SCHEDULES

SCHEDULE 1

Article 3

INVESTIGATING OFFICERS

1. Part 1 of Schedule 2 to the 2003 Act is amended as follows.

2. After paragraph 2 insert—

"**2A.** Where a designation applies this paragraph to any person—

(a) the persons to whom a warrant may be addressed under section 25 of the Theft Act (Northern Ireland) 1969 (search for stolen goods) shall include that person; and

(b) in relation to such a warrant addressed to him, that person shall have the powers under subsection (3) of that section.

2B. Where a designation applies this paragraph to any person, subsection (3), and (to the extent that it applies subsection (3)) subsection (3A), of section 23 of the Misuse of Drugs Act 1971 (powers to search and obtain evidence) shall have effect as if the reference to a constable included a reference to that person.".

3. In paragraph 6 (access and copying in case of things seized by constables) after "by a constable" insert " or by a person authorised to accompany him under Article 18(2) of that Order ".

4. In paragraph 8 (power to transfer persons into custody of investigating officers) in sub-paragraph (3)—

(a) in paragraph (b) after "duty" insert " to keep that person under control and ";

(b) in paragraph (c) at the end add " and under his control ".

5. After paragraph 8 insert—

"**Powers in respect of detained persons**

"8A. Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

(a) to assist any officer or other designated person to keep any person detained at the police station under control; and

(b) to prevent the escape of any such person,

and for those purposes shall be entitled to use reasonable force.".

6. After paragraph 10 insert—

"**Persons accompanying investigating officers**

10A.—(1) This paragraph applies where a person ("an authorised person") is authorised by virtue of Article 18(2) of the 1989 Order to accompany an investigating officer designated for the purposes of paragraph 2 (or 3) in the execution of a warrant.

(2) The reference in paragraph 2(h) (or 3(g)) to the seizure of anything by a designated person in exercise of a particular power includes a reference to the seizure of anything by the authorised person in exercise of that power by virtue of Article 18(2A) of the 1989 Order.

(3) In relation to any such seizure, paragraph 2(h) (or 3(g)) is to be read as if it provided for the references to a constable in Article 23(1) and (2) of the 1989 Order to include references to the authorised person.

(4) The reference in paragraph 2(i) (or 3(h)) to anything seized by a designated person in exercise of a particular power includes a reference to anything seized by the authorised person in exercise of that power by virtue of Article 18(2A) of the 1989 Order.

(5) In relation to anything so seized, paragraph 2(i)(ii) (or 3(h)(ii)) is to be read as if it provided for—

(a) the references to the supervision of a constable in paragraphs (3) and (4) of Article 23 of the 1989 Order to include references to the supervision of a person designated for the purposes of paragraph 2 (or paragraph 3), and

(b) the reference to a constable in paragraph (5) of that Article to include a reference to such a person or an authorised person accompanying him.

(6) Where an authorised person accompanies an investigating officer who is also designated for the purposes of paragraph 10, the references in sub-paragraphs (1)(a) and (b) of that paragraph to the designated person include references to the authorised person.”.

SCHEDULE 2

Article 4

DETENTION OFFICERS

1. Part 2 of Schedule 2 to the 2003 Act is amended as follows.

2. After paragraph 20 insert—

“**Taking of impressions of footwear**

20A. Where a designation applies this paragraph to any person—

(a) he shall, at any police station, have the powers of a constable under Article 61A of the 1989 Order (impressions of footwear) to take impressions of a person's footwear without the appropriate consent; and

(b) the requirement by virtue of Article 61A(5)(a) of the 1989 Order that a person must be informed by an officer that an impression of his footwear may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.

Powers in respect of detained persons

20B. Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

(a) to keep under control any person detained at the police station and for whom he is for the time being responsible;

(b) to assist any officer or other designated person to keep any other person detained at the police station under control; and

(c) to prevent the escape of any such person as is mentioned in sub-paragraph (a) or (b),

and for those purposes shall be entitled to use reasonable force.

Use of reasonable force in relation to detained persons

20C. Where a designation applies this paragraph to any person, he shall be entitled to use reasonable force when—

(a) securing, or assisting an officer or another designated person to secure, the detention of a person detained at a police station, or

(b) escorting within a police station, or assisting an officer or another designated person to escort within a police station, a person detained there.

