

SCHEDULES

SCHEDULE 5

EXERCISE OF POLICE POWERS BY CIVILIANS

- 5 (1) Schedule 4 (powers exercisable by police civilians) is amended as follows.
- (2) In paragraph 1(3) (community support officers: power to issue fixed penalty notices: definition of “relevant fixed penalty offence”)—
- (a) in paragraph (a), for “1(2)(a) to (d)” there is substituted “(2)(a) to (e)”;
 - (b) in paragraph (b), for “that person’s designation as an offence he” there is substituted “a designation by which this paragraph is applied to the designated person as an offence which the designated person”.
- (3) In paragraph 1A(2) (community support officers: power to require name and address: confining the power), for “Such a designation may specify that, in relation to that person, the application of sub-paragraph (3)” there is substituted “A designation by which this paragraph is applied to a person may specify that the application of sub-paragraph (3) by that designation to that person”.
- (4) In paragraph 2(3A)(b) (community support officers: powers under byelaws to remove persons from places), for “under paragraph 1A” there is substituted “applying paragraph 1A to the CSO,”.
- (5) In paragraph 2(4) (person required to wait with community support officer may be given choice to go to police station), for “this Part of this Schedule applies” there is substituted “this paragraph is applied”.
- (6) In paragraph 2(6) (meaning of “relevant offence”), in the words after paragraph (b), after “may provide that” there is inserted “, for the purposes of this paragraph as applied to that person by that designation,”.
- (7) In paragraph 2(8) (application of paragraph 2 by other provisions effective only where paragraph 2 is itself applied to community support officer)—
- (a) for “or 7A(8)” there is substituted “, 7A(8) or 7C(2)”;
 - (b) “under this paragraph” is omitted.
- (8) In paragraph 4 (power to use reasonable force to detain or control person required to wait with community support officer)—
- (a) in sub-paragraph (1), for “This paragraph applies” there is substituted “Sub-paragraph (3) applies”;
 - (b) in sub-paragraph (1)(b), for “sets out the matters” there is substituted “sets out matters”;
 - (c) in sub-paragraph (2), for “as the matters” there is substituted “as matters”.
- (9) In paragraph 7B(2)(a) (community support officer’s power to seize controlled drugs found in person’s possession), for the words from “(whether” to the end there is substituted “(whether or not the CSO finds it in the course of searching the person

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

by virtue of any paragraph of this Part of this Schedule being applied to the CSO by a designation); and”.

- (10) In paragraphs 34(2) and 35(4) (escort officer’s powers to carry out non-intimate searches of persons), for “designation under” there is substituted “application of”.
- (11) In paragraph 35A (staff custody officer to have powers of a custody officer), in each of sub-paragraphs (3) and (4), for “under” there is substituted “applying”.
- (12) In paragraph 36(1)(a) (meaning of “the relevant police area”), for “designation” there is substituted “person designated”.
- (13) In paragraph 36, for sub-paragraphs (2) and (3) there is substituted—
 - “(2) In Part 1 of this Schedule “a designation” means—
 - (a) a designation under section 38, or
 - (b) an order under section 38A(1) (and, accordingly, the power to make such an order—
 - (i) is extended by paragraphs 1(3)(b), 1A(2) and (7), 2(6) and 4(1)(b), but
 - (ii) is subject to paragraphs 2(2), 4(2) and 11B(5)).
 - (2A) In Parts 2 and 4A of this Schedule “a designation” means a designation under section 38.
 - (3) In Parts 3 and 4 of this Schedule “a designation” means a designation under section 38 or 39.”