

Status: Point in time view as at 23/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 4

POWERS EXERCISABLE BY POLICE CIVILIANS

Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **ss. 28(1)(g)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

PART 2

INVESTIGATING OFFICERS

Search warrants

- 16 Where a designation applies this paragraph to any person—
- (a) he may apply as if he were a constable for a warrant under section 8 of the 1984 Act (warrants for entry and search) in respect of any premises [^{F1}whether in the relevant police area or not] ;
 - (b) the persons to whom a warrant to enter and search any such premises may be issued under that section shall include that person;
 - (c) that person shall have the power of a constable under section 8(2) of that Act in any premises in the relevant police area to seize and retain things for which a search has been authorised under subsection (1) of that section;
 - (d) section 15 of that Act (safeguards) shall have effect in relation to the issue of such a warrant to that person as it has effect in relation to the issue of a warrant under section 8 of that Act to a constable;
 - (e) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued (whether to that person or to any other person) [^{F2}, but in respect of premises in the relevant police area only,] as if references in that section to a constable included references to that person;
 - (f) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (c) as it has effect in relation to the seizure of anything by a constable;
 - (g) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by virtue of sub-paragraph (c) as it applies in relation to the power of seizure conferred on a constable by section 8(2) of that Act;
 - (h) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the

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- power conferred on him by virtue of sub-paragraph (c) as if the references to a constable and to an officer included references to that person; and
- (i) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power, or taken away by him following the imposition of a requirement by virtue of sub-paragraph (g)—
- (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 8(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and
- (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

Textual Amendments

- F1** Words in Sch. 4 para. 16(a) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 8 para. 13\(a\); S.I. 2005/1521, art. 3\(1\)\(h\)\(i\)](#)
- F2** Words in Sch. 4 para. 16(e) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 8 para. 13\(b\); S.I. 2005/1521, art. 3\(1\)\(h\)\(i\)](#)

- [^{F3}16A Where a designation applies this paragraph to any person—
- (a) the persons to whom a warrant may be addressed under section 26 of the Theft Act 1968 (search for stolen goods) shall, in relation to persons or premises in the relevant police area, include that person; and
- (b) in relation to such a warrant addressed to him, that person shall have the powers under subsection (3) of that section.

Textual Amendments

- F3** Sch. 4 paras. 16A, 16B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 8 para. 14; S.I. 2005/1521, art. 3\(1\)\(h\)\(i\)](#)

- 16B Where a designation applies this paragraph to any person, subsection (3), and (to the extent that it applies subsection (3)) subsection (3A), of section 23 of the Misuse of Drugs Act 1971 (powers to search and obtain evidence) shall have effect as if, in relation to premises in the relevant police area, the reference to a constable included a reference to that person.]

Textual Amendments

- F3** Sch. 4 paras. 16A, 16B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 8 para. 14; S.I. 2005/1521, art. 3\(1\)\(h\)\(i\)](#)

Access to excluded and special procedure material

- 17 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under section 9(1) of the 1984 Act (special provisions for access) to obtain access, in accordance with

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- Schedule 1 to that Act and the following provisions of this paragraph, to excluded material and special procedure material;
- (b) that Schedule shall have effect for the purpose of conferring those powers on that person as if —
 - (i) the references in paragraphs 1, 4, 5, 12 and 13 of that Schedule to a constable were references to that person; and
 - (ii) the references in paragraphs 12 and 14 of that Schedule to premises were references to premises in the relevant police area [^{F4}(in the case of a specific premises warrant) or any premises, whether in the relevant police area or not (in the case of an all premises warrant)];
 - [^{F5}(bb) section 15 of that Act (safeguards) shall have effect in relation to the issue of any warrant under paragraph 12 of that Schedule to that person as it has effect in relation to the issue of a warrant under that paragraph to a constable;
 - (bc) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued under paragraph 12 of that Schedule (whether to that person or to any other person) [^{F6}, but in respect of premises in the relevant police area only,] as if references in that section to a constable included references to that person;]
 - (c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as it has effect in relation to the seizure of anything under that paragraph by a constable;
 - (d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by paragraph 13 of Schedule 1 to that Act as it applies in relation to the power of seizure conferred on a constable by that paragraph;
 - (e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as if the references to a constable and to an officer included references to that person; and
 - (f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d), and to anything produced to him under paragraph 4(a) of Schedule 1 to that Act—
 - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by paragraph 13 of that Schedule or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act or, as the case may be, to anything produced to a constable under paragraph 4(a) of that Schedule; and
 - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

