



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 3

#### POLICE WORKFORCE AND REPRESENTATIVE INSTITUTIONS

#### CHAPTER 1

#### POLICE WORKFORCE

#### *Powers of police civilian staff and volunteers*

### **38 Powers of police civilian staff and police volunteers**

- (1) Chapter 1 of Part 4 of the Police Reform Act 2002 (exercise of police powers etc by civilians) is amended as follows.
- (2) In section 38 (police powers for civilian staff), for subsections (1) and (2) substitute—
  - “(1) The chief officer of police of any police force may designate a relevant employee as either or both of the following—
    - (a) a community support officer;
    - (b) a policing support officer.
  - (1A) The chief officer of police of any police force may designate a police volunteer as either or both of the following—
    - (a) a community support volunteer;
    - (b) a policing support volunteer.”
- (3) In that section, omit subsections (5A) to (6A).
- (4) In that section, before subsection (7) insert—
  - “(6B) The powers and duties that may be conferred or imposed on a person designated under this section are—

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*Changes to legislation: Policing and Crime Act 2017, Section 38 is up to date with all changes known to be in force on or before 06 April 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (a) any power or duty of a constable, other than a power or duty specified in Part 1 of Schedule 3B (excluded powers and duties);
  - (b) where the person is designated as a community support officer or a community support volunteer, any power or duty that is described in Schedule 3C as a power or duty of a community support officer or community support volunteer.
- (6C) The Secretary of State may by regulations amend Part 1 of Schedule 3B so as to add to the list of powers and duties specified in it.
- (6D) Part 2 of Schedule 3B makes provision about the application of legislation in relation to powers or duties of a constable that may be exercised or performed by a person designated under this section.
- (6E) Any power or duty of a constable that is conferred or imposed on a person designated under this section by a chief officer of police of a police force may (subject to provision included in the designation under subsection (6F)) be exercised or performed by the person—
- (a) in the area of that police force, and
  - (b) in any cases or circumstances in which it could be exercised or performed by a constable who is a member of that force.
- (6F) A designation under this section may provide that any power or duty of a constable that is conferred or imposed by the designation may be exercised or performed by the person designated—
- (a) in such areas outside the area of the police force in question as are specified in the designation (as well as within the area of the police force);
  - (b) only in such parts of the area of that police force as are specified in the designation;
  - (c) only in cases or circumstances so specified.”
- (5) In that section, after subsection (7) insert—
- “(7A) A police volunteer authorised or required to do anything by virtue of a designation under this section —
- (a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than while acting as a police volunteer;
  - (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in the designation.”
- (6) In that section, after subsection (9) insert—
- “(9A) The chief officer of police of a police force must ensure that no person designated by the chief officer under this section is authorised to use a firearm, within the meaning given by section 57(1) of the Firearms Act 1968, in carrying out functions for the purposes of the designation.
- (9B) However, subsection (9A) does not apply to—
- (a) the use of a weapon, designed or adapted for the discharge of either of the following substances, for the purpose of discharging either of those substances—

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- (i) the substance, commonly known as “CS spray”, that is produced by the use of 2-chlorobenzalmalononitrile;
    - (ii) the substance, commonly known as PAVA spray, that is produced by the use of pelargonic acid vanillylamide;
  - (b) the use of a weapon for a purpose specified in regulations made by the Secretary of State;
  - (c) the use of a weapon of a description specified in regulations made by the Secretary of State, whether generally or for a purpose so specified.”
- (7) In that section, after subsection (9B) (as inserted by subsection (6) above) insert—
- “(9C) A statutory instrument containing regulations under subsection (6C) or (9B) (b) or (c) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (8) In that section, at the end insert—
- “(12) In this section, “police volunteer” means a person who is under the direction and control of the chief officer making a designation under subsection (1A) otherwise than because the person is a constable, a special constable or a relevant employee.
- (13) For the purpose of subsection (12), a person is to be treated as a relevant employee only in relation to times when the person is acting in the course of the person's employment.”
- (9) In the heading to section 38, after “civilian staff” insert “ and volunteers ”.
- (10) Omit section 38A (standard powers and duties of community support officers).
- (11) After Schedule 3 insert —
- (a) the new Schedule 3B set out in Schedule 10 to this Act, and
  - (b) (after that new Schedule) the new Schedule 3C set out in Schedule 11 to this Act.

**Annotations:**

**Commencement Information**

- I1** [S. 38](#) in force for certain purposes at Royal Assent, see [s. 183](#)
- I2** [S. 38](#) in force at 15.12.2017 in so far as not already in force by [S.I. 2017/1139](#), [reg. 2\(d\)](#) (with [regs. 4, 5](#)) (as amended by [S.I 2017/1162](#), [reg. 2](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)