force, and
  - (b) every local authority any part of whose area lies within the police area.
- (5) Before establishing a community safety accreditation scheme for the metropolitan police district, the Commissioner of Police of the Metropolis must consult with—
  - (a) the Metropolitan Police Authority;
  - (b) the Mayor of London; and
  - (c) every local authority any part of whose area lies within the metropolitan police district.
- (6) In subsections (4)(b) and (5)(c) “local authority” means—
  - (a) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly; and
  - (b) in relation to Wales, a county council or a county borough council.
- (7) Every police plan under section 8 of the 1996 Act which is issued after the commencement of this section, and every draft of such a plan which is submitted by a chief officer of police to a police authority after the commencement of this section, must set out—

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- (a) whether a community safety accreditation scheme is maintained for the police area in question;
  - (b) if not, whether there is any proposal to establish such a scheme for that area during the period to which the plan relates;
  - (c) particulars of any such proposal or of any proposal to modify during that period any community safety accreditation scheme that is already maintained for that area;
  - (d) the extent (if any) of any arrangements for provisions specified in Schedule 4 to be applied to designated persons employed by the police authority; and
  - (e) the respects in which any community safety accreditation scheme that is maintained or proposed will be supplementing those arrangements during the period to which the plan relates.
- (8) A community safety accreditation scheme must contain provision for the making of arrangements with employers who—
- (a) are carrying on business in the police area in question, or
  - (b) are carrying on business in relation to the whole or any part of that area or in relation to places situated within it,
- for those employers to supervise the carrying out by their employees of the community safety functions for the purposes of which powers are conferred on those employees by means of accreditations under section 41.
- (9) It shall be the duty of a chief officer of police who establishes and maintains a community safety accreditation scheme to ensure that the employers of the persons on whom powers are conferred by the grant of accreditations under section 41 have established and maintain satisfactory arrangements for handling complaints relating to the carrying out by those persons of the functions for the purposes of which the powers are conferred.

#### **41 Accreditation under community safety accreditation schemes**

- (1) This section applies where a chief officer of police has, for the purposes of a community safety accreditation scheme, entered into any arrangements with any employer for or with respect to the carrying out of community safety functions by employees of that employer.
- (2) The chief officer of police may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to any employee of the employer.
- (3) Schedule 5 (which sets out the powers that may be conferred on accredited persons) shall have effect.
- (4) A chief officer of police shall not grant accreditation to a person under this section unless he is satisfied—
  - (a) that that person's employer is a fit and proper person to supervise the carrying out of the functions for the purposes of which the accreditation is to be granted;
  - (b) that the person himself is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation;
  - (c) that that person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on him; and

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- (d) that that person has received adequate training for the exercise of those powers.
- [<sup>F6</sup>(4A) A chief officer of police may not grant accreditation under this section to a weights and measures inspector.]
- (5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—
- considering an application for or for the renewal of an accreditation under this section;
  - granting such an accreditation.
- (6) A person authorised or required to do anything by virtue of an accreditation under this section—
- shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his employment by the employer with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); and
  - shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.
- (7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation; but it may be renewed at any time with effect from the time when it would otherwise expire.
- (8) An accreditation under this section shall cease to have effect—
- if the accredited person ceases to be an employee of the person with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); or
  - if those arrangements are terminated or expire.

#### Textual Amendments

**F6** S. 41(4A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 42](#); [S.I. 2007/709](#), [art. 3\(p\)](#) (subject to [arts. 6, 7](#))

#### [<sup>F7</sup>41A Accreditation of weights and measures inspectors

- The chief officer of police of any police force may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to a weights and measures inspector.
- A weights and measures inspector to whom an accreditation under this section is granted by a chief officer of police may exercise the powers conferred by the accreditation in the chief officer's police area.
- Schedule 5A (which sets out the powers that may be conferred on inspectors accredited under this section) shall have effect.
- A chief officer of police shall not grant accreditation to a weights and measures inspector under this section unless he is satisfied that—

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- (a) the inspector is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation; and
  - (b) the inspector has received adequate training for the exercise of those powers.
- (5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—
- (a) considering an application for or for the renewal of an accreditation under this section;
  - (b) granting an accreditation under this section.
- (6) A weights and measures inspector authorised or required to do anything by virtue of an accreditation under this section—
- (a) shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his duties as a weights and measures inspector; and
  - (b) shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.
- (7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation, but it may be renewed at any time with effect from the time when it would otherwise expire.
- (8) An accreditation under this section shall cease to have effect if the accredited inspector ceases to hold office as a weights and measures inspector.]

