

*Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 35. (See end of Document for details)*

## SCHEDULES

### <sup>F1</sup>SCHEDULE 4

#### [<sup>F1</sup>POWERS EXERCISABLE BY CONTRACTED-OUT STAFF]

##### Textual Amendments

- F1** Sch. 4 heading 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. 5\(2\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))

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

- C1** Sch. 4 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 28\(1\)\(g\)\(2\)](#), 120 (with s. 72); S.I. 2004/1572, [art. 3\(k\)](#)

## PART 4

### ESCORT OFFICERS

#### *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 [<sup>F1</sup>to keep the person under control and] to prevent his escape; and

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- (c) shall be entitled to use reasonable force to keep that person in his charge  
 [F<sup>2</sup>and under his control] .

[F<sup>3</sup>(3A) A person who has escorted another person to a police station or other place in accordance with an authorisation under sub-paragraph (1) or (2) —

- (a) shall be under a duty to remain at the police station or other place until he has transferred control of the other person to a custody officer or other responsible person there;
- (b) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;
- (c) for so long as he is at the police station or other place, or in its immediate vicinity, in compliance with, or having complied with, his duty under paragraph (a), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and
- (d) shall be entitled to use reasonable force for the purpose of complying with his duty under paragraph (c).]

(4) Without prejudice to any [F<sup>4</sup>application of] 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 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.

(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.

#### Textual Amendments

- F1** Words in Sch. 4 para. 35(3)(b) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 9\(2\)\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F2** Words in Sch. 4 para. 35(3)(c) added (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 9\(2\)\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F3** Sch. 4 para. 35(3A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 9\(3\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F4** Words in Sch. 4 para. 35(4) substituted (1.12.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 9, 53, [Sch. 5 para. 5\(10\)](#); S.I. 2007/3203, [art. 2\(c\)](#)

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