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Textual Amendments

- F4** Words in Sch. 4 para. 17(b)(ii) added (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 15\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)
- F5** Sch. 4 para. 17(bb)(bc) inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, [Sch. 1 para. 17](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F6** Words in Sch. 4 para. 17(bc) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 15\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

Entry and search after arrest

- 18 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under section 18 of the 1984 Act (entry and search after arrest) to enter and search any premises in the relevant police area and to seize and retain anything for which he may search under that section;
 - (b) subsections (5) and (6) of that section (power to carry out search before arrested person taken to police station and duty to inform senior officer) shall have effect in relation to any exercise by that person of those powers as if the references in those subsections to a constable were references to that person;
 - (c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
 - (d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by virtue of sub-paragraph (a) as it applies in relation to the power of seizure conferred on a constable by section 18(2) of that Act;
 - (e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
 - (f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d)—
 - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 18(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and
 - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

Entry and search for evidence of nationality after arrest

- [^{F7}18A] Where a designation applies this paragraph to any person—

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- (a) sections 44 to 46 of the UK Borders Act 2007 (entry, search and seizure after arrest) shall apply to that person (with any necessary modifications) as if a reference to a constable included a reference to that person, and
- (b) a provision of the 1984 Act which applies to constables in connection with any of those sections shall apply (with any necessary modifications) to that person.]

Textual Amendments

F7 Sch. 4 para. 18A inserted (31.3.2008) by [UK Borders Act 2007 \(c. 30\)](#), [ss. 47, 59](#); [S.I. 2008/309](#), [art. 3\(b\)](#) (subject to [art. 6](#))

General power of seizure

- 19 Where a designation applies this paragraph to any person—
- (a) he shall, when lawfully on any premises in the relevant police area, have the same powers as a constable under section 19 of the 1984 Act (general powers of seizure) to seize things;
 - (b) he shall also have the powers of a constable to impose a requirement by virtue of subsection (4) of that section in relation to information accessible from such premises;
 - (c) subsection (6) of that section (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
 - (d) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
 - (e) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—
 - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 19(2) or (3) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 19(4) of that Act; and
 - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

Access and copying in the case of things seized by constables

- 20 Where a designation applies this paragraph to any person, section 21 of the 1984 Act (access and copying) shall have effect in relation to anything seized in the relevant police area by a constable [^{F8}or by a person authorised to accompany him under section 16(2) of that Act] as if the references to a constable in subsections (3), (4) and (5) of section 21 (supervision of access and photographing of seized items) included references to a person to whom this paragraph applies.

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Textual Amendments

F8 Words in Sch. 4 para. 20 inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, [Sch. 1 para. 18](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)

Arrest at a police station for another offence

- 21 (1) Where a designation applies this paragraph to any person, he shall have the power to make an arrest at any police station in the relevant police area in any case where an arrest—
- (a) is required to be made under section 31 of the 1984 Act (arrest for a further offence of a person already at a police station); or
 - (b) would be so required if the reference in that section to a constable included a reference to a person to whom this paragraph applies.
- (2) Section 36 of the Criminal Justice and Public Order Act 1994 (c. 33) (consequences of failure by arrested person to account for objects etc.) shall apply (without prejudice to the effect of any designation applying paragraph 23) in the case of a person arrested in exercise of the power exercisable by virtue of this paragraph as it applies in the case of a person arrested by a constable.