#### Textual Amendments

- F7** S. 41A inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 15(1)**, 53; S.I. 2007/709, **art. 3(k)** (subject to [arts. 6, 7](#))

#### [<sup>F8</sup> 41B Power to apply accreditation provisions

- (1) The Secretary of State may by order provide for section 41A and any other provision of this Chapter relating to accredited inspectors to apply (with or without modification) in relation to persons of a description specified in the order.
- (2) The provision which may be made by an order under this section includes such modifications of other enactments as appear to the Secretary of State to be necessary or appropriate.
- (3) No order shall be made under this section unless a draft of it has been laid before and approved by a resolution of each House of Parliament.]

#### Textual Amendments

- F8** S. 41B inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 16**, 53; S.I. 2007/709, **art. 3(l)**; (subject to [arts. 6, 7](#))



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**42 Supplementary provisions relating to designations and accreditations**

(1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 or 39 or his accreditation under section 41 [F9 or 41A] , or who purports to do so, shall produce that designation or accreditation to that person, if requested to do so.

(2) A power exercisable by any person in reliance on his designation by a chief officer of police under section 38 or 39 or his accreditation under section 41 shall [F10, subject to subsection (2A),] be exercisable only by a person wearing such uniform as may be—  
(a) determined or approved for the purposes of this Chapter by the chief officer of police who granted the designation or accreditation; and  
(b) identified or described in the designation or accreditation;

and, in the case of an accredited person, such a power shall be exercisable only if he is also wearing such badge as may be specified for the purposes of this subsection by the Secretary of State, and is wearing it in such manner, or in such place, as may be so specified.

[F11(2A) A police officer of or above the rank of inspector may direct a particular investigating officer not to wear a uniform for the purposes of a particular operation; and if he so directs, subsection (2) shall not apply in relation to that investigating officer for the purposes of that operation.

(2B) In subsection (2A), “investigating officer” means a person designated as an investigating officer under section 38 by the chief officer of police of the same force as the officer giving the direction.]

(3) A chief officer of police who has granted a designation or accreditation to any person under section 38, 39 or 41 [F12 or an accreditation to any weights and measures inspector under section 41A] may at any time, by notice to the designated or accredited person [F13 or the accredited inspector] , modify or withdraw that designation or accreditation.

(4) F14 .....

(5) Where any person’s designation under section 39 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the contractor responsible for supervising that person in the carrying out of the functions for the purposes of which the designation was granted.

(6) Where any person’s accreditation under section 41 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the employer responsible for supervising that person in the carrying out of the functions for the purposes of which the accreditation was granted.

[F15(6A) Where the accreditation of a weights and measures inspector under section 41A is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the local weights and measures authority by which the inspector was appointed.]

(7) For the purposes of determining liability for the unlawful conduct of employees of a police authority, conduct by such an employee in reliance or purported reliance on a designation under section 38 shall be taken to be conduct in the course of his employment by the police authority; and, in the case of a tort, that authority shall fall to be treated as a joint tortfeasor accordingly.

(8) F14 .....

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- (9) For the purposes of determining liability for the unlawful conduct of employees of a contractor (within the meaning of section 39), conduct by such an employee in reliance or purported reliance on a designation under that section shall be taken to be conduct in the course of his employment by that contractor; and, in the case of a tort, that contractor shall fall to be treated as a joint tortfeasor accordingly.
- (10) For the purposes of determining liability for the unlawful conduct of employees of a person with whom a chief officer of police has entered into any arrangements for the purposes of a community safety accreditation scheme, conduct by such an employee in reliance or purported reliance on an accreditation under section 41 shall be taken to be conduct in the course of his employment by that employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.
- [<sup>F16</sup>(11) For the purposes of determining liability for the unlawful conduct of weights and measures inspectors, conduct by such an inspector in reliance or purported reliance on an accreditation under section 41A shall be taken to be conduct in the course of his duties as a weights and measures inspector; and, in the case of a tort, the local weights and measures authority by which he was appointed shall fall to be treated as a joint tortfeasor accordingly.]

#### Textual Amendments

- F9** Words in s. 42(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 43\(2\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F10** Words in s. 42(2) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 122\(2\)\(a\)](#), 178; S.I. 2005/1521, [art. 3\(1\)\(h\)](#); S.I. 2005/2026, [art. 2\(d\)](#)
- F11** S. 42(2A)(2B) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 122\(2\)\(b\)](#), 178; S.I. 2005/1521, [art. 3\(1\)\(h\)](#); S.I. 2005/2026, [art. 2\(d\)](#)
- F12** Words in s. 42(3) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 43\(3\)\(a\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F13** Words in s. 42(3) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 43\(3\)\(b\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F14** S. 42(4)(8) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, [Sch. 4 para. 182](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), [Sch. paras. 10, 12, 13\(oo\)](#) (subject to art. 4(2)-(7))
- F15** S. 42(6A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 43\(4\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F16** S. 42(11) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 43\(5\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)

#### Modifications etc. (not altering text)

- C3** S. 42 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 28\(1\)\(c\)\(2\)](#), 120 (with s. 72); S.I. 2004/1572, [art. 3\(k\)](#)

## 43 Railway safety accreditation scheme

- (1) The Secretary of State may make regulations for the purpose of enabling the chief constable of the British Transport Police Force to establish and maintain a scheme (“a railway safety accreditation scheme”).

