



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 4

#### POLICE POWERS ETC.

### CHAPTER 1

#### EXERCISE OF POLICE POWERS ETC. BY CIVILIANS

#### **38 Police powers for [<sup>F1</sup>civilian staff][<sup>F2</sup>and volunteers]**

[<sup>F3</sup>(1) The chief officer of police of any police force may designate a relevant employee as either or both of the following—

- (a) a community support officer;
- (b) a policing support officer.

(1A) The chief officer of police of any police force may designate a police volunteer as either or both of the following—

- (a) a community support volunteer;
- (b) a policing support volunteer.]

(2) The description of officers are as follows—

- (a) community support officer;
- (b) investigating officer;
- (c) detention officer;
- (d) escort officer.

(3) <sup>F4</sup> .....

(4) A chief officer of police <sup>F5</sup> . . . 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;

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- (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 [<sup>F6</sup>or imposed] on him by virtue of the designation.
- (5) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.
- <sup>F7</sup>(5A) .....
- <sup>F7</sup>(5B) .....
- <sup>F7</sup>(6) .....
- <sup>F7</sup>(6A) .....
- [<sup>F8</sup>(6B) The powers and duties that may be conferred or imposed on a person designated under this section are—
  - (a) any power or duty of a constable, other than a power or duty specified in Part 1 of Schedule 3B (excluded powers and duties);
  - (b) where the person is designated as a community support officer or a community support volunteer, any power or duty that is described in Schedule 3C as a power or duty of a community support officer or community support volunteer.
- (6C) The Secretary of State may by regulations amend Part 1 of Schedule 3B so as to add to the list of powers and duties specified in it.
- (6D) Part 2 of Schedule 3B makes provision about the application of legislation in relation to powers or duties of a constable that may be exercised or performed by a person designated under this section.
- (6E) Any power or duty of a constable that is conferred or imposed on a person designated under this section by a chief officer of police of a police force may (subject to provision included in the designation under subsection (6F)) be exercised or performed by the person—
  - (a) in the area of that police force, and
  - (b) in any cases or circumstances in which it could be exercised or performed by a constable who is a member of that force.
- (6F) A designation under this section may provide that any power or duty of a constable that is conferred or imposed by the designation may be exercised or performed by the person designated—
  - (a) in such areas outside the area of the police force in question as are specified in the designation (as well as within the area of the police force);
  - (b) only in such parts of the area of that police force as are specified in the designation;
  - (c) only in cases or circumstances so specified.]
- (7) [<sup>F9</sup>A relevant employee]<sup>F10</sup> . . . 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.

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[<sup>F11</sup>(7A) A police volunteer 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 while acting as a police volunteer;
- (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in the 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) Where any power exercisable by any person in reliance on his designation under this section includes power to use force to enter any premises, that power shall not be exercisable by that person except—

- (a) in the company, and under the supervision, of a constable; or
- (b) for the purpose of saving life or limb or preventing serious damage to property.

[<sup>F12</sup>(9A) The chief officer of police of a police force must ensure that no person designated by the chief officer under this section is authorised to use a firearm, within the meaning given by section 57(1) of the Firearms Act 1968, in carrying out functions for the purposes of the designation.

(9B) However, subsection (9A) does not apply to—

- (a) the use of a weapon, designed or adapted for the discharge of either of the following substances, for the purpose of discharging either of those substances—
  - (i) the substance, commonly known as “CS spray”, that is produced by the use of 2-chlorobenzalmalononitrile;
  - (ii) the substance, commonly known as PAVA spray, that is produced by the use of pelargonic acid vanillylamide;
- (b) the use of a weapon for a purpose specified in regulations made by the Secretary of State;
- (c) the use of a weapon of a description specified in regulations made by the Secretary of State, whether generally or for a purpose so specified.]

[<sup>F13</sup>(9C) A statutory instrument containing regulations under subsection (6C) or (9B)(b) or (c) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.]

[<sup>F14</sup>(11) In this section “relevant employee” means—

- (a) in the case of—
  - (i) a police force maintained for a police area in accordance with section 2 of the Police Act 1996, or
  - (ii) the police force maintained for the metropolitan police district in accordance with section 5A of that Act,
 a member of the civilian staff of that police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011);
- (b) in the case of any other police force, a person who—
  - (i) is employed by the police authority maintaining that force, and

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(ii) is under the direction and control of the chief officer making a designation under subsection (1).]

[<sup>F15</sup>(11A) In the case of a police force maintained for a police area in England in accordance with section 2 of the Police Act 1996, the following are also relevant employees for the purposes of this section—

- (a) any member of staff transferred to the chief constable of the police force under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004 (transfer of property, rights and liabilities to chief constable to whom fire functions of a fire and rescue authority may be delegated);
- (b) any member of staff appointed by that chief constable under section 4I(4) of that Act (appointment of staff by chief constable to whom fire functions of a fire and rescue authority may be delegated).
- [<sup>F16</sup>(c) any member of staff transferred to that chief constable under a scheme made by virtue of section 107EC(1) of the Local Democracy, Economic Development and Construction Act 2009 (transfer of property, rights and liabilities to chief constable to whom fire functions of combined authority may be delegated);
- (d) any member of staff appointed by that chief constable under section 107EC(2) of that Act (appointment of staff by chief constable to whom fire functions of combined authority may be delegated).]

[<sup>F17</sup>(12) In this section, “police volunteer” means a person who is under the direction and control of the chief officer making a designation under subsection (1A) otherwise than because the person is a constable, a special constable or a relevant employee.

(13) For the purpose of subsection (12), a person is to be treated as a relevant employee only in relation to times when the person is acting in the course of the person's employment.]

#### Textual Amendments

- F1** Words in s. 38 title substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), **Sch. 16 para. 292(2)**; S.I. 2011/3019, art. 3, Sch. 1
- F2** Words in s. 38 heading inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017](#) (c. 3), **ss. 38(9)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)
- F3** S. 38(1)(1A) substituted for s. 38(1) (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017](#) (c. 3), **ss. 38(2)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)
- F4** S. 38(3) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), ss. 59, 174, 178, **Sch. 4 para. 181(2)**, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(o) (subject to art. 4(2)-(7))
- F5** Words in s. 38(4) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), ss. 59, 174, 178, **Sch. 4 para. 181(3)**, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(o) (subject to art. 4(2)-(7))
- F6** Words in s. 38(4)(c) inserted (1.12.2007) by [Police and Justice Act 2006](#) (c. 48), ss. 9, 53, **Sch. 5 para. 2(2)**; S.I. 2007/3203, **art. 2(c)**
- F7** S. 38(5A)-(6A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017](#) (c. 3), **ss. 38(3)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)
- F8** S. 38(6B)-(6F) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017](#) (c. 3), **ss. 38(4)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)

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- F9** Words in s. 38(7) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 292\(4\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F10** Words in s. 38(7) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 59, 174, 178, Sch. 4 para. 181\(4\), Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 12, 13(oo) (subject to [art. 4\(2\)-\(7\)](#))
- F11** S. 38(7A) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(5\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, [reg. 2\(d\)](#) (with [regs. 4, 5](#)) (as amended by S.I. 2017/1162, [reg. 2](#))
- F12** S. 38(9A)(9B) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(6\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, [reg. 2\(d\)](#) (with [regs. 4, 5](#)) (as amended by S.I. 2017/1162, [reg. 2](#))
- F13** S. 38(9C) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(7\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, [reg. 2\(d\)](#) (with [regs. 4, 5](#)) (as amended by S.I. 2017/1162, [reg. 2](#))
- F14** S. 38(11) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 292\(5\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F15** S. 38(11A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 1 para. 82](#); S.I. 2017/399, [reg. 2, Sch. para. 38](#)
- F16** S. 38(11A)(c)(d) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 8\(7\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/726, [reg. 2\(a\)](#)
- F17** S. 38(12)(13) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(8\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, [reg. 2\(d\)](#) (with [regs. 4, 5](#)) (as amended by S.I. 2017/1162, [reg. 2](#))

#### Modifications etc. (not altering text)

- C1** S. 38 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), ss. 28\(1\)\(a\)\(2\), 120](#) (with s. 72); S.I. 2004/1572, [art. 3\(k\)](#)

### <sup>F18</sup>38A Standard powers and duties of community support officers

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#### Textual Amendments

- F18** S. 38A omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), ss. 38\(10\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, [reg. 2\(d\)](#) (with [regs. 4, 5](#)) (as amended by S.I. 2017/1162, [reg. 2](#))

### [<sup>F19</sup>38B Police powers for civilian employees under collaboration agreements

- (1) The chief officer of police of a police force (the “assisted force”) may designate a person (“C”) who—
- is a civilian employee of [<sup>F20</sup>, or a police volunteer with,] another police force (the “assisting force”),
  - is designated under section 38 by the chief officer of police of the assisting police force (the “section 38 designation”), and
  - is permitted, under relevant police collaboration provision, to discharge powers and duties specified in that provision for the purposes of the assisted force.

