

POLICE (NORTHERN IRELAND) ACT 2003

EXPLANATORY NOTES

INFORMATION AND INQUIRIES

Part 2: Police Powers

Designation of Civilians

Section 30: Police powers for designated police support staff

77. This section enables the Chief Constable to designate suitably skilled and trained civilians as one or more of the following categories of officer: investigating officer; detention officer; and escort officer. The section enables the Chief Constable to confer on such civilians some of the powers and duties otherwise only available to police officers.
78. *Subsection (1)* enables the Chief Constable to designate a person who is a member of the police support staff as an officer of one or more of the following descriptions: investigating officer; detention officer; and escort officer. *Subsection (2)* prevents a designation being made unless the Chief Constable is satisfied that the person is a suitable person for this purpose, is capable of carrying out the functions for the purpose of which he is to be designated, and has been adequately trained. *Subsection (5)* limits the powers that can be conferred on designated persons to any or all of those specified in the relevant parts of Schedule 1. *Subsection (7)* clarifies that a designation does not authorise or require conduct other than as a member of the police support staff and that a designation may contain restrictions and conditions.
79. *Subsections (8) and (9)* provide that where a power allows for the use of reasonable force when it is exercised by a constable, a person exercising that power under a designation has the same entitlement to use reasonable force; for example when carrying out a search. *Subsection (10)* provides that where a designation includes the power to force entry to premises, the exercise of this power will be limited to occasions when the designated person is under the direct supervision of a police officer and is accompanied by such an officer: the only exception to this requirement is when the purpose of forcing entry is to save life or limb or to prevent serious damage to property.

Section 31: Police powers for designated contracted-out staff

80. This section enables the Chief Constable, where a contract has been entered into with the private sector for the provision of services relating to the detention or escort of persons who have been arrested or are otherwise in custody, to designate an employee of the contractor as either a detention officer or an escort officer. *Subsection (3)* prevents a designation being made unless the Chief Constable is satisfied that the person is a suitable person for this purpose, is capable of carrying out the functions for the purpose of which he is designated and that he has been adequately trained. The Chief Constable must also satisfy himself that the contractor is a fit and proper person to supervise the carrying out of the functions of the designated officer. *Subsections (6) and (7)* limit the powers that can be conferred on such contracted-out staff to any or all of those

*These notes refer to the Police (Northern Ireland) Act
2003 (c.6) which received Royal Assent on 8 April 2003*

specified in the relevant parts of Schedule 2. *Subsection (8)* clarifies that a designation does not authorise or require conduct other than as an employee of the contractor and that a designation may contain restrictions and conditions.

81. *Subsections (9) and (10)* provide that where a power allows for the use of reasonable force when it is exercised by a constable, a person exercising that power under a designation has the same entitlement to use reasonable force; for example when carrying out a search. *Subsections (11) and (12)* set out the duration of the designation. Unless the designation is previously withdrawn, its duration is until such time as is specified in the designation, or until the designated person ceases to be an employee of the contractor, or until the contract between the Board and the contractor expires or is terminated. Designations may be subject to renewal at any time.

Schedule 2: Powers exercisable by designated persons

82. This Schedule relates to the provisions in sections 30 and 31 of the Act, which deal with the exercise of police powers by designated police support staff and contracted-out staff. It sets out in detail the range of powers that can be conferred on designated civilians.