

## SCHEDULES

### SCHEDULE 4

Section 38

#### POWERS EXERCISABLE BY POLICE CIVILIANS

##### PART 1

##### COMMUNITY SUPPORT OFFICERS

###### *Powers to issue fixed penalty notices*

- 1 (1) Where a designation applies this paragraph to any person, that person shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed a relevant fixed penalty offence at a place within the relevant police area.
- (2) Those powers are the following powers so far as exercisable in respect of a relevant fixed penalty offence—
  - (a) the powers of a constable in uniform and of an authorised constable to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (c. 16) (fixed penalty notices in respect of offences of disorder);
  - (b) the power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (c. 50) (riding on a footway) committed by cycling;
  - (c) the power of an authorised officer of a local authority to give a notice under section 4 of the Dogs (Fouling of Land) Act 1996 (c. 20) (fixed penalty notices in respect of dog fouling); and
  - (d) the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices in respect of litter).
- (3) In this paragraph “relevant fixed penalty offence”, in relation to a designated person, means an offence which—
  - (a) is an offence by reference to which a notice may be given to a person in exercise of any of the powers mentioned in sub-paragraph 1(2)(a) to (d); and
  - (b) is specified or described in that person’s designation as an offence he has been designated to enforce under this paragraph.

###### *Power to detain etc.*

- 2 (1) This paragraph applies if a designation applies it to any person.
- (2) Where that person has reason to believe that another person has committed a relevant offence in the relevant police area, he may require that other person to give him his name and address.

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- (3) Where, in a case in which a requirement under sub-paragraph (2) has been imposed on another person—
- (a) that other person fails to comply with the requirement, or
  - (b) the person who imposed the requirement has reasonable grounds for suspecting that the other person has given him a name or address that is false or inaccurate,
- the person who imposed the requirement may require the other person to wait with him, for a period not exceeding thirty minutes, for the arrival of a constable.
- (4) A person who has been required under sub-paragraph (3) to wait with a person to whom this Part of this Schedule applies may, if requested to do so, elect that (instead of waiting) he will accompany the person imposing the requirement to a police station in the relevant police area.
- (5) A person who—
- (a) fails to comply with a requirement under sub-paragraph (2),
  - (b) makes off while subject to a requirement under sub-paragraph (3), or
  - (c) makes off while accompanying a person to a police station in accordance with an election under sub-paragraph (4),
- is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In this paragraph “relevant offence”, in relation to a person to whom this paragraph applies, means any offence which is—
- (a) a relevant fixed penalty offence for the purposes of the application of paragraph 1 to that person; or
  - (b) an offence the commission of which appears to that person to have caused—
    - (i) injury, alarm or distress to any other person; or
    - (ii) the loss of, or any damage to, any other person’s property;
 but a designation applying this paragraph to any person may provide that an offence is not to be treated as a relevant offence by virtue of paragraph (b) unless it satisfies such other conditions as may be specified in the designation.

*Power to require name and address of person acting in an anti-social manner*

- 3 (1) Where a designation applies this paragraph to any person, that person shall, in the relevant police area, have the powers of a constable in uniform under section 50 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)) to give his name and address.
- (2) Sub-paragraphs (3) to (5) of paragraph 2 apply in the case of a requirement imposed by virtue of sub-paragraph (1) as they apply in the case of a requirement under sub-paragraph (2) of that paragraph.

*Power to use reasonable force to detain person*

- 4 (1) This paragraph applies where a designation—
- (a) applies this paragraph to a person to whom any or all of paragraphs 1 to 3 are also applied; and

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- (b) sets out the matters in respect of which that person has the power conferred by this paragraph.
- (2) The matters that may be set out in a designation as the matters in respect of which a person has the power conferred by this paragraph shall be confined to—
- (a) offences that are relevant penalty notice offences for the purposes of the application of paragraph 1 to the designated person;
  - (b) offences that are relevant offences for the purposes of the application of paragraph 2 to the designated person; and
  - (c) behaviour that constitutes acting in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)).
- (3) In any case in which a person to whom this paragraph applies has imposed a requirement on any other person under paragraph 2(2) or 3(1) in respect of anything appearing to him to be a matter set out in the designation, he may use reasonable force to prevent that other person from making off while he is either—
- (a) subject to a requirement imposed in that case by the designated person under sub-paragraph (3) of paragraph 2; or
  - (b) accompanying the designated person to a police station in accordance with an election made in that case under sub-paragraph (4) of that paragraph.

