

Draft Regulations laid before Parliament under section 38(9C) of the Police Reform Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

POLICE, ENGLAND AND WALES

**The Police Powers of Designated Civilian Staff and Volunteers
(Excluded Powers and Duties of Constables) Regulations 2018**

Made - - - - *****

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 38(6C) of the Police Reform Act 2002(a), makes the following Regulations.

A draft of these Regulations has been laid before Parliament and has been approved by each House of Parliament in accordance with section 38(9C)(b) of the Police Reform Act 2002.

Citation and commencement

1. These Regulations may be cited as the Police Powers of Designated Civilian Staff and Volunteers (Excluded Powers and Duties of Constables) Regulations 2018 and come into force on the twenty-eighth day after the day on which they are made.

Amendment of Schedule 3B to the Police Reform Act 2002

2.—(1) The Police Reform Act 2002 is amended as follows.

(2) In Part 1 of Schedule 3B(c), after paragraph 3 insert—

“**3A.** The power of a constable, under section 55(6) of the Police and Criminal Evidence Act 1984(d), to conduct an intimate search if an officer of at least the rank of inspector considers under section 55(5) of that Act that an intimate search by a suitably qualified person is not practicable.”.

Date

Name
Minister of State
Home Office

(a) 2002 c. 30. Section 38(6C) was inserted by section 38(4) of the Policing and Crime Act 2017 (c. 3).
(b) Section 38(9C) was inserted by section 38(7) of the Policing and Crime Act 2017.
(c) Schedule 3B was inserted by Schedule 10 to the Policing and Crime Act 2017.
(d) 1984 c. 60. Section 55(5) was amended by section 79 of the Criminal Justice and Police Act 2001 (c. 16).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of Schedule 3B of the Police Reform Act 2002 (c. 30) sets out a list of powers that are reserved solely for use by constables, and cannot be used by civilians employed by police forces, or police volunteers, and designated with police powers under section 38 of that Act. These Regulations insert an additional power of a constable into the list of reserved powers in Part 1 of Schedule 3B. The power of a constable to be added into Part 1 of Schedule 3B is the power to conduct an intimate search under section 55(6) of the Police and Criminal Evidence Act 1984 (c. 60) where an officer of at least the rank of Inspector considers it not practicable for a suitably qualified person to conduct such a search.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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