

SCHEDULES

SCHEDULE 12

Section 45

POWERS OF CIVILIAN STAFF AND VOLUNTEERS: FURTHER AMENDMENTS

PART 1

AMENDMENTS OF THE POLICE REFORM ACT 2002

- 1 (1) Section 38B (police powers for civilian employees under collaboration agreements) is amended as follows.
 - (2) In subsection (1)(a), after “civilian employee of” insert “, or a police volunteer with,”.
 - (3) In subsection (2), for “one or more of the descriptions specified in section 38(2)” substitute “either or both of the descriptions specified in section 38(1) (if C is a civilian employee of the assisting force) or section 38(1A) (if C is a police volunteer with the assisting force)”.
 - (4) In subsection (3), for “section 38(2)” substitute “section 38(1) or (as the case may be) section 38(1A)”.
 - (5) In subsection (10)—
 - (a) for “civilian employees of the assisting force” substitute “persons designated under section 38 by the chief officer of police of the assisting force”;
 - (b) for “section 23B” substitute “section 23AA”.
- 2 (1) Section 42 (supplementary provisions relating to designations and accreditations) is amended as follows.
 - (2) Omit subsections (A1) to (C1) and (1A).
 - (3) In subsection (2A), for “investigating officer”, in each place where it occurs, substitute “policing support officer or policing support volunteer”.
 - (4) In subsection (2B), for ““investigating officer” means a person designated as an investigating officer” substitute ““policing support officer” and “policing support volunteer” mean (respectively) a person designated as a policing support officer or (as the case may be) a policing support volunteer”.
 - (5) After subsection (7A) insert—

“(7B) For the purposes of determining liability for the unlawful conduct of police volunteers designated under section 38, conduct by such a volunteer in reliance or purported reliance on a designation under that section is to be taken to be conduct by that person in the course of employment by the chief officer of police by whom the designation is made; and, in the case of a tort, that chief officer is to be treated as a joint tortfeasor accordingly.

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- (7C) For the purposes of determining liability for the unlawful conduct of police volunteers designated under section 38, conduct by such a volunteer in reliance or purported reliance on a designation under section 38B is to be taken to be conduct by that person in the course of employment by the chief officer of police by whom the designation under section 38 is made; and, in the case of a tort, that chief officer is to be treated as a joint tortfeasor accordingly.”
- 3 Omit section 45 (code of practice relating to chief officers’ powers under Chapter 1).
- 4 In section 105 (powers of Secretary of State to make orders and regulations), in subsection (3)(b)—
- (a) for “any order that is” substitute “any order or regulations that are”;
 - (b) after “section 19(3),” insert “38(9C),”;
 - (c) omit “, 38A(4)”;
 - (d) omit “or paragraph 15A(2) of Schedule 4”.
- 5 (1) Schedule 4 is amended as follows.
- (2) For the heading to the Schedule substitute “Powers exercisable by contracted-out staff”.
- (3) Omit Parts 1 and 2.
- (4) In Part 5, in paragraph 36—
- (a) in sub-paragraph (1)(a), for “section 38 or 39” substitute “section 39”;
 - (b) omit sub-paragraphs (2) and (2A);
 - (c) in sub-paragraph (3), for “section 38 or 39” substitute “section 39”;
 - (d) omit sub-paragraph (3A).

PART 2

OTHER AMENDMENTS

- 6 (1) Schedule 1 to the Representation of the People Act 1983 (parliamentary election rules) is amended as follows.
- (2) In paragraph 31(2)—
- (a) after “community support officer” insert “or community support volunteer”;
 - (b) in the words in brackets, after “employees” insert “or volunteers”.
- (3) In paragraph 32(5)—
- (a) after “community support officer” insert “or community support volunteer”;
 - (b) in the words in brackets, after “employees” insert “or volunteers”.
- 7 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 55 (intimate searches), in subsection (17), in the definition of “appropriate officer”, omit paragraph (b).
- (3) In section 64A (photographing of suspects etc), in subsection (1B)—