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- (2) The designation under subsection (1) (the “collaboration designation”) must designate C as an officer of [<sup>F21</sup>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)].
- (3) The collaboration designation may designate C as an officer of a particular description specified in [<sup>F22</sup>section 38(1) or (as the case may be) section 38(1A)] only if the section 38 designation designates C as an officer of that description.
- (4) C shall have the powers and duties conferred or imposed on C by the collaboration designation.
- (5) A power or duty may be conferred or imposed on C by the collaboration designation only if C is permitted, under the relevant police collaboration provision, to discharge that power or duty for the purposes of the assisted force.
- (6) C shall not be authorised or required by virtue of the collaboration designation to engage in any conduct otherwise than in the course of discharging a power or duty conferred or imposed on C by the collaboration designation.
- (7) The collaboration designation must specify the restrictions and conditions to which C is subject in the discharge of the powers and duties conferred or imposed by the collaboration designation.
- (8) Those restrictions and conditions must include the restrictions and conditions specified in the relevant police collaboration provision.
- (9) C is authorised or required to discharge any power or duty conferred or imposed by the collaboration designation subject to the restrictions and conditions specified in the collaboration designation.
- (10) References in this section to the discharge of functions by [<sup>F23</sup>persons designated under section 38 by the chief officer of police of the assisting force] for the purposes of the assisted force have the same meaning as in [<sup>F24</sup>section 23AA] of the Police Act 1996.
- (11) In this section—
 

“civilian employee” has the meaning given by section 23I of the Police Act 1996;

“relevant police collaboration provision” means provision, contained in a collaboration agreement under section 22A of the Police Act 1996, which is of the kind referred to in section 23AA of that Act.

#### Textual Amendments

- F19** Ss. 38B, 38C inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 13 para. 3](#); S.I. 2011/3019, art. 3, Sch. 1
- F20** Words in s. 38B(1)(a) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(2\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)
- F21** Words in s. 38B(2) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(3\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)
- F22** Words in s. 38B(3) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(4\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

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- F23** Words in s. 38B(10) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(5\)\(a\)](#); [S.I. 2017/1139](#), reg. 2(k) (as amended by [S.I. 2017/1162](#), [reg. 2](#))
- F24** Words in s. 38B(10) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(5\)\(b\)](#); [S.I. 2017/1139](#), reg. 2(k) (as amended by [S.I. 2017/1162](#), [reg. 2](#))

### **38C Designations under section 38B: supplementary provision**

- (1) The collaboration designation of C must be in accordance with the relevant police collaboration provision.
- (2) Subsection (1) is in addition to section 38B(5) and (8).
- (3) Subsections (8) and (9) of section 38 apply to any power exercisable by C in reliance on the collaboration designation as they apply to a power exercisable by a person in reliance on a designation under section 38.
- (4) In exercising or performing any power or duty in reliance on the collaboration designation, C is to be taken—
  - (a) as exercising or performing that power or duty in reliance on that collaboration designation (and not in reliance on any designation under section 38); and
  - (b) accordingly, as not being a designated person (within the meaning of section 46(1)) by virtue of any designation under section 38.
- (5) Expressions used in this section and section 38B have the same meanings in this section as in section 38B.]

#### **Textual Amendments**

- F19** Ss. 38B, 38C inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 13 para. 3](#); [S.I. 2011/3019](#), art. 3, Sch. 1

### **39 Police powers for contracted-out staff**

- (1) This section applies if a [<sup>F25</sup>local policing body] 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 [<sup>F25</sup>local policing body] 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;

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- (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.
- (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.
- <sup>F26</sup>(9) .....
- <sup>F26</sup>(10) .....
- <sup>F26</sup>(11) .....
- (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 [<sup>F27</sup>local policing body] and the contractor is terminated or expires.

#### Textual Amendments

- F25** Words in s. 39(1)(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 294\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F26** S. 39(9)-(11) repealed (8.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 11 para. 94](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 5(d)(i) (with arts. 6, 7)
- F27** Words in s. 39(13)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 294\(4\)](#); S.I. 2011/3019, art. 3, Sch. 1



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### Modifications etc. (not altering text)

- C2** 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

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

## 40 Community safety accreditation schemes

- (1) The chief officer of police of any police force may, if he considers that it is appropriate to do so for the purposes specified in subsection (3), establish and maintain a scheme (“a community safety accreditation scheme”).
- (2) A community safety accreditation scheme is a scheme for the exercise in the chief officer’s police area by persons accredited by him under section 41 of the powers conferred by their accreditations under that section.
- (3) Those purposes are—
  - (a) contributing to community safety and security; and
  - (b) in co-operation with the police force for the area, combatting crime and disorder, public nuisance and other forms of anti-social behaviour.
- (4) Before establishing a community safety accreditation scheme for his police area, a chief officer of any police force (other than the Commissioner of Police of the Metropolis) must consult with—
  - (a) the [<sup>F28</sup>local policing body] maintaining that force, and
  - (b) every local authority any part of whose area lies within the police area.
- (5) Before establishing a community safety accreditation scheme for the metropolitan police district, the Commissioner of Police of the Metropolis must consult with—
  - [<sup>F29</sup>(a) the Mayor’s Office for Policing and Crime;]
  - (b) the Mayor of London; and
  - (c) every local authority any part of whose area lies within the metropolitan police district.
- (6) In subsections (4)(b) and (5)(c) “local authority” means—
  - (a) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly; and
  - (b) in relation to Wales, a county council or a county borough council.
- (7) Every [<sup>F30</sup>police and crime plan under section 5 or 6 of the Police Reform and Social Responsibility Act 2011] which is issued after the commencement of this section, <sup>F31</sup>... must set out—
  - (a) whether a community safety accreditation scheme is maintained for the police area in question;
  - (b) if not, whether there is any proposal to establish such a scheme for that area during the period to which the plan relates;

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- (c) particulars of any such proposal or of any proposal to modify during that period any community safety accreditation scheme that is already maintained for that area;
  - (d) the extent (if any) of any arrangements for provisions specified in Schedule 4 to be applied to designated persons employed by the [<sup>F32</sup>local policing body]; and
  - (e) the respects in which any community safety accreditation scheme that is maintained or proposed will be supplementing those arrangements during the period to which the plan relates.
- (8) A community safety accreditation scheme must contain provision for the making of arrangements with employers who—
- (a) are carrying on business in the police area in question, or
  - (b) are carrying on business in relation to the whole or any part of that area or in relation to places situated within it,
- for those employers to supervise the carrying out by their employees of the community safety functions for the purposes of which powers are conferred on those employees by means of accreditations under section 41.
- (9) It shall be the duty of a chief officer of police who establishes and maintains a community safety accreditation scheme to ensure that the employers of the persons on whom powers are conferred by the grant of accreditations under section 41 have established and maintain satisfactory arrangements for handling complaints relating to the carrying out by those persons of the functions for the purposes of which the powers are conferred.