#### *Alcohol consumption in designated public places*

- 5 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers of a constable under section 12 of the Criminal Justice and Police Act 2001 (c. 16) (alcohol consumption in public places)—
- (a) to impose a requirement under subsection (2) of that section; and
  - (b) to dispose under subsection (3) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (5) were references to that person.

#### *Confiscation of alcohol*

- 6 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (confiscation of intoxicating liquor)—
- (a) to impose a requirement under subsection (1) of that section; and
  - (b) to dispose under subsection (2) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (4) (but not the reference in subsection (5) (arrest)) were references to that person.

#### *Confiscation of tobacco etc.*

- 7 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have—

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- (a) the power to seize anything that a constable in uniform has a duty to seize under subsection (3) of section 7 of the Children and Young Persons Act 1933 (c. 12) (seizure of tobacco etc. from young persons); and
- (b) the power to dispose of anything that a constable may dispose of under that subsection;

and the power to dispose of anything shall be a power to dispose of it in such manner as the police authority may direct.

*Entry to save life or limb or prevent serious damage to property*

- 8 Where a designation applies this paragraph to any person, that person shall have the powers of a constable under section 17 of the 1984 Act to enter and search any premises in the relevant police area for the purpose of saving life or limb or preventing serious damage to property.

*Seizure of vehicles used to cause alarm etc.*

- 9 (1) Where a designation applies this paragraph to any person—
- (a) that person shall, within the relevant police area, have all the powers of a constable in uniform under section 59 of this Act which are set out in subsection (3) of that section; and
  - (b) references in that section to a constable, in relation to the exercise of any of those powers by that person, are references to that person.
- (2) A person to whom this paragraph applies shall not enter any premises in exercise of the power conferred by section 59(3)(c) except in the company, and under the supervision, of a constable.

*Abandoned vehicles*

- 10 Where a designation applies this paragraph to any person, that person shall have any such powers in the relevant police area as are conferred on persons designated under that section by regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) (removal of abandoned vehicles).

*Power to stop vehicle for testing*

- 11 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable in uniform to stop a vehicle under subsection (3) of section 67 of the Road Traffic Act 1988 (c. 52) for the purposes of a test under subsection (1) of that section.

*Power to control traffic for purposes of escorting a load of exceptional dimensions*

- 12 (1) Where a designation applies this paragraph to any person, that person shall have, for the purpose of escorting a vehicle or trailer carrying a load of exceptional dimensions either to or from the relevant police area, the power of a constable engaged in the regulation of traffic in a road—
- (a) to direct a vehicle to stop;
  - (b) to make a vehicle proceed in, or keep to, a particular line of traffic; and
  - (c) to direct pedestrians to stop.

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- (2) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of those powers for the purpose mentioned in subparagraph (1) by a person whose designation applies this paragraph to him as if the references to a constable engaged in regulation of traffic in a road were references to that person.
- (3) The powers conferred by virtue of this paragraph may be exercised in any police area in England and Wales.
- (4) In this paragraph “vehicle or trailer carrying a load of exceptional dimensions” means a vehicle or trailer the use of which is authorised by an order made by the Secretary of State under section 44(1)(d) of the Road Traffic Act 1988.

#### *Carrying out of road checks*

- 13 Where a designation applies this paragraph to any person, that person shall have the following powers in the relevant police area—
  - (a) the power to carry out any road check the carrying out of which by a police officer is authorised under section 4 of the 1984 Act (road checks); and
  - (b) for the purpose of exercising that power, the power conferred by section 163 of the Road Traffic Act 1988 (c. 52) (power of police to stop vehicles) on a constable in uniform to stop a vehicle.

#### *Cordoned areas*

- 14 Where a designation applies this paragraph to any person, that person shall, in relation to any cordoned area in the relevant police area, have all the powers of a constable in uniform under section 36 of the Terrorism Act 2000 (c. 11) (enforcement of cordoned area) to give orders, make arrangements or impose prohibitions or restrictions.

#### *Power to stop and search vehicles etc. in authorised areas*

- 15 (1) Where a designation applies this paragraph to any person—
  - (a) that person shall, in any authorised area within the relevant police area, have all the powers of a constable in uniform by virtue of section 44(1)(a) and (d) and (2)(b) and 45(2) of the Terrorism Act 2000 (powers of stop and search)—
    - (i) to stop and search vehicles;
    - (ii) to search anything in or on a vehicle or anything carried by the driver of a vehicle or any passenger in a vehicle;
    - (iii) to search anything carried by a pedestrian; and
    - (iv) to seize and retain any article discovered in the course of a search carried out by him or by a constable by virtue of any provision of section 44(1) or (2) of that Act;
  - and
  - (b) the references to a constable in subsections (1) and (4) of section 45 of that Act (which relate to the exercise of those powers) shall have effect in relation to the exercise of any of those powers by that person as references to that person.

