

SCHEDULES

SCHEDULE 5

Section 41

POWERS EXERCISABLE BY ACCREDITED PERSONS

Power to issue fixed penalty notices

- 1 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed or is committing 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 offence—
 - (a) 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;
 - (b) 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
 - (c) 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 an accredited 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 (2)(a) to (c); and
 - (b) is specified or described in that person’s accreditation as an offence he has been accredited to enforce.

Power to require giving of name and address

- 2 (1) Where an accredited person whose accreditation specifies that this paragraph applies to him 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.
- (2) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (3) In this paragraph “relevant offence”, in relation to any accredited person, means any offence which is—
 - (a) a relevant fixed penalty offence for the purposes of any powers exercisable by the accredited person by virtue of paragraph 1; or

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- (b) an offence the commission of which appears to the accredited 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 the accreditation of an accredited 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 accreditation.

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

- 3 An accredited person whose accreditation specifies that this paragraph applies to him 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.

Alcohol consumption in designated public places

- 4 An accredited person whose accreditation specifies that this paragraph applies to him 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 the accredited person.

Confiscation of alcohol

- 5 An accredited person whose accreditation specifies that this paragraph applies to him 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 the accredited person.

Confiscation of tobacco etc.

- 6 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have—
 - (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 relevant employer of the accredited person may direct.

- (2) In this paragraph “relevant employer”, in relation to an accredited person, means the person with whom the chief officer of police for the relevant police area has entered into arrangements under section 40.

Abandoned vehicles

- 7 An accredited person whose accreditation specifies that this paragraph applies to him shall have all such powers in the relevant police area as are conferred on accredited persons by regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) (removal of abandoned vehicles).

Power to stop vehicle for testing

- 8 A person whose accreditation specifies that this paragraph applies to him 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

- 9 (1) A person whose accreditation specifies that this paragraph applies to him 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.
- (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 accreditation specifies that this paragraph applies 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.

Meaning of “relevant police area”

- 10 In this Schedule “the relevant police area”, in relation to an accredited person, means the police area for which the police force whose chief officer granted his accreditation is maintained.