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- (a) in paragraph (c), for “with a community support officer under paragraph 2(3) or (3B) of Schedule 4” substitute “with a community support officer or a community support volunteer under paragraph 7 of Schedule 3B”;
 - (b) for paragraph (e) substitute—
 - “(e) given a fixed penalty notice by a community support officer or community support volunteer who is authorised to give the notice by virtue of his or her designation under section 38 of the Police Reform Act 2002;”.
- (4) In section 67 (codes of practice - supplementary), in subsection (9A)(a), in the words in brackets, after “civilian staff” insert “and volunteers”.
- 8 In the Road Traffic Act 1988, in section 144 (exceptions from requirement of third-party insurance or security), in subsection (2)(b), after “in its capacity as a police authority,” insert “by a police volunteer designated under section 38 of the Police Reform Act 2002;”.
- 9 In the Road Traffic Offenders Act 1988, in section 79 (statements by constables), in subsection (2), after “civilian police employee” insert “, or by a police volunteer designated under section 38 of the Police Reform Act 2002;”.
- 10 (1) The Police Act 1996 is amended as follows.
- (2) In section 23AA (force collaboration provision about civilian employees)—
- (a) in subsection (1), for “designated civilian employees of one police force” substitute “persons designated under section 38 of the Police Reform Act 2002 (“designated persons”) by the chief officer of one police force”;
 - (b) in subsection (2), for “designated civilian employees” (in both places where it occurs) substitute “designated persons”;
 - (c) in subsection (3)—
 - (i) for “designated civilian employees” substitute “designated persons”;
 - (ii) for “those employees” substitute “those persons”;
 - (d) in subsection (4), for “designated civilian employees” substitute “designated persons”;
 - (e) in subsection (5) —
 - (i) in the opening words, for “civilian employees of the assisting force” substitute “persons designated under section 38 of the Police Reform Act 2002 by the chief officer of the assisting force”;
 - (ii) in each of paragraphs (a) to (c), for “civilian employees” substitute “designated persons”;
 - (f) in subsection (6), omit the definition of “designated”;
 - (g) in that subsection, in the definition of “relevant section 38 designation”—
 - (i) for “designated civilian employee” substitute “designated person”;
 - (ii) for “the employee” substitute “the person”.
- (3) In section 23I(7) (collaboration agreements: definition)—
- (a) omit the “and” at the end of paragraph (a);
 - (b) at the end of paragraph (b), insert “and
 - (c) references to persons who are under the direction and control of the chief officer of police by virtue of being volunteers with the force;”.

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- 11 In the Crime and Disorder Act 1998, in section 66H (interpretation of Chapter 1), in paragraph (c), for “an investigating officer” substitute “a policing support officer or a policing support volunteer”.
- 12 In the Representation of the People Act 2000, in Schedule 4 (absent voters in Great Britain), in paragraph 2(5ZA)—
- (a) after “community support officer” insert “or community support volunteer”;
 - (b) in the words in brackets, after “employees” insert “or volunteers”.
- 13 In the Terrorism Act 2000, in section 47AE (effect of code), in subsection (5), omit “paragraph 15 of Schedule 4 to the Police Reform Act 2002 or”.
- 14 In the Private Security Industry Act 2001, in Schedule 2 (activities liable to control under the Act), in paragraph 2, for sub-paragraph (7)(f) substitute—
- “(f) activities of a person designated under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers) which are carried out by virtue of the designation;”.
- 15 In the Anti-social Behaviour Act 2003 omit the following—
- (a) section 23(3) and (4);
 - (b) section 46(1);
 - (c) section 89(3) and (4).
- 16 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 27 (interpretation), in the definition of “investigating officer”, for “an investigating officer” substitute “a policing support officer or a policing support volunteer”.
- (3) In Schedule 1, omit paragraphs 17 to 19.
- 17 (1) Section 28 of the Railways and Transport Safety Act 2003 (exercise of powers by civilians) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), in the words in brackets, at the end insert “and volunteers”;
 - (b) omit paragraph (aa);
 - (c) omit paragraph (d);
 - (d) omit the “and” after paragraph (f);
 - (e) after paragraph (f) insert—
 - “(fa) Schedule 3B (designations under section 38),
 - (fb) Schedule 3C (designations under section 38: additional powers and duties), and”;
 - (f) in paragraph (g), in the words in brackets, for “civilians” substitute “contracted-out staff”.
- (3) In subsection (2)—
- (a) omit paragraph (e);
 - (b) in paragraph (f), for “Schedule 4” substitute “Schedules 3C and 4”.
- 18 In the Serious Organised Crime and Police Act 2005—
- (a) omit section 122(3);
 - (b) in Schedule 8, omit paragraphs 1 to 15;