Power to transfer persons into custody of investigating officers

- 22 (1) Where a designation applies this paragraph to any person, the custody officer for a designated police station in the relevant police area may transfer or permit the transfer to him of a person in police detention for an offence which is being investigated by the person to whom this paragraph applies.
- (2) A person into whose custody another person is transferred under sub-paragraph (1)—
- (a) shall be treated for all purposes as having that person in his lawful custody;
 - (b) shall be under a duty [^{F9}to keep that person under control and] to prevent his escape; and
 - (c) shall be entitled to use reasonable force to keep that person in his custody [^{F10}and under his control] .
- (3) Where a person is transferred into the custody of a person to whom this paragraph applies, in accordance with sub-paragraph (1), subsections (2) and (3) of section 39 of the 1984 Act shall have effect as if—
- (a) references to the transfer of a person in police detention into the custody of a police officer investigating an offence for which that person is in police detention were references to that person's transfer into the custody of the person to whom this paragraph applies; and
 - (b) references to the officer to whom the transfer is made and to the officer investigating the offence were references to the person to whom this paragraph applies.

Textual Amendments

F9 Words in Sch. 4 para. 22(2)(b) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 5\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

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F10 Words in Sch. 4 para. 22(2)(c) added (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 5\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

Powers in respect of detained persons

[^{F11}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.]

Textual Amendments

F11 Sch. 4 para. 22A inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 6](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

Power to require arrested person to account for certain matters

23 Where a designation applies this paragraph to any person—

- (a) he shall have the powers of a constable under sections 36(1)(c) and 37(1)(c) of the Criminal Justice and Public Order Act 1994 (c. 33) to request a person who—
 - (i) has been arrested by a constable, or by any person to whom paragraph 21 applies, and
 - (ii) is detained at any place in the relevant police area,to account for the presence of an object, substance or mark or for the presence of the arrested person at a particular place; and
- (b) the references to a constable in sections 36(1)(b) and (c) and (4) and 37(1)(b) and (c) and (3) of that Act shall have effect accordingly as including references to the person to whom this paragraph is applied.

Extended powers of seizure

24 Where a designation applies this paragraph to any person—

- (a) the powers of a constable under Part 2 of the Criminal Justice and Police Act 2001 (c. 16) (extension of powers of seizure) that are exercisable in the case of a constable by reference to a power of a constable that is conferred on that person by virtue of the provisions of this Part of this Schedule shall be exercisable by that person by reference to that power to the same extent as in the case of a constable but in relation only to premises in the relevant police area and things found on any such premises; and
- (b) section 56 of that Act (retention of property seized by a constable) shall have effect as if the property referred to in subsection (1) of that section included property seized by that person at any time when he was lawfully on any premises in the relevant police area.

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Persons accompanying investigating officers

- [^{F12}24A(1) This paragraph applies where a person (“an authorised person”) is authorised by virtue of section 16(2) of the 1984 Act to accompany an investigating officer designated for the purposes of paragraph 16 (or 17) in the execution of a warrant.
- (2) The reference in paragraph 16(h) (or 17(e)) to the seizure of anything by a designated person in exercise of a particular power includes a reference to the seizure of anything by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
- (3) In relation to any such seizure, paragraph 16(h) (or 17(e)) is to be read as if it provided for the references to a constable and to an officer in section 21(1) and (2) of the 1984 Act to include references to the authorised person.
- (4) The reference in paragraph 16(i) (or 17(f)) to anything seized by a designated person in exercise of a particular power includes a reference to anything seized by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
- (5) In relation to anything so seized, paragraph 16(i)(ii) (or 17(f)(ii)) is to be read as if it provided for—
- (a) the references to the supervision of a constable in subsections (3) and (4) of section 21 of the 1984 Act to include references to the supervision of a person designated for the purposes of paragraph 16 (or paragraph 17), and
- (b) the reference to a constable in subsection (5) of that section to include a reference to such a person or an authorised person accompanying him.
- (6) Where an authorised person accompanies an investigating officer who is also designated for the purposes of paragraph 24, the references in sub-paragraphs (a) and (b) of that paragraph to the designated person include references to the authorised person.]

Textual Amendments

F12 Sch. 4 para. 24A inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, [Sch. 1 para. 19](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)

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