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- [<sup>F17</sup>(2) A railway safety accreditation scheme is a scheme for the exercise, within a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales, by persons accredited by the chief constable of the British Transport Police Force under the scheme, of the powers conferred on those persons by their accreditation under that scheme.]
- (3) The regulations may make provision—
- (a) as to the purposes for which a railway safety accreditation scheme may be established;
  - (b) as to the procedure to be followed in the establishment of such a scheme; and
  - (c) as to matters for which such a scheme must contain provision.
- (4) The regulations may make provision as to the descriptions of persons who may be accredited under a railway safety accreditation scheme and as to the procedure and criteria to be applied for the grant of any accreditation under such a scheme.
- (5) The regulations may make provision as to the powers which may be conferred on a person by an accreditation under such a scheme.
- (6) Subject to subsection (7), no regulations made by virtue of subsection (5) shall permit a power to be conferred on a person accredited under a railway safety accreditation scheme which could not be conferred on an accredited person under a community safety accreditation scheme.
- (7) The regulations may provide that the powers which may be conferred on a person by an accreditation under a railway safety accreditation scheme include the powers of a constable in uniform and of an authorised constable to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices) in respect of the following offences—
- (a) an offence under section 55 of the British Transport Commission Act 1949 (c. xxix) (trespassing on a railway);
  - (b) an offence under section 56 of that Act (throwing stones etc. at trains or other things on railways).
- (8) In relation to a person accredited under a railway safety accreditation scheme, the regulations may apply, with such modifications as may be prescribed by them, any provision of this Chapter which applies in relation to an accredited person.
- (9) Before making regulations under this section the Secretary of State shall consult with—
- [<sup>F18</sup>(a) the Association of Chief Police Officers;]
  - (b) the chief constable of the British Transport Police Force;
  - [<sup>F19</sup>(c) the Association of Police Authorities;]
  - (d) the [<sup>F20</sup>British Transport Police Authority] ;
  - (e) persons whom he considers to represent the interests of local authorities;
  - (f) the Mayor of London; and
  - (g) such other persons as he thinks fit.
- (10) In this section—
- “local authorities” means district councils, London borough councils, county councils in Wales, county borough councils and the Common Council of the City of London; and

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F21 .....

**Textual Amendments**

**F17** S. 43(2) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), **art. 12(7)(a)**

**F18** S. 43(9)(a) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 6, 53, **Sch. 4 para. 14(a)**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

**F19** S. 43(9)(c) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 6, 53, **Sch. 4 para. 14(b)**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

**F20** Words in s. 43(9)(d) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), **art. 12(7)(b)**

**F21** S. 43(10): definition of "policed premises" repealed (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), **art. 12(7)(c)**

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**Modifications etc. (not altering text)**

**C4** S. 43 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

**44 Removal of restriction on powers conferred on traffic wardens**

- (1) Section 96 of the Road Traffic Regulation Act 1984 (c. 27) (additional powers of traffic wardens) shall be amended as follows.
- (2) In subsection (2)(c) (powers under the Road Traffic Act 1988 (c. 52) which may be conferred on traffic wardens), after sub-paragraph (i) there shall be inserted—
 

“(ia) section 67(3) (which relates to the power of a constable in uniform to stop vehicles for testing);”.
- (3) In subsection (3)(traffic wardens not to be given the powers of a constable under sections 163, 164(1), (2) and (6) and 165 of the Road Traffic Act 1988 except for the purposes of exercising them in the circumstances specified in that subsection)—
  - (a) in the words before paragraph (a), the words “163” (which refer to the power to stop a vehicle) shall be omitted; and
  - (b) paragraph (c) and the word “or” immediately preceding it shall cease to have effect.

**45 Code of practice relating to chief officers’ powers under Chapter 1**

- (1) The Secretary of State shall issue a code of practice about the exercise and performance by chief officers of police <sup>F22</sup> . . . of their powers and duties under this Chapter.
- (2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.
- (3) Before issuing or revising a code of practice under this section, the Secretary of State shall consult with—
  - (a) <sup>F23</sup> .....
  - (b) <sup>F23</sup> .....
  - <sup>F24</sup>(c) the Association of Police Authorities;]
  - (d) <sup>F23</sup> .....

