

## SCHEDULES

### SCHEDULE 2

#### POWERS EXERCISABLE BY DESIGNATED PERSONS

#### PART 3

#### ESCORT OFFICERS

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

- 22 (1) Where a designation applies this paragraph to a person—
- (a) the persons who, in the case of a person arrested by a constable, are authorised for the purposes of paragraph (1) of Article 32 of the 1989 Order (procedure on arrest of person elsewhere than at a police station) to take the person arrested to a police station include the designated person;
  - (b) that Article has effect in relation to the exercise by the designated person of the power conferred by virtue of paragraph (a) as if the references to a constable in paragraphs (3), (4)(a) and (13) (but not the references in paragraphs (5) to (12)) included references to the designated person;
  - (c) a person who is taking another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
    - (i) must be treated for all purposes as having the other person in his lawful custody;
    - (ii) is under a duty to prevent the other person's escape;
    - (iii) is entitled to use reasonable force to keep the other person in his charge.
- (2) Without prejudice to any designation applying paragraph 12 to a person, where a person has another in his lawful custody by virtue of sub-paragraph (1) of this paragraph—
- (a) he has the same powers under paragraphs (7) and (8) of Article 55 of the 1989 Order (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;
    - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
  - (b) paragraphs (9) and (12) of that Article (restrictions on power to seize clothes and personal effects and searches to be carried out by a member of the same sex) apply to the exercise by the designated person of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

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*Status: This is the original version (as it was originally enacted).*

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*Escort of persons in police detention*

- 23 (1) Where a designation applies this paragraph to a person, he may be authorised by the custody officer for any designated police station to escort a person in police detention—
- (a) from that police station to another police station;
  - (b) from that police station to any other place that is specified by the custody officer;
  - (c) from that police station to any other place that is specified by the custody officer and then either back to that police station or on to another police station.
- (2) A person who is escorting another in accordance with an authorisation under sub-paragraph (1)—
- (a) must be treated for all purposes as having the other person in his lawful custody;
  - (b) is under a duty to prevent the other person's escape;
  - (c) is entitled to use reasonable force to keep the other person in his charge.
- (3) Without prejudice to any designation applying paragraph 12 to a person, where a person has another in his lawful custody by virtue of sub-paragraph (2) of this paragraph—
- (a) he has the same powers under paragraphs (7) and (8) of Article 55 of the 1989 Order (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;
    - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
  - (b) paragraphs (9) and (12) of that Article (restrictions on power to seize clothes and personal effects and searches to be carried out by a member of the same sex) apply to the exercise by the designated person of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.
- (4) Article 40(2) of that Order (responsibilities of custody officer where person transferred to escort) has 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 designated person were a police officer.