Powers in relation to information about intimate search, x-ray and ultrasound

20D. Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—

(a) Article 56 of the 1989 Order of informing a person who is to be subject to an intimate search under that Article of the matters of which he is required to be informed in pursuance of paragraph (3B) of that Article;

(b) Article 56A of that Order of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that Article of the matters of which he is required to be informed in pursuance of paragraph (3) of that Article.”.

SCHEDULE 3 Article 5

ESCORT OFFICERS

1. Part 3 of Schedule 2 to the 2003 Act is amended as follows.

2.—(1) Paragraph 22 (power to take arrested person to a police station) is amended as follows.

(2) In sub-paragraph (1)(c)—

(a) in paragraph (ii) after “duty” insert “ to keep that person under control and ”;

(b) in paragraph (iii) at the end add “ and under his control ”.

(3) After sub-paragraph (1)(c) add—

“(d) a person who has taken another person to a police station in exercise of the power conferred by virtue of paragraph (a)—

(i) shall be under a duty to remain at the police station until he has transferred control of the other person to the custody officer at the police station;

(ii) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;

(iii) for so long as he is at the police station or in its immediate vicinity in compliance with, or having complied with, his duty under sub-paragraph (i), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and

(iv) shall be entitled to use reasonable force for the purpose of complying with his duty under sub-paragraph (iii).”.

3.—(1) Paragraph 23 (escort of persons in police detention) is amended as follows.

(2) In sub-paragraph (2)—

(a) in paragraph (b) after "duty" insert " to keep that person under control and ";

(b) in paragraph (c) at the end add " and under his control ".

(3) After sub-paragraph (2) insert—

"(2A) A person who has escorted another person to a police station or other place in accordance with an authorisation under sub-paragraph (1)—

(a) shall be under a duty to remain at the police station or other place until he has transferred control of the other person to a custody officer or other responsible person;

(b) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;

(c) for so long as he is at the police station or other place or in its immediate vicinity in compliance with, or having complied with, his duty under sub-paragraph (a), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and

(d) shall be entitled to use reasonable force for the purpose of complying with his duty under paragraph (c).".

PROSPECTIVE

SCHEDULE 4 Article 6

STAFF CUSTODY OFFICERS

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

1.—(1) Article 37 is amended as follows.

(2) ***[***[F1]*For paragraph (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) ***[***[F1]*In paragraph (5) for "an officer" substitute " an individual "*]**.**

(4) ***[***[F1]*In paragraph (7)—*

(a) *in sub-paragraph (a)—*

(i) *after "by an officer" insert " or a staff custody officer ";*

(ii) *for "such an officer" substitute " such a person ";*

(b) *in sub-paragraph (b) for "such officer" substitute " such person "*]**.**

(5) In paragraph (8)—

(a) after "in" insert " Article 35 or in ";

(b) ***[***[F2]*for "an officer" substitute " a person "*]**.**

(6) ***[***[F3]*After paragraph (10) add—*

"(11) *In this Article "staff custody officer" means a person who has been designated as such under section 30 of the Police (Northern Ireland) Act 2003."***]**.

Textual Amendments

F1 Sch. 4 para. 1(2)-(4) never in operation, repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(2), 116(6)(b), **Sch. 8 Pt. 13**

F2 Sch. 4 para. 1(5)(b) never in operation, repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(2), 116(6)(b), **Sch. 8 Pt. 13**

F3 Sch. 4 para. 1(6) never in operation, repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(2), 116(6)(b), **Sch. 8 Pt. 13**

2. [F4] . . . . . .

Textual Amendments

F4 Sch. 4 paras. 2-5 never in operation, repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(2), 116(6)(b), **Sch. 8 Pt. 13**

The 2003 Act

3. [F5] . . . . . .

Textual Amendments

F5 Sch. 4 paras. 2-5 never in operation, repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(2), 116(6)(b), **Sch. 8 Pt. 13**

4. [F6] . . . . . .

Textual Amendments

F6 Sch. 4 paras. 2-5 never in operation, repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(2), 116(6)(b), **Sch. 8 Pt. 13**

5. [F7] . . . . . .