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- (2) A person shall not exercise any power of stop, search or seizure by virtue of this paragraph except in the company, and under the supervision, of a constable.

## PART 2

### INVESTIGATING OFFICERS

#### *Search warrants*

- 16 Where a designation applies this paragraph to any person—
- (a) he may apply as if he were a constable for a warrant under section 8 of the 1984 Act (warrants for entry and search) in respect of any premises in the relevant police area;
  - (b) the persons to whom a warrant to enter and search any such premises may be issued under that section shall include that person;
  - (c) that person shall have the power of a constable under section 8(2) of that Act in any premises in the relevant police area to seize and retain things for which a search has been authorised under subsection (1) of that section;
  - (d) section 15 of that Act (safeguards) shall have effect in relation to the issue of such a warrant to that person as it has effect in relation to the issue of a warrant under section 8 of that Act to a constable;
  - (e) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued (whether to that person or to any other person) in respect of premises in the relevant police area as if references in that section to a constable included references to that person;
  - (f) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (c) as it has effect in relation to the seizure of anything by a constable;
  - (g) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by virtue of sub-paragraph (c) as it applies in relation to the power of seizure conferred on a constable by section 8(2) of that Act;
  - (h) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (c) as if the references to a constable and to an officer included references to that person; and
  - (i) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power, or taken away by him following the imposition of a requirement by virtue of sub-paragraph (g)—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 8(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and
    - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

### *Access to excluded and special procedure material*

- 17 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under section 9(1) of the 1984 Act (special provisions for access) to obtain access, in accordance with Schedule 1 to that Act and the following provisions of this paragraph, to excluded material and special procedure material;
  - (b) that Schedule shall have effect for the purpose of conferring those powers on that person as if —
    - (i) the references in paragraphs 1, 4, 5, 12 and 13 of that Schedule to a constable were references to that person; and
    - (ii) the references in paragraphs 12 and 14 of that Schedule to premises were references to premises in the relevant police area;
  - (c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as it has effect in relation to the seizure of anything under that paragraph by a constable;
  - (d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by paragraph 13 of Schedule 1 to that Act as it applies in relation to the power of seizure conferred on a constable by that paragraph;
  - (e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as if the references to a constable and to an officer included references to that person; and
  - (f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d), and to anything produced to him under paragraph 4(a) of Schedule 1 to that Act—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by paragraph 13 of that Schedule or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act or, as the case may be, to anything produced to a constable under paragraph 4(a) of that Schedule; and
    - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

### *Entry and search after arrest*

- 18 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under section 18 of the 1984 Act (entry and search after arrest) to enter and search any premises in the relevant police area and to seize and retain anything for which he may search under that section;
  - (b) subsections (5) and (6) of that section (power to carry out search before arrested person taken to police station and duty to inform senior officer)

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shall have effect in relation to any exercise by that person of those powers as if the references in those subsections to a constable were references to that person;

- (c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
- (d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by virtue of sub-paragraph (a) as it applies in relation to the power of seizure conferred on a constable by section 18(2) of that Act;
- (e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
- (f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d)—
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 18(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and
  - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

#### *General power of seizure*

19 Where a designation applies this paragraph to any person—

- (a) he shall, when lawfully on any premises in the relevant police area, have the same powers as a constable under section 19 of the 1984 Act (general powers of seizure) to seize things;
- (b) he shall also have the powers of a constable to impose a requirement by virtue of subsection (4) of that section in relation to information accessible from such premises;
- (c) subsection (6) of that section (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
- (d) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
- (e) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 19(2) or (3) of that



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- Act or taken away by a constable following the imposition of a requirement by virtue of section 19(4) of that Act; and
- (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

*Access and copying in the case of things seized by constables*

- 20 Where a designation applies this paragraph to any person, section 21 of the 1984 Act (access and copying) shall have effect in relation to anything seized in the relevant police area by a constable as if the references to a constable in subsections (3), (4) and (5) of section 21 (supervision of access and photographing of seized items) included references to a person to whom this paragraph applies.

