



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 3

POLICE POWERS ETC.

Custody officers

120 Staff custody officers: designation

- (1) Section 38 of the Police Reform Act 2002 (c. 30) (police powers for police authority employees) is amended as provided in subsections (2) to (4).
- (2) In subsection (2), after paragraph (d) add—
“(e) staff custody officer.”
- (3) In subsection (6), after paragraph (d) add—
“(e) in the case of a person designated as a staff custody officer, Part 4A.”
- (4) After subsection (9) add—
“(10) References in this section, section 42 or section 46(4) to powers and duties conferred or imposed on a designated person, or to a designated person’s being authorised or required to do anything by virtue of a designation under this section, or to a power or duty exercisable by a designated person in reliance on or by virtue of a designation under this section are, in the case of a staff custody officer at a police station designated under section 35(1) of the 1984 Act, references to those things in relation to him after his appointment as a custody officer for that police station under section 36(2) of that Act.”
- (5) After Part 4 of Schedule 4 to the Police Reform Act 2002 (powers exercisable by police civilians) insert—

“PART 4A**STAFF CUSTODY OFFICERS****Exercise of functions of custody officers**

- 35A (1) Where a designation applies this paragraph to any person, he may (subject to sub-paragraph (2)) perform all the functions of a custody officer under the 1984 Act (except those under section 45A(4) of that Act) and under any other enactment which confers functions on such a custody officer.
- (2) But in relation to a police station designated under section 35(1) of the 1984 Act, the person must first also be appointed a custody officer for that police station under section 36(2) of that Act.
- (3) A person performing the functions of a custody officer by virtue of a designation under this paragraph (together with, if appropriate, an appointment as such) shall have all the powers and duties of a custody officer.
- (4) Except in sections 36 and 45A(4) of the 1984 Act, references in any enactment to a custody officer within the meaning of that Act include references to a person performing the functions of a custody officer by virtue of a designation under this paragraph.”

121 Custody officers: amendments to PACE

- (1) Section 36 of PACE (custody officers at police stations) is amended as provided in subsections (2) to (6).
- (2) For subsection (3) substitute—
- “(3) No person may be appointed a custody officer unless—
- (a) he is a police officer of at least the rank of sergeant; or
- (b) he is a staff custody officer.”
- (3) In subsection (5), for “an officer” substitute “an individual”.
- (4) In subsection (7)—
- (a) in paragraph (a)—
- (i) after “by an officer” insert “or a staff custody officer”,
- (ii) for “such an officer” substitute “such a person”,
- (b) in paragraph (b), for “such officer” substitute “such person”.
- (5) In subsection (8)—
- (a) after “in” insert “section 34 above or in”,
- (b) for “an officer” substitute “a person”.
- (6) After subsection (10) add—
- “(11) In this section, “staff custody officer” means a person who has been designated as such under section 38 of the Police Reform Act 2002.”

- (7) In section 39 of PACE (responsibilities in relation to persons detained)—
- (a) in subsection (6)(a), after “custody officer” insert “(or, if the custody officer is a staff custody officer, any police officer or any police employee)”,
 - (b) after subsection (6) add—
 - “(7) In subsection (6) above—
 - “police employee” means a person employed under section 15 of the Police Act 1996;
 - “staff custody officer” has the same meaning as in the Police Reform Act 2002.”