Textual Amendments

F7 Sch. 4 paras. 2-5 never in operation, repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(2), 116(6)(b), **Sch. 8 Pt. 13**

SCHEDULE 5

Article 7

SCHEDULE TO BE INSERTED AS SCHEDULE 2A TO THE 2003 ACT

Commencement Information

I1 Sch. 5 partly in force; Sch. 5 in force for specified purposes at 22.4.2007, see art. 1(2)(d)(3)

"SCHEDULE 2A

POWERS AND DUTIES OF COMMUNITY SUPPORT OFFICER

Powers to issue fixed penalty notice

1. A CSO shall have the power of a constable in uniform to give a fixed penalty notice under Article 60 of the Road Traffic Offenders (Northern Ireland) Order 1996 (fixed penalty notices) to any person who he has reason to believe has committed an offence under Article 42 or 43 of the Road Traffic (Northern Ireland) Order 1995 (dangerous, careless or inconsiderate cycling).

Power to require name and address: relevant offences

2.—(1) Subject to sub-paragraph (2), where a CSO has reason to believe that another person has committed a relevant offence, he may require that other person to give him his name and address.

(2) The power to impose a requirement under sub-paragraph (1) in relation to an offence under a relevant byelaw is exercisable only in, or in the vicinity of, a place to which the byelaw relates.

(3) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

(4) In this paragraph "relevant offence" means—

(a) an offence under section 3 of the Vagrancy (Ireland) Act 1847;

(b) an offence under section 24 of the Children and Young Persons Act (Northern Ireland) 1968;

(c) an offence under Article 18 of the Public Order (Northern Ireland) Order 1987;

(d) an offence under Article 3 or 4 of the Litter (Northern Ireland) Order 1994;

(e) an offence under any of Articles 3, 30(9), 41, 50 or 60 to 64 of the Licensing (Northern Ireland) Order 1996;

(f) an offence under a relevant byelaw.

(5) In this paragraph and paragraph 4 "relevant byelaw" means a byelaw included in a list of byelaws which—

(a) have been made by a relevant body with authority to make byelaws for any place; and

(b) the Chief Constable and the relevant body have agreed to include in the list.

(6) The list must be published by the Chief Constable in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.

(7) A list of byelaws mentioned in sub-paragraph (6) may be amended from time to time by agreement between the Chief Constable and the relevant body in question, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the Chief Constable as mentioned in sub-paragraph (6).

(8) A relevant body for the purposes of sub-paragraph (5) is—

(a) a district council;

(b) any other body specified in an order made by the Secretary of State.

(9) An order under sub-paragraph (8) may provide, in relation to any body specified in the order, that the agreement mentioned in sub-paragraph (5)(b) and (7) is to be made between the Chief Constable and the Secretary of State (rather than between the Chief Constable and the relevant body).

Power to require name and address: road traffic offences

3. A CSO shall have the powers of a constable—

(a) under Article 177 of the Road Traffic (Northern Ireland) Order 1981 to require a person to give information about certain offences;

(b) under Article 178 of that Order to require a pedal cyclist to give his name and address;

(c) under Article 179 of that Order to require a pedestrian to give his name and address

Power to detain etc

4.—(1) Where, in a case in which a requirement has been imposed on another person under paragraph 2(1) or by virtue of paragraph 3—

(a) that other person fails to comply with the requirement, or

(b) the CSO who imposed the requirement has reasonable grounds for suspecting that the other person has given him a name or address that is false or inaccurate,

the CSO who imposed the requirement may require the other person to wait with him, for a period not exceeding 30 minutes, for the arrival of a constable.

(2) Sub-paragraph (1) does not apply if the requirement was imposed in connection with an offence under the Licensing (Northern Ireland) Order 1996 believed to have been committed on licensed premises (within the meaning of that Order).

(3) Where by virtue of paragraph 2 a CSO has the power to impose a requirement under sub-paragraph (1) of that paragraph in relation to an offence under a relevant byelaw, the CSO shall also have any power a constable has under the relevant byelaw to remove a person from a place.

(4) Where a CSO has reason to believe that another person is committing an offence under section 3 of the Vagrancy (Ireland) Act 1847, and requires him to stop doing whatever gives rise to that belief, the CSO may, if the other person fails to stop as required, require him to wait with the CSO, for a period not exceeding 30 minutes, for the arrival of a constable.