#### Textual Amendments

- F28** Words in s. 40(4)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 295\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F29** S. 40(5)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 295\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F30** Words in s. 40(7) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 295\(4\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F31** Words in s. 40(7) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 295\(4\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F32** Words in s. 40(7) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 295\(4\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1

#### Modifications etc. (not altering text)

- C3** S. 40(7) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017](#) (S.I. 2017/470), art. 1(2), [Sch. 1 para. 11\(2\)](#)
- C4** S. 40(7)(d) modified (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023](#) (S.I. 2023/1432), arts. 1(2), 33(2), [Sch. 5 para. 11\(2\)](#)

## 41 Accreditation under community safety accreditation schemes

- (1) This section applies where a chief officer of police has, for the purposes of a community safety accreditation scheme, entered into any arrangements with any

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employer for or with respect to the carrying out of community safety functions by employees of that employer.

- (2) The chief officer of police may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to any employee of the employer.
- (3) Schedule 5 (which sets out the powers that may be conferred on accredited persons) shall have effect.
- (4) A chief officer of police shall not grant accreditation to a person under this section unless he is satisfied—
  - (a) that that person's employer is a fit and proper person to supervise the carrying out of the functions for the purposes of which the accreditation is to be granted;
  - (b) that the person himself is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation;
  - (c) that that person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on him; and
  - (d) that that person has received adequate training for the exercise of those powers.
- [<sup>F33</sup>(4A) A chief officer of police may not grant accreditation under this section to a weights and measures inspector.]
- (5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—
  - (a) considering an application for or for the renewal of an accreditation under this section;
  - (b) granting such an accreditation.
- (6) A person authorised or required to do anything by virtue of an accreditation under this section—
  - (a) shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his employment by the employer with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); and
  - (b) shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.
- (7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation; but it may be renewed at any time with effect from the time when it would otherwise expire.
- (8) An accreditation under this section shall cease to have effect—
  - (a) if the accredited person ceases to be an employee of the person with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); or
  - (b) if those arrangements are terminated or expire.

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#### Textual Amendments

**F33** S. 41(4A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 42](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to [arts. 6, 7](#))

### [<sup>F34</sup> 41A Accreditation of weights and measures inspectors

- (1) The chief officer of police of any police force may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to a weights and measures inspector.
- (2) A weights and measures inspector to whom an accreditation under this section is granted by a chief officer of police may exercise the powers conferred by the accreditation in the chief officer's police area.
- (3) Schedule 5A (which sets out the powers that may be conferred on inspectors accredited under this section) shall have effect.
- (4) A chief officer of police shall not grant accreditation to a weights and measures inspector under this section unless he is satisfied that—
  - (a) the inspector is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation; and
  - (b) the inspector has received adequate training for the exercise of those powers.
- (5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—
  - (a) considering an application for or for the renewal of an accreditation under this section;
  - (b) granting an accreditation under this section.
- (6) A weights and measures inspector authorised or required to do anything by virtue of an accreditation under this section—
  - (a) shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his duties as a weights and measures inspector; and
  - (b) shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.
- (7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation, but it may be renewed at any time with effect from the time when it would otherwise expire.
- (8) An accreditation under this section shall cease to have effect if the accredited inspector ceases to hold office as a weights and measures inspector.]

#### Textual Amendments

**F34** S. 41A inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 15(1), 53; S.I. 2007/709, [art. 3\(k\)](#) (subject to [arts. 6, 7](#))

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## **[<sup>F35</sup>41B Power to apply accreditation provisions**

- (1) The Secretary of State may by order provide for section 41A and any other provision of this Chapter relating to accredited inspectors to apply (with or without modification) in relation to persons of a description specified in the order.
- (2) The provision which may be made by an order under this section includes such modifications of other enactments as appear to the Secretary of State to be necessary or appropriate.
- (3) No order shall be made under this section unless a draft of it has been laid before and approved by a resolution of each House of Parliament.]

### **Textual Amendments**

**F35** S. 41B inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 16, 53**; [S.I. 2007/709](#), **art. 3(1)**; (subject to arts. 6, 7)

## **42 Supplementary provisions relating to designations and accreditations**

<sup>F36</sup>(A1) .....

<sup>F36</sup>(B1) .....

<sup>F36</sup>(C1) .....

- (1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 [<sup>F37</sup>, 38B] or 39 or his accreditation under section 41 [<sup>F38</sup> or 41A], or who purports to do so, shall produce that designation or accreditation to that person, if requested to do so.

<sup>F39</sup>(1A) .....

- (2) A power exercisable by any person in reliance on his designation by a chief officer of police under section 38 or 39 or his accreditation under section 41 shall [<sup>F40</sup>, subject to subsection (2A),] be exercisable only by a person wearing such uniform as may be—

- (a) determined or approved for the purposes of this Chapter by the chief officer of police who granted the designation or accreditation; and
- (b) identified or described in the designation or accreditation;

and, in the case of an accredited person, such a power shall be exercisable only if he is also wearing such badge as may be specified for the purposes of this subsection by the Secretary of State, and is wearing it in such manner, or in such place, as may be so specified.

- [<sup>F41</sup>(2ZA) A power exercisable by any person in reliance on a designation under section 38B by the chief officer of police of the assisted force shall, subject to subsection (2A), be exercisable only by a person wearing such uniform as may be—

- (a) determined or approved for the purposes of this Chapter by the chief officer of police of the assisting police force; and
- (b) identified or described in the designation.

In this subsection, “assisted force” and “assisting force” have the same meanings as in section 38B.]

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- [<sup>F42</sup>(2A) A police officer of or above the rank of inspector may direct a particular [<sup>F43</sup>policing support officer or policing support volunteer] not to wear a uniform for the purposes of a particular operation; and if he so directs, subsection (2) [<sup>F44</sup>or (2ZA)] shall not apply in relation to that [<sup>F43</sup>policing support officer or policing support volunteer] for the purposes of that operation.
- (2B) In subsection (2A), [<sup>F45</sup>“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] under section 38 [<sup>F46</sup>(in relation to subsection (2)) or section 38B (in relation to subsection (2ZA))] by the chief officer of police of the same force as the officer giving the direction.]
- (3) A chief officer of police who has granted a designation or accreditation to any person under section 38 [<sup>F47</sup>, 38B], 39 or 41 [<sup>F48</sup>or an accreditation to any weights and measures inspector under section 41A] may at any time, by notice to the designated or accredited person [<sup>F49</sup>or the accredited inspector], modify or withdraw that designation or accreditation.
- <sup>F50</sup>(4) . . . . .
- (5) Where any person’s designation under section 39 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the contractor responsible for supervising that person in the carrying out of the functions for the purposes of which the designation was granted.
- (6) Where any person’s accreditation under section 41 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the employer responsible for supervising that person in the carrying out of the functions for the purposes of which the accreditation was granted.
- [<sup>F51</sup>(6A) Where the accreditation of a weights and measures inspector under section 41A is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the local weights and measures authority by which the inspector was appointed.]
- (7) For the purposes of determining liability for the unlawful conduct of employees of a [<sup>F52</sup>chief officer of police or local policing body], conduct by such an employee in reliance or purported reliance on a designation under section 38 shall be taken to be conduct in the course of his employment by the [<sup>F52</sup>chief officer of police or local policing body]; and, in the case of a tort, [<sup>F53</sup>that chief officer or body] shall fall to be treated as a joint tortfeasor accordingly.
- [<sup>F54</sup>(7A) For the purposes of determining liability for the unlawful conduct of a civilian employee of a police force (within the meaning of section 38B), conduct by such an employee in reliance or purported reliance on a designation under section 38B shall be taken to be conduct in the course of the employee's employment by the employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.]
- [<sup>F55</sup>(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.]

<sup>F50</sup>(8) .....

(9) For the purposes of determining liability for the unlawful conduct of employees of a contractor (within the meaning of section 39), conduct by such an employee in reliance or purported reliance on a designation under that section shall be taken to be conduct in the course of his employment by that contractor; and, in the case of a tort, that contractor shall fall to be treated as a joint tortfeasor accordingly.

(10) For the purposes of determining liability for the unlawful conduct of employees of a person with whom a chief officer of police has entered into any arrangements for the purposes of a community safety accreditation scheme, conduct by such an employee in reliance or purported reliance on an accreditation under section 41 shall be taken to be conduct in the course of his employment by that employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.