*Arrest at a police station for another offence*

- 21 (1) Where a designation applies this paragraph to any person, he shall have the power to make an arrest at any police station in the relevant police area in any case where an arrest—
- (a) is required to be made under section 31 of the 1984 Act (arrest for a further offence of a person already at a police station); or
- (b) would be so required if the reference in that section to a constable included a reference to a person to whom this paragraph applies.
- (2) Section 36 of the Criminal Justice and Public Order Act 1994 (c. 33) (consequences of failure by arrested person to account for objects etc.) shall apply (without prejudice to the effect of any designation applying paragraph 23) in the case of a person arrested in exercise of the power exercisable by virtue of this paragraph as it applies in the case of a person arrested by a constable.

*Power to transfer persons into custody of investigating officers*

- 22 (1) Where a designation applies this paragraph to any person, the custody officer for a designated police station in the relevant police area may transfer or permit the transfer to him of a person in police detention for an offence which is being investigated by the person to whom this paragraph applies.
- (2) A person into whose custody another person is transferred under sub-paragraph (1)—
- (a) shall be treated for all purposes as having that person in his lawful custody;
- (b) shall be under a duty to prevent his escape; and
- (c) shall be entitled to use reasonable force to keep that person in his custody.
- (3) Where a person is transferred into the custody of a person to whom this paragraph applies, in accordance with sub-paragraph (1), subsections (2) and (3) of section 39 of the 1984 Act shall have effect as if—
- (a) references to the transfer of a person in police detention into the custody of a police officer investigating an offence for which that person is in police detention were references to that person's transfer into the custody of the person to whom this paragraph applies; and
- (b) references to the officer to whom the transfer is made and to the officer investigating the offence were references to the person to whom this paragraph applies.

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*Power to require arrested person to account for certain matters*

- 23 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under sections 36(1)(c) and 37(1)(c) of the Criminal Justice and Public Order Act 1994 (c. 33) to request a person who—
    - (i) has been arrested by a constable, or by any person to whom paragraph 21 applies, and
    - (ii) is detained at any place in the relevant police area,to account for the presence of an object, substance or mark or for the presence of the arrested person at a particular place; and
  - (b) the references to a constable in sections 36(1)(b) and (c) and (4) and 37(1)(b) and (c) and (3) of that Act shall have effect accordingly as including references to the person to whom this paragraph is applied.

*Extended powers of seizure*

- 24 Where a designation applies this paragraph to any person—
- (a) the powers of a constable under Part 2 of the Criminal Justice and Police Act 2001 (c. 16) (extension of powers of seizure) that are exercisable in the case of a constable by reference to a power of a constable that is conferred on that person by virtue of the provisions of this Part of this Schedule shall be exercisable by that person by reference to that power to the same extent as in the case of a constable but in relation only to premises in the relevant police area and things found on any such premises; and
  - (b) section 56 of that Act (retention of property seized by a constable) shall have effect as if the property referred to in subsection (1) of that section included property seized by that person at any time when he was lawfully on any premises in the relevant police area.

### PART 3

#### DETENTION OFFICERS

*Attendance at police station for fingerprinting*

- 25 Where a designation applies this paragraph to any person, he shall, in respect of police stations in the relevant police area, have the power of a constable under section 27(1) of the 1984 Act (fingerprinting of suspects) to require a person to attend a police station in order to have his fingerprints taken.

*Non-intimate searches of detained persons*

- 26 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54 of the 1984 Act (non-intimate searches of detained persons)—
- (a) to carry out a search under that section of any person at a police station in the relevant police area or of any other person otherwise in police detention in that area; and
  - (b) to seize or retain, or cause to be seized or retained, anything found on such a search.

- (2) Subsections (6C) and (9) of section 54 of that Act (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this paragraph as they apply to the exercise of the power in question by a constable.

*Searches and examinations to ascertain identity*

- 27 Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54A of the 1984 Act (searches and examinations to ascertain identity)—
- (a) to carry out a search or examination at any police station in the relevant police area; and
  - (b) to take a photograph at any such police station of an identifying mark.

*Intimate searches of detained persons*

- 28 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable by virtue of section 55(6) of the 1984 Act (intimate searches) to carry out an intimate search of a person at any police station in the relevant police area.
- (2) Subsection (7) of section 55 of that Act (no intimate search to be carried out by a constable of the opposite sex) shall apply to the exercise by a person to whom this paragraph applies of any power exercisable by virtue of this paragraph as it applies to the exercise of the power in question by a constable.

*Fingerprinting without consent*

- 29 Where a designation applies this paragraph to any person—
- (a) he shall have, at any police station in the relevant police area, the power of a constable under section 61 of the 1984 Act (fingerprinting) to take fingerprints without the appropriate consent; and
  - (b) the requirement by virtue of subsection (7A)(a) of that section that a person must be informed by an officer that his fingerprints may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.

