



Police Reform Act 2002

2002 CHAPTER 30

PART 4

POLICE POWERS ETC.

CHAPTER 1

EXERCISE OF POLICE POWERS ETC. BY CIVILIANS

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
 - (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.

Status: Point in time view as at 01/10/2002. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Section 39. (See end of Document for details)

- (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—
 - (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police;
 - (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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Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Section 39. (See end of Document for details)

Modifications etc. (not altering text)

- C1** 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

- I1** 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\(b\)](#)

Status:

Point in time view as at 01/10/2002. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Police Reform Act 2002, Section 39.