[<sup>F56</sup>(11) For the purposes of determining liability for the unlawful conduct of weights and measures inspectors, conduct by such an inspector in reliance or purported reliance on an accreditation under section 41A shall be taken to be conduct in the course of his duties as a weights and measures inspector; and, in the case of a tort, the local weights and measures authority by which he was appointed shall fall to be treated as a joint tortfeasor accordingly.]

#### Textual Amendments

- F36** S. 42(A1)-(C1) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 2\(2\)\(b\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F37** Word in s. 42(1) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 13 para. 4\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F38** Words in s. 42(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 43\(2\)](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6,7)
- F39** S. 42(1A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 2\(2\)\(b\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F40** Words in s. 42(2) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122(2)(a), 178; S.I. 2005/1521, [art. 3\(1\)\(h\)](#); S.I. 2005/2026, [art. 2\(d\)](#)
- F41** S. 42(2ZA) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 13 para. 4\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F42** S. 42(2A)(2B) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122(2)(b), 178; S.I. 2005/1521, [art. 3\(1\)\(h\)](#); S.I. 2005/2026, [art. 2\(d\)](#)
- F43** Words in s. 42(2A) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 2\(3\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))



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- F44** Words in s. 42(2A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(4)**; S.I. 2011/3019, art. 3, Sch. 1
- F45** Words in s. 42(2B) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 2(4)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F46** Words in s. 42(2B) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(5)**; S.I. 2011/3019, art. 3, Sch. 1
- F47** Word in s. 42(3) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(6)**; S.I. 2011/3019, art. 3, Sch. 1
- F48** Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(3)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F49** Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(3)(b)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F50** S. 42(4)(8) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 182, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F51** S. 42(6A) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(4)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F52** Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F53** Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F54** S. 42(7A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(7)**; S.I. 2011/3019, art. 3, Sch. 1
- F55** S. 42(7B)(7C) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 2(5)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F56** S. 42(11) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(5)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

#### Modifications etc. (not altering text)

- C5** S. 42 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(c)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**
- C6** S. 42(7) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 11(3)**
- C7** S. 42(7) modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 11(3)**

## 43 Railway safety accreditation scheme

- (1) The Secretary of State may make regulations for the purpose of enabling the chief constable of the British Transport Police Force to establish and maintain a scheme (“a railway safety accreditation scheme”).
- [<sup>F57</sup>(2) A railway safety accreditation scheme is a scheme for the exercise, within a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales, by persons accredited by the chief constable of the British Transport Police Force under the scheme, of the powers conferred on those persons by their accreditation under that scheme.]
- (3) The regulations may make provision—



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- (a) as to the purposes for which a railway safety accreditation scheme may be established;
  - (b) as to the procedure to be followed in the establishment of such a scheme; and
  - (c) as to matters for which such a scheme must contain provision.
- (4) The regulations may make provision as to the descriptions of persons who may be accredited under a railway safety accreditation scheme and as to the procedure and criteria to be applied for the grant of any accreditation under such a scheme.
- (5) The regulations may make provision as to the powers which may be conferred on a person by an accreditation under such a scheme.
- (6) Subject to subsection (7), no regulations made by virtue of subsection (5) shall permit a power to be conferred on a person accredited under a railway safety accreditation scheme which could not be conferred on an accredited person under a community safety accreditation scheme.
- (7) The regulations may provide that the powers which may be conferred on a person by an accreditation under a railway safety accreditation scheme include the powers of a constable<sup>F58</sup> ... to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices) in respect of the following offences—
  - (a) an offence under section 55 of the British Transport Commission Act 1949 (c. xxix) (trespassing on a railway);
  - (b) an offence under section 56 of that Act (throwing stones etc. at trains or other things on railways).
- (8) In relation to a person accredited under a railway safety accreditation scheme, the regulations may apply, with such modifications as may be prescribed by them, any provision of this Chapter which applies in relation to an accredited person.
- (9) Before making regulations under this section the Secretary of State shall consult with—
  - (a) [<sup>F59</sup>the National Police Chiefs' Council];
  - (b) the chief constable of the British Transport Police Force;
  - [<sup>F60</sup>(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
  - (ca) the Mayor's Office for Policing and Crime;
  - (cb) the Common Council of the City of London; and]
  - (d) the [<sup>F61</sup>British Transport Police Authority] ;
  - (e) persons whom he considers to represent the interests of local authorities;
  - (f) the Mayor of London; and
  - (g) such other persons as he thinks fit.
- (10) In this section—
 

“local authorities” means district councils, London borough councils, county councils in Wales, county borough councils and the Common Council of the City of London; and

<sup>F62</sup> .....

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### Textual Amendments

- F57** S. 43(2) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), [art. 12\(7\)\(a\)](#)
- F58** Words in s. 43(7) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 14\(2\)](#); S.I. 2013/453, art. 4(e)
- F59** Words in s. 43(9)(a) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), Sch. 14 paras. 6, [7\(e\)](#); S.I. 2017/399, reg. 2, [Sch. para. 41](#)
- F60** S. 43(9)(c)-(cd) substituted for s. 43(9)(c) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 297](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 69)
- F61** Words in s. 43(9)(d) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), [art. 12\(7\)\(b\)](#)
- F62** S. 43(10): definition of "policed premises" repealed (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), [art. 12\(7\)\(c\)](#)

### Modifications etc. (not altering text)

- C8** S. 43 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 73, 120, [Sch. 5 para. 4](#) (with s. 72); S.I. 2004/1572, [art. 3\(jjj\)](#)

## <sup>F63</sup> 44 Removal of restriction on powers conferred on traffic wardens

.....

### Textual Amendments

- F63** S. 44 omitted (31.1.2017 for specified purposes, 1.12.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 13 para. 5](#); S.I. 2017/1139, reg. 3

## <sup>F64</sup> 45 Code of practice relating to chief officers' powers under Chapter 1

.....

### Textual Amendments

- F64** S. 45 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 3](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))

## 46 Offences against designated and accredited persons etc.

### (1) Any person who assaults—

- (a) a designated person in the execution of his duty,
- (b) an accredited person in the execution of his duty,
- [<sup>F65</sup>(ba) an accredited inspector in the execution of his duty,] or
- (c) a person assisting a designated or accredited person [<sup>F66</sup>or an accredited inspector] in the execution of his duty,

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is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(2) Any person who resists or wilfully obstructs—

- (a) a designated person in the execution of his duty,
- (b) an accredited person in the execution of his duty,
- [<sup>F67</sup>(ba) an accredited inspector in the execution of his duty,] or
- (c) a person assisting a designated or accredited person [<sup>F66</sup>or an accredited inspector] in the execution of his duty,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.

(3) Any person who, with intent to deceive—

- (a) impersonates a designated person [<sup>F68</sup>, an accredited person or an accredited inspector] ,
- (b) makes any statement or does any act calculated falsely to suggest that he is a designated person [<sup>F69</sup>, that he is an accredited person or that he is an accredited inspector] , or
- (c) makes any statement or does any act calculated falsely to suggest that he has powers as a designated or accredited person [<sup>F70</sup>or as an accredited inspector] that exceed the powers he actually has,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(4) In this section references to the execution by a designated person [<sup>F71</sup>, accredited person or accredited inspector] of his duty are references to his exercising any power or performing any duty which is his by virtue of his designation or accreditation.

[<sup>F72</sup>(5) References in this section to a designated person are to—

- (a) a designated person within the meaning given by section 47(1), and
- (b) a person in relation to whom a designation under section 38B is for the time being in force.]