(5) A person who has been required under sub-paragraph (1) or (4) to wait with a CSO may, if requested to do so, elect that (instead of waiting) he will accompany the CSO imposing the requirement to a police station.

(6) A person who—

(a) makes off while subject to a requirement under sub-paragraph (1) or (4), or

(b) makes off while accompanying a person to a police station in accordance with an election under sub-paragraph (5),

is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Confiscation of alcohol: public processions

5. A CSO shall have the powers of a constable in uniform under section 13 of the Public Processions (Northern Ireland) Act 1998 (control of alcohol at public processions)—

(a) to impose a requirement under subsection (1) or (3) of that section; and

(b) to dispose under subsection (5) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by a CSO as if the references to a constable (except in subsection (8) (power to stop vehicles)) were references to the CSO.

Confiscation of alcohol: young persons

6.—(1) A CSO shall have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (confiscation of intoxicating liquor)—

(a) to impose a requirement under subsection (1) of that section; and

(b) to dispose under subsection (2) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by a CSO as if the references to a constable in subsections (1) and (4) (but not the reference in subsection (5) (arrest)) were references to the CSO.

(2) Paragraph 4 applies in the case of a requirement imposed by a CSO under section 1(1) of that Act of 1997 on any person to state his name and address as it applies in the case of a requirement under paragraph 2(1).

Confiscation of tobacco etc

7.—(1) A CSO shall have the power to seize anything that a constable has power to seize under Article 5(1) of the Health and Personal Social Services (Northern Ireland) Order 1978 (seizure of tobacco etc from young persons).

(2) Article 5(2) of that Order (disposal) applies to anything seized by virtue of sub-paragraph (1) as it applies to anything seized by a constable under Article 5(1) of that Order.

Search and seizure powers: alcohol and tobacco

8.—(1) Where—

(a) in exercise of the powers referred to in paragraph 5 or 6 a CSO has imposed, under section 13 of the Public Processions (Northern Ireland) Act 1998 or under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997, a requirement on a person to surrender alcohol;

(b) that person fails to comply with that requirement; and

(c) the CSO reasonably believes that the person has alcohol in his possession,

the CSO may search him for it.

(2) Where—

(a) in exercise of the powers referred to in paragraph 7 a CSO has sought to seize something which by virtue of that paragraph he has a power to seize;

(b) the person from whom he sought to seize it fails to surrender it; and

(c) the CSO reasonably believes that the person has it in his possession,

the CSO may search him for it.

(3) The power to search conferred by sub-paragraph (1) or (2)—

(a) is to do so only to the extent that is reasonably required for the purpose of discovering whatever the CSO is searching for; and

(b) does not authorise the CSO to require a person to remove any of his clothing in public other than an outer coat, jacket, headgear or gloves.

(4) A person who without reasonable excuse fails to consent to being searched under sub-paragraph (1) or (2) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(5) A CSO who proposes to exercise the power to search a person under sub-paragraph (1) or (2) must inform him that failing without reasonable excuse to consent to being searched is an offence.

(6) If the person in question fails to consent to being searched, the CSO may require him to give the CSO his name and address.

(7) Paragraph 4 applies in the case of a requirement imposed under sub-paragraph (6) as it applies in the case of a requirement under paragraph 2(1).

(8) If on searching the person the CSO discovers what he is searching for, he may seize it and dispose of it.

Powers to seize and retain: controlled drugs

9.—(1) If a CSO—

(a) finds a controlled drug in a person's possession (whether or not he finds it in the course of searching the person by virtue of any other paragraph of this Schedule); and

(b) reasonably believes that it is unlawful for the person to be in possession of it,

the CSO may seize it and retain it.

(2) If a CSO—

(a) finds a controlled drug in a person's possession (as mentioned in sub-paragraph (1)); or

(b) reasonably believes that a person is in possession of a controlled drug,

and reasonably believes that it is unlawful for the person to be in possession of it, the CSO may require him to give the CSO his name and address.