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- (e) <sup>F23</sup> .....
  - [<sup>F25</sup>(f) the Association of Chief Police Officers;]
  - (g) persons whom he considers to represent the interests of local authorities;
  - (h) the Mayor of London; and
  - (i) such other persons as he thinks fit.
- (4) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.
- (5) In discharging any function to which a code of practice under this section relates, a chief officer of police <sup>F26</sup> . . . shall have regard to the code.
- (6) For the purposes of subsection (3)(g), “local authorities” means district councils, London borough councils, county councils in Wales, county borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.

#### Textual Amendments

- F22** Words in s. 45(1) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 183(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F23** S. 45(3)(a)(b)(d)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 183(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F24** S. 45(3)(c) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 15(a)**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)
- F25** S. 45(3)(f) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 15(b)**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)
- F26** Words in s. 45(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 183(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

#### Modifications etc. (not altering text)

- C5** S. 45 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. **28(1)(d)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

## 46 Offences against designated and accredited persons etc.

- (1) Any person who assaults—
- (a) a designated person in the execution of his duty,
  - (b) an accredited person in the execution of his duty,
  - [<sup>F27</sup>(ba) an accredited inspector in the execution of his duty,] or
  - (c) a person assisting a designated or accredited person [<sup>F28</sup>or an accredited inspector] in the execution of his duty,
- is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.
- (2) Any person who resists or wilfully obstructs—
- (a) a designated person in the execution of his duty,
  - (b) an accredited person in the execution of his duty,

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- [<sup>F29</sup>(ba) an accredited inspector in the execution of his duty,] or
- (c) a person assisting a designated or accredited person [<sup>F28</sup>or an accredited inspector] in the execution of his duty,
- is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.
- (3) Any person who, with intent to deceive—
- (a) impersonates a designated person [<sup>F30</sup>, an accredited person or an accredited inspector] ,
- (b) makes any statement or does any act calculated falsely to suggest that he is a designated person [<sup>F31</sup>, that he is an accredited person or that he is an accredited inspector] , or
- (c) makes any statement or does any act calculated falsely to suggest that he has powers as a designated or accredited person [<sup>F32</sup>or as an accredited inspector] that exceed the powers he actually has,
- is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.
- (4) In this section references to the execution by a designated person [<sup>F33</sup>, accredited person or accredited inspector] of his duty are references to his exercising any power or performing any duty which is his by virtue of his designation or accreditation.

#### Textual Amendments

- F27** S. 46(1)(ba) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(2\)\(a\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F28** Words in s. 46(1)(c)(2)(c) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(2\)\(b\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F29** S. 46(2)(ba) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(2\)\(a\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F30** Words in s. 46(3)(a) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(3\)\(a\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F31** Words in s. 46(3)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(3\)\(b\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F32** Words in s. 46(3)(c) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(3\)\(c\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F33** Words in s. 46(4) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(4\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)

#### Modifications etc. (not altering text)

- C6** S. 46 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. [28\(1\)\(e\)\(2\)](#), [120](#) (with s. 72); S.I. 2004/1572, [art. 3\(k\)](#)

## 47 Interpretation of Chapter 1

- (1) In this Chapter—
- [<sup>F34</sup>“accredited inspector” means a weights and measures inspector in relation to whom an accreditation under section 41A is for the time being in force;]

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“accredited person” means a person in relation to whom an accreditation under section 41 is for the time being in force;

“community safety functions” means any functions the carrying out of which would be facilitated by the ability to exercise one or more of the powers mentioned in Schedule 5;

“conduct” includes omissions and statements;

“designated person” means a person in relation to whom a designation under section 38 or 39 is for the time being in force;

F35

F36

[<sup>F37</sup>“weights and measures inspector” means an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.]

(2) In this Chapter—

- (a) references to carrying on business include references to carrying out functions under any enactment; and
- (b) references to the employees of a person carrying on business include references to persons holding office under a person, and references to employers shall be construed accordingly.

#### Textual Amendments

- F34** S. 47(1): definition of “accredited inspector” inserted (1.4.2007) by [Police and Justice Act 2006](#) (c. 48), ss. 52, 53, **Sch. 14 para. 45**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F35** S. 47(1): definition of “Director General” repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), ss. 59, 174, 178, Sch. 4 para. 184, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F36** S. 47(1): definition of “Service Authority” repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), ss. 59, 174, 178, Sch. 4 para. 184, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F37** S. 47(1): definition of “weights and measures inspector” inserted (1.4.2007) by [Police and Justice Act 2006](#) (c. 48), ss. 52, 53, **Sch. 14 para. 45**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

#### Modifications etc. (not altering text)

- C7** S. 47 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003](#) (c. 20), **ss. 28(1)(f)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

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**Changes to legislation:**

There are currently no known outstanding effects for the Police Reform Act 2002, Chapter 1.