#### Textual Amendments

- F65** S. 46(1)(ba) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(2\)\(a\)](#); [S.I. 2007/709](#), [art. 3\(p\)](#) (subject to arts. 6, 7)
- F66** Words in s. 46(1)(c)(2)(c) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(2\)\(b\)](#); [S.I. 2007/709](#), [art. 3\(p\)](#) (subject to arts. 6, 7)
- F67** S. 46(2)(ba) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(2\)\(a\)](#); [S.I. 2007/709](#), [art. 3\(p\)](#) (subject to arts. 6, 7)
- F68** Words in s. 46(3)(a) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(3\)\(a\)](#); [S.I. 2007/709](#), [art. 3\(p\)](#) (subject to arts. 6, 7)
- F69** Words in s. 46(3)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(3\)\(b\)](#); [S.I. 2007/709](#), [art. 3\(p\)](#) (subject to arts. 6, 7)
- F70** Words in s. 46(3)(c) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(3\)\(c\)](#); [S.I. 2007/709](#), [art. 3\(p\)](#) (subject to arts. 6, 7)
- F71** Words in s. 46(4) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 44\(4\)](#); [S.I. 2007/709](#), [art. 3\(p\)](#) (subject to arts. 6, 7)

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**F72** S. 46(5) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 5**; S.I. 2011/3019, art. 3, Sch. 1

**Modifications etc. (not altering text)**

**C9** S. 46 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(e)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

## 47 Interpretation of Chapter 1

(1) In this Chapter—

[<sup>F73</sup>“accredited inspector” means a weights and measures inspector in relation to whom an accreditation under section 41A is for the time being in force;]

“accredited person” means a person in relation to whom an accreditation under section 41 is for the time being in force;

“community safety functions” means any functions the carrying out of which would be facilitated by the ability to exercise one or more of the powers mentioned in Schedule 5;

“conduct” includes omissions and statements;

“designated person” means a person in relation to whom a designation under section 38 or 39 is for the time being in force;

<sup>F74</sup>

<sup>F75</sup>

[<sup>F76</sup>“weights and measures inspector” means an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.]

(2) In this Chapter—

(a) references to carrying on business include references to carrying out functions under any enactment; and

(b) references to the employees of a person carrying on business include references to persons holding office under a person, and references to employers shall be construed accordingly.

**Textual Amendments**

**F73** S. 47(1): definition of “accredited inspector” inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 52, 53, Sch. 14 para. 45**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

**F74** S. 47(1): definition of “Director General” repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 59, 174, 178, Sch. 4 para. 184, Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)–(7))

**F75** S. 47(1): definition of “Service Authority” repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 59, 174, 178, Sch. 4 para. 184, Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)–(7))

**F76** S. 47(1): definition of “weights and measures inspector” inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 52, 53, Sch. 14 para. 45**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

**Modifications etc. (not altering text)**

**C10** S. 47 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(f)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

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## CHAPTER 2

### PROVISIONS MODIFYING AND SUPPLEMENTING POLICE POWERS

#### *Powers of arrest*

#### 48 Offences for which a person may be arrested without a warrant

F77 .....

##### Textual Amendments

**F77** S. 48 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), [art. 2\(1\)\(t\)\(u\)\(xlix\)](#)

#### 49 Power of arrest in relation to failure to stop a vehicle

- (1) <sup>F78</sup> .....
- (2) In section 17(1)(c) of the 1984 Act (power of entry to effect arrest for certain offences), after sub-paragraph (iii) there shall be inserted—
- “(iia) section 163 of the Road Traffic Act 1988 (c. 52) (failure to stop when required to do so by a constable in uniform);”.
- (3) This section has no effect in relation to offences committed before its commencement.

##### Textual Amendments

**F78** S. 49(1) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), [art. 2\(1\)\(t\)\(u\)\(xlix\)](#)

#### *Power to require name and address*

#### 50 Persons [<sup>F79</sup>engaging in anti-social behaviour]

- (1) If a constable in uniform has reason to believe that a person [<sup>F80</sup>has engaged, or is engaging, in anti-social behaviour]<sup>F81</sup> ..., he may require that person to give his name and address to the constable.
- [<sup>F82</sup>(1A) In subsection (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).]
- (2) Any person who—
- (a) fails to give his name and address when required to do so under subsection (1), or
- (b) gives a false or inaccurate name or address in response to a requirement under that subsection,
- is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

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### Textual Amendments

- F79** Words in s. 50 heading substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 33\(3\)](#); S.I. 2017/399, reg. 2, [Sch. para. 40](#)
- F80** Words in s. 50(1) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 33\(2\)](#); S.I. 2017/399, reg. 2, [Sch. para. 40](#)
- F81** Words in s. 50(1) omitted (23.3.2015) by virtue of [Anti Social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 31\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, [art. 4\(f\)\(viii\)](#)
- F82** S. 50(1A) inserted (23.3.2015) by [Anti Social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 31\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, [art. 4\(f\)\(viii\)](#)

### *Persons in police detention*

## 51 Independent custody visitors for places of detention

- (1) Every [<sup>F83</sup>local policing body] shall—
- make arrangements for detainees to be visited by persons appointed under the arrangements (“independent custody visitors”); and
  - keep those arrangements under review and from time to time revise them as they think fit.

[<sup>F84</sup>(1A) Every [<sup>F85</sup>local policing body] must ensure—

- that the arrangements made by it require independent custody visitors to prepare and submit to it a report of any visit made under the arrangements to a suspected terrorist detainee, and
- that a copy of any report submitted under paragraph (a) is given to the person appointed under section 36(1) of the Terrorism Act 2006 (independent reviewer of terrorism legislation).]

- (2) The arrangements must secure that the persons appointed under the arrangements are independent of both—

- the [<sup>F86</sup>local policing body]; and
- the chief officer of police of the police force maintained by [<sup>F87</sup>that body].

- (3) The arrangements may confer on independent custody visitors such powers as the [<sup>F88</sup>local policing body] considers necessary to enable them to carry out their functions under the arrangements and may, in particular, confer on them powers—

- to require access to be given to each police station;
- to examine records relating to the detention of persons there;
- [<sup>F89</sup>(ba) in relation to suspected terrorist detainees, to listen to the audio recordings and view the video recordings (with or without sound) of interviews with those detainees which have taken place during their detention there and which were conducted by a constable;]
- to meet detainees there for the purposes of a discussion about their treatment and conditions while detained; and
- to inspect the facilities there including in particular, cell accommodation, washing and toilet facilities and the facilities for the provision of food.

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- [<sup>F90</sup>(3A) The arrangements may include provision for access to the whole or part of an audio or video recording of an interview of the kind mentioned in subsection (3)(ba) to be denied to independent custody visitors if—
- (a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;
  - (b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and
  - (c) the procedural requirements imposed by the arrangements in relation to a denial of access to such recordings are complied with.
- (3B) Grounds are not to be specified in any arrangements for the purposes of subsection (3A)(a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).]
- (4) The arrangements may include provision for access to a detainee to be denied to independent custody visitors if—
- (a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;
  - (b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and
  - (c) the procedural requirements imposed by the arrangements in relation to a denial of access are complied with.
- (5) Grounds shall not be specified in any arrangements for the purposes of subsection (4) (a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).
- (6) The Secretary of State shall issue, and may from time to time revise, a code of practice as to the carrying out by [<sup>F91</sup>local policing bodies] and independent custody visitors of their functions under the arrangements.
- (7) Before issuing or revising a code of practice under this section, the Secretary of State shall consult with—
- [<sup>F92</sup>[<sup>F93</sup>(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- (aa) the Mayor's Office for Policing and Crime;
  - (ab) the Common Council of the City of London;]
  - (b) [<sup>F94</sup>the National Police Chiefs' Council]; and]
  - (c) such other persons as he thinks fit.
- (8) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.
- (9) [<sup>F95</sup>Local policing bodies] and independent custody visitors shall have regard to the code of practice for the time being in force under subsection (6) in the carrying out of their functions under the preceding provisions of this section.
- [<sup>F96</sup>(10) In this section—
- “detainee”, in relation to arrangements made under this section, means a person detained in a police station in the police area of the [<sup>F97</sup>local policing body];



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“suspected terrorist detainee” means a detainee detained under section 41 of the Terrorism Act 2000.]

