

Status: Point in time view as at 01/12/2007.

Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 9

EXERCISE OF POLICE POWERS BY CIVILIANS

1 The Police Reform Act 2002 (c. 30) is amended as follows.

Commencement Information

I1 Sch. 5 para. 1 in force at 1.12.2007 by S.I. 2007/3203, art. 2(c)

2 (1) Section 38 (police powers for police authority employees) is amended as follows.

(2) In subsection (4)(c) (person not to be designated unless adequately trained), after “conferred” there is inserted “ or imposed ”.

(3) Before subsection (6) there is inserted—

“(5B) The reference in subsection (4)(c) to the powers and duties to be conferred or imposed on a person by virtue of his designation, so far as it is a reference to the standard powers and duties of a community support officer, is a reference to the powers and duties that at the time of the person's designation are the standard powers and duties of a community support officer.”

(4) After subsection (6) there is inserted—

“(6A) Subsection (6) has effect subject to subsections (5A) and (8).”

Commencement Information

I2 Sch. 5 para. 2 in force at 1.12.2007 by S.I. 2007/3203, art. 2(c)

3 (1) Section 42 (supplementary provisions relating to designations etc) is amended as follows.

(2) Before subsection (1) there is inserted—

“(A1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 as a community support officer, or who purports to do so, shall produce to that person evidence of his designation, if requested to do so.

(B1) A person who exercises or performs any non-standard power or non-standard duty in relation to any person in reliance on his designation under section 38 as a community support officer, or who purports to do so, shall produce to that person evidence that the power or duty has been conferred or imposed on him, if requested to do so.

(C1) For the purposes of subsection (B1), a power or duty is “non-standard” if it is not one of the standard powers and duties of a community support officer.”

Status: Point in time view as at 01/12/2007.

Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, SCHEDULE 5. (See end of Document for details)

(3) After subsection (1) there is inserted—

“(1A) Subsection (1) does not apply to a person who exercises or performs any power or duty in reliance on his designation under section 38 as a community support officer, or who purports to do so.”

Commencement Information

I3 Sch. 5 para. 3 in force at 1.12.2007 by S.I. 2007/3203, art. 2(c)

4 In section 105 (orders and regulations), in subsection (3)(b), after “section 19(3)” there is inserted “, 38A(4)”.

Commencement Information

I4 Sch. 5 para. 4 in force at 1.4.2007 by S.I. 2007/709, art. 3(h) (with arts. 6, 7)

- 5 (1) Schedule 4 (powers exercisable by police civilians) is amended as follows.
- (2) In paragraph 1(3) (community support officers: power to issue fixed penalty notices: definition of “relevant fixed penalty offence”)—
- (a) in paragraph (a), for “1(2)(a) to (d)” there is substituted “ (2)(a) to (e) ”;
 - (b) in paragraph (b), for “that person's designation as an offence he” there is substituted “ a designation by which this paragraph is applied to the designated person as an offence which the designated person ”.
- (3) In paragraph 1A(2) (community support officers: power to require name and address: confining the power), for “Such a designation may specify that, in relation to that person, the application of sub-paragraph (3)” there is substituted “ A designation by which this paragraph is applied to a person may specify that the application of sub-paragraph (3) by that designation to that person ”.
- (4) In paragraph 2(3A)(b) (community support officers: powers under byelaws to remove persons from places), for “under paragraph 1A” there is substituted “ applying paragraph 1A to the CSO, ”.
- (5) In paragraph 2(4) (person required to wait with community support officer may be given choice to go to police station), for “this Part of this Schedule applies” there is substituted “ this paragraph is applied ”.
- (6) In paragraph 2(6) (meaning of “relevant offence”), in the words after paragraph (b), after “may provide that” there is inserted “ , for the purposes of this paragraph as applied to that person by that designation, ”.
- (7) In paragraph 2(8) (application of paragraph 2 by other provisions effective only where paragraph 2 is itself applied to community support officer)—
- (a) for “or 7A(8)” there is substituted “ , 7A(8) or 7C(2) ”;
 - (b) “under this paragraph” is omitted.
- (8) In paragraph 4 (power to use reasonable force to detain or control person required to wait with community support officer)—
- (a) in sub-paragraph (1), for “This paragraph applies” there is substituted “ Sub-paragraph (3) applies ”;

Status: Point in time view as at 01/12/2007.

Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, SCHEDULE 5. (See end of Document for details)

- (b) in sub-paragraph (1)(b), for “sets out the matters” there is substituted “ sets out matters ”;
 - (c) in sub-paragraph (2), for “as the matters” there is substituted “ as matters ”.
- (9) In paragraph 7B(2)(a) (community support officer's power to seize controlled drugs found in person's possession), for the words from “(whether” to the end there is substituted “ (whether or not the CSO finds it in the course of searching the person by virtue of any paragraph of this Part of this Schedule being applied to the CSO by a designation); and ”.
- (10) In paragraphs 34(2) and 35(4) (escort officer's powers to carry out non-intimate searches of persons), for “designation under” there is substituted “ application of ”.
- (11) In paragraph 35A (staff custody officer to have powers of a custody officer), in each of sub-paragraphs (3) and (4), for “under” there is substituted “ applying ”.
- (12) In paragraph 36(1)(a) (meaning of “the relevant police area”), for “designation” there is substituted “ person designated ”.
- (13) In paragraph 36, for sub-paragraphs (2) and (3) there is substituted—
- “(2) In Part 1 of this Schedule “a designation” means—
 - (a) a designation under section 38, or
 - (b) an order under section 38A(1) (and, accordingly, the power to make such an order—
 - (i) is extended by paragraphs 1(3)(b), 1A(2) and (7), 2(6) and 4(1)(b), but
 - (ii) is subject to paragraphs 2(2), 4(2) and 11B(5)).
 - (2A) In Parts 2 and 4A of this Schedule “a designation” means a designation under section 38.
 - (3) In Parts 3 and 4 of this Schedule “a designation” means a designation under section 38 or 39.”

Commencement Information

- I5** Sch. 5 para. 5(1)(2)(b)(3)-(10)(12)(13) in force at 1.12.2007 by S.I. 2007/3203, art. 2(c)
- I6** Sch. 5 para. 5(2)(a) in force at 1.4.2007 by S.I. 2007/709, art. 3(h) (with arts. 6, 7)

- 6 (1) Paragraph 1 of Schedule 5 (power of accredited persons to issue fixed penalty notices) is amended as follows.
- (2) In sub-paragraph (2) (powers conferred on a person when paragraph 1 is applied to him), in the words before paragraph (a) (which refer to a relevant offence), after “relevant” there is inserted “ fixed penalty ”.
 - (3) In sub-paragraph (3)(a) (meaning of “relevant fixed penalty offence” in paragraph 1), for “(c)” there is substituted “ (d) ”.

Commencement Information

- I7** Sch. 5 para. 6 in force at 1.12.2007 by S.I. 2007/3203, art. 2(c)

Status:

Point in time view as at 01/12/2007.

Changes to legislation:

There are currently no known outstanding effects for the Police and Justice Act 2006, SCHEDULE 5.