

*Status: Point in time view as at 15/01/2007.*

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Paragraph 3 is up to date with all changes known to be in force on or before 08 August 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 8

#### POWERS OF DESIGNATED AND ACCREDITED PERSONS

##### PART 1

##### DESIGNATED PERSONS

###### *Community support officers*

- 3 (1) Paragraph 2 (power to detain etc.) is amended as follows.
- (2) For sub-paragraph (2) substitute—
- “(2) A designation may not apply this paragraph to any person unless a designation also applies paragraph 1A to him.”
- (3) In sub-paragraph (3)—
- (a) for “sub-paragraph (2)” substitute “ paragraph 1A(3) ”,
- (b) at the end add the following new sentence— “ This sub-paragraph does not apply if the requirement was imposed in connection with a relevant licensing offence mentioned in paragraph (a), (c) or (f) of sub-paragraph (6A) believed to have been committed on licensed premises (within the meaning of the Licensing Act 2003). ”
- (4) After sub-paragraph (3) insert—
- “(3A) Where—
- (a) a designation applies this paragraph to any person (“the CSO”); and
- (b) by virtue of a designation under paragraph 1A the CSO has the power to impose a requirement under sub-paragraph (3) of that paragraph in relation to an offence under a relevant byelaw,
- the CSO shall also have any power a constable has under the relevant byelaw to remove a person from a place.
- (3B) Where a person to whom this paragraph applies (“the CSO”) has reason to believe that another person is committing an offence under section 3 or 4 of the Vagrancy Act 1824, and requires him to stop doing whatever gives rise to that belief, the CSO may, if the other person fails to stop as required, require him to wait with the CSO, for a period not exceeding thirty minutes, for the arrival of a constable.”
- (5) In sub-paragraph (4), after “(3)” insert “ or (3B) ”.
- (6) In sub-paragraph (5)—
- (a) omit paragraph (a),

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(b) in paragraph (b), after “(3)” insert “ or (3B) ”.

(7) In sub-paragraph (6), after the paragraph (ab) inserted by paragraph 13(2) of Schedule 13 to this Act, insert—

- “(ac) an offence under section 3 or 4 of the Vagrancy Act 1824; or
- (ad) an offence under a relevant byelaw; or”.

(8) After sub-paragraph (6) insert—

“(6A) In this paragraph “relevant licensing offence” means an offence under any of the following provisions of the Licensing Act 2003—

- (a) section 141 (otherwise than by virtue of subsection (2)(c) or (3) of that section);
- (b) section 142;
- (c) section 146(1);
- (d) section 149(1)(a), (3)(a) or (4)(a);
- (e) section 150(1);
- (f) section 150(2) (otherwise than by virtue of subsection (3)(b) of that section);
- (g) section 152(1) (excluding paragraph (b)).

(6B) In this paragraph “relevant byelaw” means a byelaw included in a list of byelaws which—

- (a) have been made by a relevant body with authority to make byelaws for any place within the relevant police area; and
- (b) the chief officer of the police force for the relevant police area and the relevant body have agreed to include in the list.

(6C) The list must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.

(6D) A list of byelaws mentioned in sub-paragraph (6B) may be amended from time to time by agreement between the chief officer and the relevant body in question, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6C).

(6E) A relevant body for the purposes of sub-paragraph (6B) is—

- (a) in England, a county council, a district council, a London borough council or a parish council; or in Wales, a county council, a county borough council or a community council;
- (b) the Greater London Authority;
- (c) Transport for London;
- (d) a metropolitan county passenger transport authority established under section 28 of the Local Government Act 1985;
- (e) any body specified in an order made by the Secretary of State.

(6F) An order under sub-paragraph (6E)(e) may provide, in relation to any body specified in the order, that the agreement mentioned in sub-paragraph (6B) (b) and (6D) is to be made between the chief officer and the Secretary of State (rather than between the chief officer and the relevant body).”

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(9) Omit sub-paragraph (7).

(10) At the end add—

“(8) The application of any provision of this paragraph by paragraph 3(2), 3A(2) or 7A(8) has no effect unless a designation under this paragraph has applied this paragraph to the CSO in question.”

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**Commencement Information**

- I1** Sch. 8 para. 3(1) (2) (3)(a) (4)-(7) (9) (10) in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)  
**I2** Sch. 8 para. 3(3)(b) in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(r\)](#)  
**I3** Sch. 8 para. 3(8) in force at 1.7.2005 for specified purposes by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)  
**I4** Sch. 8 para. 3(8) in force at 1.1.2006 in so far as not already in force by [S.I. 2005/3495](#), [art. 2\(1\)\(r\)](#)

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