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- (c) in Schedule 9, omit paragraphs 2 to 6;
 - (d) in Schedule 13, omit paragraph 13.
- 19 In the Violent Crime Reduction Act 2006, omit section 24(6).
- 20 In the Education and Inspections Act 2006, omit the following—
- (a) section 107(2) and (3);
 - (b) section 108(7).
- 21 (1) The Police and Justice Act 2006 is amended as follows.
- (2) Omit sections 7 and 8.
- (3) In section 9, omit “makes amendments consequential on section 7 (standard powers and duties of community support officers), and”.
- (4) In Schedule 5, omit paragraphs 2(3) and (4), 3 and 5(2) to (9).
- (5) In Schedule 14, omit paragraph 48.
- 22 In the Local Government and Public Involvement in Health Act 2007—
- (a) omit section 133(2);
 - (b) in Schedule 6, omit paragraph 4(1).
- 23 In the UK Borders Act 2007, omit section 47.
- 24 In the Local Transport Act 2008, in Schedule 4, omit paragraph 65.
- 25 In the Local Democracy, Economic Development and Construction Act 2009, in Schedule 6, omit paragraph 116.
- 26 In the Policing and Crime Act 2009, in Schedule 7, omit paragraph 125(3)(b).
- 27 In the Police Reform and Social Responsibility Act 2011, in Schedule 16, omit paragraphs 292(3), 293, 298 and 303.
- 28 In the Protection of Freedoms Act 2012, in Schedule 9, omit paragraph 30.
- 29 In the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in Schedule 23, omit paragraph 14(3).
- 30 In the [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), omit section 17(2).
- 31 In the Anti-social Behaviour, Crime and Policing Act 2014, omit the following—
- (a) section 40;
 - (b) section 53(5) and (6);
 - (c) section 69;
 - (d) section 152 and Schedule 10;
 - (e) in Schedule 11, paragraph 32.
- 32 In the Psychoactive Substances Act 2016, in Schedule 5, omit paragraph 3.

PART 3

MINOR CORRECTING AMENDMENTS

- 33 (1) The Police Reform Act 2002 is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In section 50 (persons acting in an anti-social manner), in subsection (1), for “has been acting, or is acting, in an anti-social manner” substitute “has engaged, or is engaging, in anti-social behaviour”.
- (3) In consequence of the amendment made by sub-paragraph (2), in the heading of the section, for “acting in an anti-social manner” substitute “engaging in anti-social behaviour”.
- (4) In Schedule 5, in paragraph 3, the existing text becomes sub-paragraph (1).
- (5) In that sub-paragraph, for the words from “to have been acting” to “(anti-social behaviour orders))” substitute “to have been engaging, or to be engaging, in anti-social behaviour”.
- (6) After that sub-paragraph insert—
 - “(2) In sub-paragraph (1), “anti-social behaviour” has the meaning given by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (ignoring subsection (2) of that section).”
- (7) In consequence of the amendment made by sub-paragraph (5), in the italic heading before paragraph 3, for “acting in an anti-social manner” substitute “engaging in anti-social behaviour”.