(3) If in exercise of the power conferred by sub-paragraph (1) the CSO seizes and retains a controlled drug, he must—

(a) if the person from whom it was seized maintains that he was lawfully in possession of it, tell the person where inquiries about its recovery may be made; and

(b) comply with a constable's instructions about what to do with it.

(4) A person who fails to comply with a requirement under sub-paragraph (2) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(5) Paragraph 4 applies in the case of a requirement imposed by virtue of sub-paragraph (2) as it applies in the case of a requirement under paragraph 2(1).

(6) In this paragraph, “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.

Entry to save life or limb or prevent serious damage to property

10. A CSO shall have the powers of a constable under Article 19 of the 1989 Order to enter and search any premises for the purpose of saving life or limb or preventing serious damage to property.

Entry to investigate licensing offences

11.—(1) A CSO shall have the powers of a constable under Article 71(1)(b) of the Licensing (Northern Ireland) Order 1996 to enter and inspect premises.

(2) Except as mentioned in sub-paragraph (3), a CSO shall not, in exercise of the power conferred by sub-paragraph (1), enter any premises except in the company, and under the supervision, of a constable.

(3) The prohibition in sub-paragraph (2) does not apply in relation to premises in respect of which the CSO reasonably believes that a licence under the Licensing (Northern Ireland) Order 1996 authorises the sale of intoxicating liquor for consumption off the premises.

Power to stop vehicles

12. A CSO shall have the power of a constable in uniform under Article 180(1) of the Road Traffic (Northern Ireland) Order 1981 to require a person driving a vehicle or riding a pedal cycle to stop.

Power to direct traffic and place traffic signs

13.—(1) A CSO shall have—

(a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;

(b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.

(2) A CSO shall also have the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.

(3) Article 49 of the Road Traffic (Northern Ireland) Order 1995 (offences of failing to comply with directions of constable in uniform) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (2), for the purposes for which they may be exercised and by a CSO, as if the references to a constable in uniform were references to a CSO.

(4) A CSO shall have the powers of a constable under Article 32 of the Road Traffic Regulation (Northern Ireland) Order 1997 to place traffic signs.

(5) Article 50 of the Road Traffic (Northern Ireland) Order 1995 (contravention of indication given by traffic sign) shall apply to signs placed in the exercise of the powers conferred by virtue of sub-paragraph (4).

Carrying out of road checks

14. A CSO shall have the power to carry out any road check the carrying out of which by a police officer is authorised under Article 6 of the 1989 Order (road checks).

Cordoned areas

15. A CSO shall, in relation to any cordoned area have all the powers of a constable in uniform under section 36 of the Terrorism Act 2000 (c 11) (enforcement of cordoned area) to give orders, make arrangements or impose prohibitions or restrictions.

Power to stop and search vehicles etc in authorised areas

16.—(1) A CSO shall, in any authorised area, have all the powers of a constable in uniform by virtue of sections 44(1)(a) and (d) and (2)(b) and 45(2) of the Terrorism Act 2000 (powers of stop and search)—

(a) to stop and search vehicles;

(b) to search anything in or on a vehicle or anything carried by the driver of a vehicle or any passenger in a vehicle;

(c) to search anything carried by a pedestrian; and

(d) to seize and retain any article discovered in the course of a search carried out by him or by a constable by virtue of any provision of section 44(1) or (2) of that Act.

(2) References to a constable in subsections (1) and (4) of section 45 of that Act (which relate to the exercise of those powers) shall have effect in relation to the exercise of any of those powers by a CSO as references to a CSO.

(3) A CSO shall not exercise any power of stop, search or seizure by virtue of this paragraph except in the company, and under the supervision, of a constable.

Powers in relation to fireworks

17. A CSO shall have the powers of a constable under—

(a) Article 3 of the 1989 Order in relation to any firework to which paragraph (9A) of that Article applies;

(b) regulation 7(4) of the Explosives (Fireworks) Regulations (Northern Ireland) 2002.

Interpretation

18.—(1) In this Schedule—

"a CSO" means a person designated as a community support officer under section 30A;

"the 1989 Order" means the Police and Criminal Evidence (Northern Ireland) Order 1989.

(2) Expressions used in this Schedule and in the 1989 Order have the same meaning in this Schedule as in that Order.".

Changes to legislation:
There are currently no known outstanding effects for the The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007.