#### Textual Amendments

- F83** Words in s. 51(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(2\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F84** S. 51(1A) inserted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 117\(5\)](#), 182(5) (with s. 180); S.I. 2013/705, art. 2
- F85** Words in s. 51(1A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(3\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F86** Words in s. 51(2)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(4\)\(a\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F87** Words in s. 51(2)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(4\)\(b\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F88** Words in s. 51(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(5\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F89** S. 51(3)(ba) inserted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 117\(6\)](#), 182(5) (with s. 180); S.I. 2013/705, art. 2
- F90** S. 51(3A)(3B) inserted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 117\(7\)](#), 182(5) (with s. 180); S.I. 2013/705, art. 2
- F91** Words in s. 51(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(6\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F92** S. 51(7)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 6](#), 53, [Sch. 4 para. 16](#); S.I. 2007/709, [art. 3\(d\)](#) (subject to [arts. 6](#), 7)
- F93** S. 51(7)(a)-(ab) substituted for s. 51(7)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(7\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#) (with [Sch. 2 para. 71](#))
- F94** Words in s. 51(7)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 14 paras. 6](#), [7\(e\)](#); S.I. 2017/399, [reg. 2](#), [Sch. para. 41](#)
- F95** Words in s. 51(9) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(8\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F96** S. 51(10) substituted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 117\(8\)](#), 182(5) (with s. 180); S.I. 2013/705, art. 2
- F97** Words in s. 51(10) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(9\)\(b\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)

## 52 Detention reviews for detained persons who are asleep

(1) In section 40 of the 1984 Act (review of police detention), in subsection (8) for the words from “the substitution” to the end there shall be substituted “ the modifications specified in subsection (8A) ”.

(2) After that subsection there shall be inserted—

“(8A) The modifications are—

- (a) the substitution of references to the person whose detention is under review for references to the person arrested;
- (b) the substitution of references to the review officer for references to the custody officer; and
- (c) in subsection (6), the insertion of the following paragraph after paragraph (a)—



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(“) asleep;”

(3) In subsection (10) of that section—

- (a) for “(6)” there shall be substituted “ (6B) ”; and
- (b) for the words from “the substitution” to the end there shall be substituted “ the modifications specified in subsection (10A) ”.

(4) After that subsection there shall be inserted—

“(10A) The modifications are—

- (a) the substitution of a reference to the person whose detention is under review for any reference to the person arrested or to the person charged; and
- (b) in subsection (5), the insertion of the following paragraph after paragraph (a)—  
    “(“) asleep;”

### **53      Persons suspected of offences connected with transport systems**

- (1) In section 34(6) of the 1984 Act (persons treated as arrested for an offence), after “1988” there shall be inserted “ or section 30(2) of the Transport and Works Act 1992 (c. 42) ”.
- (2) In section 62(11) of that Act (provisions of the Road Traffic Act 1988 (c. 52) relating to the taking of specimens not to be affected by provisions of that section)—
  - (a) for “affects” there shall be substituted “ applies to the taking of a specimen for the purposes of any of the provisions of ”; and
  - (b) after “Road Traffic Act 1988” there shall be inserted “ or of sections 26 to 38 of the Transport and Works Act 1992 ”.

#### *Blood specimens*

### **54      Persons authorised to take intimate samples from persons in police detention**

- (1) For subsection (9) of section 62 of the 1984 Act (persons who may take intimate samples) there shall be substituted—
  - “(9) In the case of an intimate sample which is a dental impression, the sample may be taken from a person only by a registered dentist.
  - (9A) In the case of any other form of intimate sample, except in the case of a sample of urine, the sample may be taken from a person only by—
    - (a) a registered medical practitioner; or
    - (b) a registered health care professional.”
- (2) In section 65 of the 1984 Act (interpretation of Part 5 of that Act), in subsection (1) after the definition of “registered dentist” there shall be inserted—
  - ““registered health care professional” means a person (other than a medical practitioner) who is—
    - (a) a registered nurse; or

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(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State;”.

(3) After that subsection, there shall be inserted—

“(1A) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(1B) An order under subsection (1) shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Commencement Information

**I2** S. 54 wholly in force at 1.4.2003; s. 54 not in force at Royal Assent, see s. 108(2); s. 54(2)(3) in force for certain purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(d\)](#); s. 54 in force in so far as not already in force at 1.4.2003 by [S.I. 2003/808](#), [art. 2\(e\)](#)

## 55 Extension of role of health care professionals

(1) In subsection (4) of section 7 of the Road Traffic Act 1988 (constable to decide if specimen is of blood or urine) for the words from “shall be decided” onwards there shall be substituted “and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to subsection (4A)) by the constable making the requirement”.

(2) After that subsection there shall be inserted—

“(4A) Where a constable decides for the purposes of subsection (4) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

- (a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or
- (b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner;

and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.”

(3) In subsection (2) of section 11 of that Act (interpretation of sections 3A to 10 of that Act), after the definition of “prescribed limit” there shall be inserted—

““registered health care professional” means a person (other than a medical practitioner) who is—

- (a) a registered nurse; or
- (b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.”

(4) After that subsection there shall be inserted—

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“(2A) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(2B) An order under subsection (2) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(5) For subsection (4) of that section there shall be substituted—

“(4) A person provides a specimen of blood if and only if—

- (a) he consents to the taking of such a specimen from him; and
- (b) the specimen is taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional.”

#### Commencement Information

**I3** S. 55 wholly in force at 1.4.2003; s. 55 not in force at Royal Assent, see s. 108(2); s. 55(2)(3) in force for certain purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(d\)](#); s. 55 in force in so far as not already in force at 1.4.2003 by [S.I. 2003/808](#), [art. 2\(e\)](#)

## 56 Specimens taken from persons incapable of consenting

(1) After section 7 of the Road Traffic Act 1988 (c. 52) there shall be inserted—

### “7A Specimens of blood taken from persons incapable of consenting

(1) A constable may make a request to a medical practitioner for him to take a specimen of blood from a person (“the person concerned”) irrespective of whether that person consents if—

- (a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 9) be entitled under section 7 to require the provision of a specimen of blood for a laboratory test;
- (b) it appears to that constable that that person has been involved in an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter;
- (c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and
- (d) it appears to that constable that that person’s incapacity is attributable to medical reasons.

(2) A request under this section—

- (a) shall not be made to a medical practitioner who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and
- (b) shall not be made to a medical practitioner other than a police medical practitioner unless—

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- (i) it is not reasonably practicable for the request to be made to a police medical practitioner; or
  - (ii) it is not reasonably practicable for such a medical practitioner (assuming him to be willing to do so) to take the specimen.
- (3) It shall be lawful for a medical practitioner to whom a request is made under this section, if he thinks fit—
  - (a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and
  - (b) to provide the sample to a constable.
- (4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—
  - (a) has been informed that it was taken; and
  - (b) has been required by a constable to give his permission for a laboratory test of the specimen; and
  - (c) has given his permission.
- (5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission may render him liable to prosecution.
- (6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.
- (7) In this section “police medical practitioner” means a medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of a police force.”
- (2) In section 9 of that Act (protection of hospital patients), for subsection (2) there shall be substituted—
 

“(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under section 7A of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—

  - (a) has been notified of the proposal to take the specimen or to make the requirement; and
  - (b) has not objected on the ground specified in subsection (2).

(2) The ground on which the medical practitioner may object is—

  - (a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by section 7(7) of this Act would be prejudicial to the proper care and treatment of the patient; and
  - (b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by section 7A(5) of this Act would be so prejudicial.”
- (3) In section 34(3) of the Road Traffic Offenders Act 1988 (c. 53) (disqualification for certain offences where offender has previous conviction)—
  - (a) the word “and” at the end of paragraph (b) shall be omitted; and

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- (b) after paragraph (c) there shall be inserted—
- “(d) section 7A(6) (failing to allow a specimen to be subjected to laboratory test) where that is an offence involving obligatory disqualification;”.

(4) In Schedule 1 to the Road Traffic Offenders Act 1988 (offences to which sections 1, 11 and 12(1) of that Act apply), in the Table, after the entry beginning “RTA section 7” there shall be inserted—

“RTA section 7A	Failing to allow specimen of blood to be subjected to laboratory test	Sections 11 and 12(1).”
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(5) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts), after the entry beginning “RTA section 7” there shall be inserted—

“RTA section 7A	Failing to allow specimen to be subjected to laboratory test	Summarily	(a) Where the test would be for ascertaining ability to drive or proportion of alcohol at the time offender was driving or attempting to drive, 6 months or level 5 on the standard scale or both. (b) In any other case, 3 months or level 4 on the standard scale or both	(a) Obligatory in the case mentioned in column 4(a) (b) Discretionary in any other case	Obligatory	3-11, in case mentioned in column 4(a) 10, in any other case.”
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F98(6) .....

