

SCHEDULES

SCHEDULE 13

Section 90

POLICE POWERS FOR CIVILIAN EMPLOYEES UNDER COLLABORATION AGREEMENTS

Police Act 1996

1 After section 23A of the Police Act 1996 insert—

“23AA Force collaboration provision about civilian employees

- (1) This section applies to force collaboration provision, contained in a collaboration agreement, which is about the discharge of functions by designated civilian employees of one police force (the “assisting force”) for the purposes of another police force (the “assisted force”).
- (2) The force collaboration provision must specify—
 - (a) the functions which the designated civilian employees are permitted by the collaboration agreement to discharge for the purposes of the assisted force, and
 - (b) any restrictions or conditions on that permission for the designated civilian employees to discharge those functions.
- (3) The force collaboration provision must not permit the designated civilian employees to discharge functions for the purposes of the assisted force unless those employees are, by virtue of the relevant section 38 designation, authorised to discharge those functions for the purposes of the assisting force.
- (4) The force collaboration provision does not authorise the designated civilian employees to discharge functions for the purposes of the assisted force (but see section 38B of the Police Reform Act 2002).
- (5) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force include references to—
 - (a) the joint discharge of functions by the civilian employees and members of the assisted police force,
 - (b) the discharge of functions by the civilian employees in the assisted force’s area, and
 - (c) the provision of the civilian employees to the assisted force.
- (6) In this section—

“designated”, in relation to a civilian employee of a police force, means designated by the chief officer of police of that force by a section 38 designation;

Status: This is the original version (as it was originally enacted).

“relevant section 38 designation”, in relation to a designated civilian employee, means the section 38 designation relating to the employee;

“section 38 designation” means a designation under section 38 of the Police Reform Act 2002.”.

Police Reform Act 2002

2 The Police Reform Act 2002 is amended as follows.

3 After section 38A insert—

“38B Police powers for civilian employees under collaboration agreements

- (1) The chief officer of police of a police force (the “assisted force”) may designate a person (“C”) who—
 - (a) is a civilian employee of another police force (the “assisting force”),
 - (b) is designated under section 38 by the chief officer of police of the assisting police force (the “section 38 designation”), and
 - (c) is permitted, under relevant police collaboration provision, to discharge powers and duties specified in that provision for the purposes of the assisted force.
- (2) The designation under subsection (1) (the “collaboration designation”) must designate C as an officer of one or more of the descriptions specified in section 38(2).
- (3) The collaboration designation may designate C as an officer of a particular description specified in section 38(2) only if the section 38 designation designates C as an officer of that description.
- (4) C shall have the powers and duties conferred or imposed on C by the collaboration designation.
- (5) A power or duty may be conferred or imposed on C by the collaboration designation only if C is permitted, under the relevant police collaboration provision, to discharge that power or duty for the purposes of the assisted force.
- (6) C shall not be authorised or required by virtue of the collaboration designation to engage in any conduct otherwise than in the course of discharging a power or duty conferred or imposed on C by the collaboration designation.
- (7) The collaboration designation must specify the restrictions and conditions to which C is subject in the discharge of the powers and duties conferred or imposed by the collaboration designation.
- (8) Those restrictions and conditions must include the restrictions and conditions specified in the relevant police collaboration provision.
- (9) C is authorised or required to discharge any power or duty conferred or imposed by the collaboration designation subject to the restrictions and conditions specified in the collaboration designation.

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

(10) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force have the same meaning as in section 23B of the Police Act 1996.

(11) In this section—

“civilian employee” has the meaning given by section 23I of the Police Act 1996;

“relevant police collaboration provision” means provision, contained in a collaboration agreement under section 22A of the Police Act 1996, which is of the kind referred to in section 23AA of that Act.

38C Designations under section 38B: supplementary provision

(1) The collaboration designation of C must be in accordance with the relevant police collaboration provision.

(2) Subsection (1) is in addition to section 38B(5) and (8).

(3) Subsections (8) and (9) of section 38 apply to any power exercisable by C in reliance on the collaboration designation as they apply to a power exercisable by a person in reliance on a designation under section 38.

(4) In exercising or performing any power or duty in reliance on the collaboration designation, C is to be taken—

(a) as exercising or performing that power or duty in reliance on that collaboration designation (and not in reliance on any designation under section 38); and

(b) accordingly, as not being a designated person (within the meaning of section 46(1)) by virtue of any designation under section 38.

(5) Expressions used in this section and section 38B have the same meanings in this section as in section 38B.”.

4 (1) Section 42 (supplementary provisions relating to designations and accreditations) is amended in accordance with this paragraph.

(2) In subsection (1), after “section 38” insert “, 38B”.

(3) After subsection (2) insert—

“(2ZA) A power exercisable by any person in reliance on a designation under section 38B by the chief officer of police of the assisted force shall, subject to subsection (2A), be exercisable only by a person wearing such uniform as may be—

(a) determined or approved for the purposes of this Chapter by the chief officer of police of the assisting police force; and

(b) identified or described in the designation.

In this subsection, “assisted force” and “assisting force” have the same meanings as in section 38B.”.

(4) In subsection (2A), after “subsection (2)” insert “or (2ZA)”.

(5) In subsection (2B), after “section 38” insert “(in relation to subsection (2)) or section 38B (in relation to subsection (2ZA))”.

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

- (6) In subsection (3), after “section 38” insert “, 38B”.
- (7) After subsection (7) insert—
- “(7A) For the purposes of determining liability for the unlawful conduct of a civilian employee of a police force (within the meaning of section 38B), conduct by such an employee in reliance or purported reliance on a designation under section 38B shall be taken to be conduct in the course of the employee’s employment by the employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.”.
- 5 In section 46 (offences against designated and accredited persons etc), after subsection (4) insert—
- “(5) References in this section to a designated person are to—
- (a) a designated person within the meaning given by section 47(1), and
 - (b) a person in relation to whom a designation under section 38B is for the time being in force.”.

Railways and Transport Safety Act 2003

- 6 In section 28 of the Railways and Transport Safety Act 2003 (exercise of powers by civilians), after subsection (1)(aa) insert—
- “(ab) sections 38B and 38C (police powers for civilian employees under collaboration agreements),”.