*Warnings about intimate samples*

- 30 Where a designation applies this paragraph to any person, the requirement by virtue of section 62(7A)(a) of the 1984 Act (intimate samples) that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search shall be capable of being discharged, in the case of a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies.

*Non-intimate samples*

- 31 Where a designation applies this paragraph to any person—
- (a) he shall have the power of a constable under section 63 of the 1984 Act (non-intimate samples), in the case of a person in a police station in the

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relevant police area, to take a non-intimate sample without the appropriate consent;

- (b) the requirement by virtue of subsection (6) of that section (information about authorisation) that a person must be informed by an officer of the matters mentioned in that subsection shall be capable of being discharged, in the case of an authorisation in relation to a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies; and
- (c) the requirement by virtue of subsection (8B)(a) of that section that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search shall be capable of being discharged, in the case of a person in such a police station, by his being so informed by the person to whom this paragraph applies.

*Attendance at police station for the taking of a sample*

- 32 Where a designation applies this paragraph to any person, he shall, as respects any police station in the relevant police area, have the power of a constable under subsection (4) of section 63A of the 1984 Act (supplementary provisions relating to fingerprints and samples) to require a person to attend a police station in order to have a sample taken.

*Photographing persons in police detention*

- 33 Where a designation applies this paragraph to any person, he shall, at police stations in the relevant police area, have the power of a constable under section 64A of the 1984 Act (photographing of suspects etc.) to take a photograph of a person detained at a police station.

## PART 4

### ESCORT OFFICERS

*Power to take an arrested person to a police station*

- 34 (1) Where a designation applies this paragraph to any person—
- (a) the persons who, in the case of a person arrested by a constable in the relevant police area, are authorised for the purposes of subsection (1) of section 30 of the 1984 Act (procedure on arrest of person elsewhere than at a police station) to take the person arrested to a police station in that area shall include that person;
  - (b) that section shall have effect in relation to the exercise by that person of the power conferred by virtue of paragraph (a) as if the references to a constable in subsections (3), (4)(a) and (10) (but not the references in subsections (5) to (9)) included references to that person; and
  - (c) a person who is taking another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
    - (i) shall be treated for all purposes as having that person in his lawful custody;
    - (ii) shall be under a duty to prevent his escape; and

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- (iii) shall be entitled to use reasonable force to keep that person in his charge.
- (2) Without prejudice to any designation under paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (1) of this paragraph—
- (a) he shall have the same powers under subsections (6A) and (6B) of section 54 of the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—
    - (i) to carry out a search of the other person; and
    - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
  - (b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

#### *Escort of persons in police detention*

- 35 (1) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station in the relevant police area to escort a person in police detention—
- (a) from that police station to another police station in that or any other police area; or
  - (b) from that police station to any other place specified by the custody officer and then either back to that police station or on to another police station in that area or in another police area.
- (2) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station outside the relevant police area to escort a person in police detention—
- (a) from that police station to a designated police station in that area; or
  - (b) from that police station to any place in that area specified by the custody officer and either back to that police station or on to another police station (whether in that area or elsewhere).
- (3) A person who is escorting another in accordance with an authorisation under sub-paragraph (1) or (2)—
- (a) shall be treated for all purposes as having that person in his lawful custody;
  - (b) shall be under a duty to prevent his escape; and
  - (c) shall be entitled to use reasonable force to keep that person in his charge.
- (4) Without prejudice to any designation under paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (3) of this paragraph—
- (a) he shall have the same powers under subsections (6A) and (6B) of section 54 of the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—
    - (i) to carry out a search of the other person; and
    - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;

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

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- (b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.
- (5) Section 39(2) of that Act (responsibilities of custody officer transferred to escort) shall have effect where the custody officer for any police station transfers or permits the transfer of any person to the custody of a person who by virtue of this paragraph has lawful custody outside the police station of the person transferred as it would apply if the person to whom this paragraph applies were a police officer.

## PART 5

### INTERPRETATION OF SCHEDULE

- 36 (1) In this Schedule “the relevant police area”—
- (a) in relation to a designation under section 38 or 39 by the chief officer of any police force, means the police area for which that force is maintained; and
  - (b) in relation to a designation under section 38 by a Director General, means England and Wales.
- (2) In this Schedule “a designation” means a designation under section 38.
- (3) In Parts 3 and 4 of this Schedule “a designation” also includes a designation under section 39.
- (4) Expressions used in this Schedule and in the 1984 Act have the same meanings in this Schedule as in that Act.