Textual Amendments

F98 S. 56(6) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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## 57 Use of specimens taken from persons incapable of consenting

- (1) In subsection (2) of section 15 of the Road Traffic Offenders Act 1988 (c. 53) (evidence of blood alcohol level)—
  - (a) after “provided by” there shall be inserted “ or taken from ”; and
  - (b) after the word “provided”, in the second place where it occurs, there shall be inserted “ or taken ”.
- (2) In subsection (3)(a) of that section (rebutting the assumption in subsection (2)), after “provided the specimen” there shall be inserted “ or had it taken from him ”.
- (3) In subsection (4) of that section (circumstances in which a specimen of blood is to be disregarded), for the words from “unless” to the end there shall be substituted “unless—
  - (a) it was taken from the accused with his consent and either—
    - (i) in a police station by a medical practitioner or a registered health care professional; or
    - (ii) elsewhere by a medical practitioner;
  - or
  - (b) it was taken from the accused by a medical practitioner under section 7A of the Road Traffic Act 1988 and the accused subsequently gave his permission for a laboratory test of the specimen.”
- (4) After subsection (5) of that section, there shall be inserted—
 

“(5A) Where a specimen of blood was taken from the accused under section 7A of the Road Traffic Act 1988, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—

  - (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and
  - (b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with.”
- (5) In subsection (1) of section 16 of that Act (documentary evidence as to specimens), after “15(5)” there shall be inserted “ and (5A) ”.
- (6) In subsection (2) of that section (documentary evidence as to consent), after the words “medical practitioner”, in both places where they occur, there shall be inserted “ or a registered health care professional ”.

### Commencement Information

- I4** S. 57 wholly in force at 1.4.2003; s. 57 not in force at Royal Assent, see s. 108(2); s. 57(1)-(5) (except for certain words in subsection (3)) in force at 1.10.2002 by [S.I. 2002/2306](#), [art. 2\(d\)\(v\)](#); s. 57 in force in so far as not already in force at 1.4.2003 by [S.I. 2003/808](#), [art. 2\(e\)](#)

## 58 Equivalent provision for offences connected with transport systems

- (1) In subsection (6) of section 31 of the Transport and Works Act 1992 (c. 42) (constable to decide if specimen is of blood or urine), for the words from “shall be decided” onwards there shall be substituted “ and, in the case of a specimen of blood, the

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question who is to be asked to take it shall be decided (subject to subsection (6A)) by the constable making the requirement ”.

(2) After that subsection there shall be inserted—

“(6A) Where a constable decides for the purposes of subsection (6) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

- (a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or
  - (b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner,
- and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.”

(3) After subsection (9) of that section there shall be inserted—

“(9A) In this section “health care professional” means a person (other than a medical practitioner) who is—

- (a) a registered nurse; or
- (b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.

(9B) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(9C) An order under subsection (9A)(b) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(4) After section 31 of that Act there shall be inserted—

### **“31A Specimens of blood taken from persons incapable of consenting**

(1) A constable may make a request to a medical practitioner for him to take a specimen of blood from a person (“the person concerned”) irrespective of whether that person consents if—

- (a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 33) be entitled under section 31 to require the provision of a specimen of blood for a laboratory test;
- (b) it appears to that constable that that person has been involved in—
  - (i) an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter; or
  - (ii) a dangerous incident (within the meaning given by section 29(3)) that constitutes or is comprised in that matter or those circumstances;
- (c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

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- (d) it appears to that constable that that person's incapacity is attributable to medical reasons.
- (2) A request under this section—
  - (a) shall not be made to a medical practitioner who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and
  - (b) shall not be made to a medical practitioner other than a police medical practitioner unless—
    - (i) it is not reasonably practicable for the request to be made to a police medical practitioner; or
    - (ii) it is not reasonably practicable for such a medical practitioner (assuming him to be willing to do so) to take the specimen.
- (3) It shall be lawful for a medical practitioner to whom a request is made under this section, if he thinks fit—
  - (a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and
  - (b) to provide the sample to a constable.
- (4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—
  - (a) has been informed that it was taken; and
  - (b) has been required by a constable to give his permission for a laboratory test of the specimen; and
  - (c) has given his permission.
- (5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission, may render him liable to prosecution.
- (6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.
- (7) In this section “police medical practitioner” means a medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of a police force.”
- (5) In section 33 of that Act (protection of hospital patients), for subsection (2) there shall be substituted—
  - “(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under section 31A of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—
    - (a) has been notified of the proposal to take the specimen or to make the requirement; and
    - (b) has not objected on the ground specified in subsection (2).
  - (2) The ground on which the medical practitioner may object is—
    - (a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required



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- by section 31(9) of this Act would be prejudicial to the proper care and treatment of the patient; and
- (b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by section 31A(5) of this Act would be so prejudicial.”
- (6) In subsection (1)(a) of section 34 of that Act (evidence of blood alcohol level) after “provided by” there shall be inserted “ or taken from ”.
- (7) In subsection (2)(a) of that section (rebutting the assumption in subsection (1)(b)), after “provided the specimen” there shall be inserted “ or had it taken from him ”.
- (8) After subsection (3) of that section there shall be substituted—
- “(3A) Where a specimen of blood was taken from the accused under section 31A, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution in the proceedings unless—
- (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and
- (b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with.”
- (9) In section 35(3) of that Act (documentary evidence as to consent) after the words “practitioner”, in both places where it occurs, there shall be inserted “ or a registered health care professional ”.
- (10) After subsection (2) of section 38 of that Act (interpretation of Chapter 1 of Part 2 of that Act) there shall be inserted—
- “(2A) In this Chapter “registered health care professional” means a person (other than a medical practitioner) who is—
- (a) a registered nurse; or
- (b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.
- (2B) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.
- (2C) An order under subsection (2A)(b) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (11) For subsection (5) of that section there shall be substituted—
- “(5) For the purposes of this Chapter, a person provides a specimen of blood if and only if—
- (a) he consents to the taking of such a specimen from him; and
- (b) the specimen is taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional.”

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### Commencement Information

- I5** S. 58 wholly in force at 1.4.2003; s. 58 not in force at Royal Assent, see s. 108(2); s. 58(3)(4)-(8)(10) in force at 1.10.2002 by S.I. 2002/2306, arts. {2(d)(v)}, {4(d)}; s. 58 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, art. 2(e)

## Seizure of motor vehicles

### 59 Vehicles used in manner causing alarm, distress or annoyance

- (1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which—
  - (a) contravenes section 3 or 34 of the Road Traffic Act 1988 (c. 52) (careless and inconsiderate driving and prohibition of off-road driving), and
  - (b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public,
 he shall have the powers set out in subsection (3).
- (2) A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within subsection (1).
- (3) Those powers are—
  - (a) power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;
  - (b) power to seize and remove the motor vehicle;
  - (c) power, for the purposes of exercising a power falling within paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;
  - (d) power to use reasonable force, if necessary, in the exercise of any power conferred by any of paragraphs (a) to (c).
- (4) A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this section unless—
  - (a) he has warned the person appearing to him to be the person whose use falls within subsection (1) that he will seize it, if that use continues or is repeated; and
  - (b) it appears to him that the use has continued or been repeated after the warning.
- (5) Subsection (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this section if—
  - (a) the circumstances make it impracticable for him to give the warning;
  - (b) the constable has already on that occasion given a warning under that subsection in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;
  - (c) the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or
  - (d) the constable has reasonable grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person

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to whom a warning under that subsection has been given (whether or not by that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous twelve months.

- (6) A person who fails to comply with an order under subsection (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (7) Subsection (3)(c) does not authorise entry into a private dwelling house.
- (8) The powers conferred on a constable by this section shall be exercisable only at a time when regulations under section 60 are in force.
- (9) In this section—
  - “driving” has the same meaning as in the Road Traffic Act 1988 (c. 52);
  - “motor vehicle” means any mechanically propelled vehicle, whether or not it is intended or adapted for use on roads; and
  - “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

## **60 Retention etc. of vehicles seized under section 59**

- (1) The Secretary of State may by regulations make provision as to—
  - (a) the removal and retention of motor vehicles seized under section 59; and
  - (b) the release or disposal of such motor vehicles.
- (2) Regulations under subsection (1) may, in particular, make provision—
  - (a) for the giving of notice of the seizure of a motor vehicle under section 59 to a person who is the owner of that vehicle or who, in accordance with the regulations, appears to be its owner;
  - (b) for the procedure by which a person who claims to be the owner of a motor vehicle seized under section 59 may seek to have it released;
  - (c) for requiring the payment of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;
  - (d) as to the circumstances in which a motor vehicle seized under section 59 may be disposed of;
  - (e) as to the destination—
    - (i) of any fees or charges payable in accordance with the regulations; and
    - (ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under section 59;
  - (f) for the delivery to a local authority, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under section 59.
- (3) Regulations under subsection (1) must provide that a person who would otherwise be liable to pay any fee or charge under the regulations shall not be liable to pay it if—
  - (a) the use by reference to which the motor vehicle in question was seized was not a use by him; and
  - (b) he did not know of the use of the vehicle in the manner which led to its seizure, had not consented to its use in that manner and could not, by the taking of reasonable steps, have prevented its use in that manner.

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- (4) In this section—
- “local authority”—
- (a) in relation to England, means the council of a county, metropolitan district or London borough, the Common Council of the City of London or Transport for London; and
  - (b) in relation to Wales, means the council of a county or county borough;
- “motor vehicle” has the same meaning as in section 59.

*Anti-social behaviour*

<sup>F99</sup>**61    Anti-social behaviour orders**

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**Textual Amendments**

**F99**    Ss. 61-66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

<sup>F99</sup>**62    Power of Secretary of State to add to relevant authorities**

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**Textual Amendments**

**F99**    Ss. 61-66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

<sup>F99</sup>**63    Orders in county court proceedings**

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**Textual Amendments**

**F99**    Ss. 61-66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

<sup>F99</sup>**64    Orders on conviction in criminal proceedings**

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**Textual Amendments**

**F99**    Ss. 61-66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

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F99**65**    **Interim orders**

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**Textual Amendments**

**F99**    Ss. 61-66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

**Commencement Information**

**I6**    S. 65 wholly in force at 1.4.2003; s. 65 not in force at Royal Assent, see s. 108(2); s. 65 in force for certain purposes at 2.12.2002 by [S.I. 2002/2750](#), [art. 2\(a\)\(vii\)](#); s. 65 in force in so far as not already in force at 1.4.2003 by [S.I. 2003/808](#), [art. 2\(f\)](#)

F99**66**    **Consultation requirements**

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**Textual Amendments**

**F99**    Ss. 61-66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

**Commencement Information**

**I7**    S. 66 wholly in force at 1.4.2003; s. 66 not in force at Royal Assent, see s. 108(2); s. 66 in force for certain purposes at 2.12.2002 by [S.I. 2002/2750](#), [art. 2\(a\)\(vii\)](#); s. 66 in force in so far as not already in force at 1.4.2003 by [S.I. 2003/808](#), [art. 2\(f\)](#)

*Sex offenders*

**67**    **Sex offenders: England and Wales**

F100  
.....

**Textual Amendments**

**F100**    S. 67 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 140, 141, [Sch. 7](#); S.I. 2004/874, [art. 2](#)

**68**    **Interim orders for sex offenders: England and Wales**

F101  
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**Textual Amendments**

**F101**    S. 68 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 140, 141, [Sch. 7](#); S.I. 2004/874, [art. 2](#)

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69 Sex offender orders made in Scotland or Northern Ireland

F102 . . . . .

Textual Amendments  
F102 S. 69 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, Sch. 7; S.I. 2004/874, art. 2; S.S.I. 2004/138, art. 2

70 Sex offenders: Scotland

F103 . . . . .

Textual Amendments  
F103 S. 70 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, Sch. 7; S.I. 2004/874, art. 2; S.S.I. 2004/138, art. 2

71 Sex offender orders made in England and Wales or Northern Ireland

F104 . . . . .

Textual Amendments  
F104 S. 71 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, Sch. 7; S.I. 2004/874, art. 2; S.S.I. 2004/138, art. 2

72 Sex offenders: Northern Ireland

F105 . . . . .

Textual Amendments  
F105 S. 72 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, Sch. 7; S.I. 2004/874, art. 2; S.S.I. 2004/138, art. 2

73 Interim orders for sex offenders: Northern Ireland

F106 . . . . .

Textual Amendments  
F106 S. 73 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, Sch. 7; S.I. 2004/874, art. 2; S.S.I. 2004/138, art. 2

74 Sex offender orders made in England and Wales or Scotland

F107 . . . . .

**Changes to legislation:** Police Reform Act 2002, Part 4 is up to date with all changes known to be in force on or before 18 April 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) View outstanding changes

## Textual Amendments

**F107** S. 74 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 140, 141, [Sch. 7](#); S.I. 2004/874, [art. 2](#); S.S.I. 2004/138, [art. 2](#)

## The British Transport Police

### 75 Removal of truants to designated places

(1) In section 16 of the Crime and Disorder Act 1998 (c. 37) (removal of truants to designated place), after subsection (3) there shall be inserted—

“(3A) The power of a police officer of or above the rank of superintendent under subsection (2) to specify any area falling within a police area shall be exercisable by such an officer who is a member of the British Transport Police as if the reference in that subsection to an area in the police area were a reference to—

- (a) any area in or in the vicinity of any policed premises; or
- (b) the whole or any part of any such premises;

and references in subsection (3) to the specified area shall have effect accordingly.”

(2) In subsection (5) of that section (interpretation)—

- (a) before the definition of “local authority” there shall be inserted—

““British Transport Police” means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);”

and

- (b) after the definition of “local authority” there shall be inserted—

““policed premises” has the meaning given by section 53(3) of the British Transport Commission Act 1949;”.

### 76 Amendments to Part 3 of the Road Traffic Offenders Act 1988

(1) Part 3 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalties) shall be amended as follows.

**F108** (2) . . . . .

(3) In section 75(1) (conditional offers in England and Wales), at the end there shall be inserted “or, if the constable is a member of the British Transport Police, by or on behalf of the chief constable of the British Transport Police.”

**F109** (4) . . . . .

(5) In section 87 (guidance from the Secretary of State), after “areas” there shall be inserted “and to the chief constable of the British Transport Police”.

(6) In section 89 (interpretation of Part 3), after the definition of “authorised person” there shall be inserted—

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*Changes to legislation: Police Reform Act 2002, Part 4 is up to date with all changes known to be in force on or before 18 April 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) View outstanding changes*

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““British Transport Police” means the force of constables appointed under the British Transport Commission Act 1949 (c. xxix);”.

#### Textual Amendments

**F108** S. 76(2) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 10 para. 28](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

**F109** S. 76(4) repealed (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), ss. 59, 61, [Sch. 7\(2\)](#); S.I. 2008/3164, [art. 3\(d\)](#)

### *Property in possession of NCS*

## 77 Application of the Police (Property) Act 1897 to NCS

(1) After section 2 of the Police (Property) Act 1897 (c. 30) there shall be inserted—

### “2A Application to NCS

(1) This Act applies to property which has come into the possession of the National Crime Squad as it applies to property that has come into the possession of the police.

(2) In relation to property that has come into the possession of the National Crime Squad—

(a) the reference in section 1(1) to an officer of police is a reference to a member of that Squad; and

(b) references in section 2 to the property remaining in the possession of the police are references to its remaining in the possession of that Squad.

(3) The power to make regulations under section 2 has effect in relation to property that has come into the possession of the National Crime Squad as if—

(a) the relevant authority for the purposes of subsection (2A) of that section were the Service Authority for that Squad; and

(b) the reference in subsection (2A)(c) of that section to police purposes were a reference to the purposes of that Squad.”

(2) In section (2) of that Act (regulations), for subsection (2B) there shall be substituted—

“(2B) The relevant authority for the purposes of subsection (2A) is the police authority.”



**Changes to legislation:**

Police Reform Act 2002, Part 4 is up to date with all changes known to be in force on or before 18 April 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)