These notes refer to the Police Reform Act 2002 (c.30) which received Royal Assent on 24 July 2002

POLICE REFORM ACT 2002

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 1: Community support officers

194. This Part includes a limited range of powers linked to dealing with community safety and misconduct in public places. It lists the powers that can be conferred on community support officers. These include the power to issue a range of fixed penalty notices relating to anti-social behaviour – for example in respect of litter. It also gives the power to request a name and address from a person committing a fixed penalty offence or an offence that causes injury, alarm, distress or damage to another, and the power to detain, for a limited period awaiting the arrival of a constable, a person who fails to comply with the request to give their name and address. These powers will enable civilians performing patrolling functions to address many anti-social behaviour offences.

195. *Paragraph 1* enables a suitably designated person to exercise powers to issue fixed penalty notices. This includes issuing fixed penalty notices in respect of a range of anti-social behaviour and disorder offences under the Criminal Justice and Police Act 2001. These offences are: being drunk in a public highway, other public place or licensed premises (section 12 of the Licensing Act 1872); throwing fireworks in a thoroughfare (section 80 of the Explosives Act 1875); knowingly giving a false fire alarm to a fire brigade (section 31 of the Fire Service Act 1947); trespassing on a railway (section 55 of the British Transport Commission Act 1949); throwing stones etc. at trains or other things on railways (section 56 of the British Transport Commission Act 1949); buying or attempting to buy alcohol for consumption in a bar in licensed premises by a person under 18 (section 169C(3) of the Licensing Act 1964); disorderly behaviour while drunk in a public place (section 91 of the Criminal Justice Act 1967); wasting police time by giving false report (section 5(2) of the Criminal Law Act 1967); using public telecommunications system for sending message known to be false in order to cause annoyance (section 43(1)(b) of the Telecommunications Act 1984); behaviour likely to cause harassment, alarm or distress (section 5 of the Public Order Act 1986); and consumption of alcohol in designated public place (section 12 of Criminal Justice and Police Act 2001). Fixed penalty notices can also be issued for offences of cycling on a footway (section 54 of the Road Traffic Offenders Act 1988 in respect of section 72 of the Highway Act 1835); dog fouling (section 4 of the Dogs (Fouling of land) Act 1996) and litter (section 88 of the Environmental Protection Act 1990).

196. *Paragraph 2* sets out the power to detain. It provides that a designated community support officer can require the name and address of a person who he believes to have committed an offence to which the designated powers relate and in the police area to which the designation relates. If the other person fails to comply with the request to give his name and address or gives a name or address which the designated community support officer has reason to believe is false or inaccurate, the designated community support officer can require the other person to wait with him for up to 30 minutes, pending the arrival of constable. The other person may choose, if asked, to accompany

the designated community support officer to a police station rather than wait. Any person who fails to comply with the request, by a designated officer, to give his name and address; or who makes off while subject to a requirement to wait for a limited period pending the arrival of a constable; or makes off while accompanying the designated officer to a police station having chosen to be escorted to a police station, will be guilty of an offence. The offence is punishable, on summary conviction, to a fine not exceeding level 3 on the standard scale (currently £1000). The powers in this paragraph can be used in relation to relevant fixed penalty offences or in respect of offences that appear to have caused alarm, injury or distress to any other person, or the loss of or damage to any other person's property. Conditions may be applied to the application of this paragraph by designation, such as limiting it to those offences witnessed by the community support officer or excluding particular offences or categories of offence.

197. Where *paragraph 3* is applied to a community support officer, it extends to him the powers of a constable under section 50 of this Act to require the name and address of a person who is, or is believed to have been, acting in an anti-social manner as defined in section 1 of the Crime and Disorder Act 1998, namely 'in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself'. The Community Support Officer is then given the same power of detention as is conferred by paragraph 2 in relation to a person who fails to comply with the requirement or appears to have given a false or inaccurate name or address.

198. *Paragraph 4* specifies the circumstances in which a designated community support officer may use reasonable force in the exercise of his powers to detain.

199. When *paragraph 5* is specified in a community support officer's designation, it extends to him the duty of a constable under section 12 of the Criminal Justice and Police Act 2001 to require an individual not to consume alcohol (or what he reasonably believes to be alcohol) in places designated by local authorities, and surrender alcohol in an unsealed container to the community support officer. The CSO may then dispose of the alcohol as he considers appropriate. Failure to comply with a community support officer's request is an offence punishable, on summary conviction, to a fine not exceeding level 2 on the standard scale (currently £500).

200. *Paragraph 6* confers similar powers on a community support officer to paragraph 5, but this time under the authority of section 1 of the Confiscation of Alcohol (Young Persons) Act 1997. A suitably designated CSO will be able to confiscate alcohol (or what he reasonably believes to be alcohol) in an unsealed container, from someone who is under 18 years of age or from someone who intends to supply it to someone who is under age of 18 for their consumption. The CSO may then be able to dispose of the alcohol as he considers appropriate. Failure to comply with a community support officer's request is an offence punishable, on summary conviction, to a fine not exceeding level 2 on the standard scale (currently £500).

201. When *paragraph 7* is specified in a community support officer's designation, it extends to him the power of a constable or a uniformed park-keeper under subsection (3) of section 7 of the Children and Young Persons Act 1933 to seize tobacco or cigarette papers from any person who appears to be under 16 years old whom he finds smoking in any street or public place. The CSO may then dispose of any seized material in such manner as the relevant police authority provides.

202. When *paragraph 8* is specified in a community support officer's designation, it extends to him the power of a constable under section 17 of the Police and Criminal Evidence Act 1984 (PACE) (entry for the purpose of saving life or limb or preventing serious damage to property). This would, for example, enable a community support officer to enter a property where neighbours suspected an elderly occupant had fallen and was unresponsive. Unlike the power to enter premises conferred in paragraph 9, this power does not require a community support officer to be accompanied by a constable.

203. Where *paragraph 9* is specified in a community support officer's designation, it extends to him the new powers of a constable under section 59 of this Act regarding vehicles used in a manner causing alarm, distress or annoyance. However, the new powers in so far as they include power to enter premises are only exercisable when in the company of and under the supervision of a constable.

204. Where specified in the designation of a community support officer, *paragraph 10* extends any powers conferred on designated persons for the removal of abandoned vehicles by regulations under section 99 of the Road Traffic Regulation Act 1984.

205. When *paragraphs 11* or *12*are specified in a community support officer's designation, they extend to him limited powers to stop vehicles and direct traffic. These powers would enable such community support officers to help agencies such as the Vehicle Inspectorate and local authorities to conduct roadworthiness and emissions tests and also to facilitate the escorting of abnormal loads.

206. *Paragraph 13* specifies powers that can be extended to a designated community support officer in respect of road checks. This includes the powers of a police officer to carry out an authorised road check under section 4 of PACE. This enables a road check (authorised by the rank of superintendent or above) to be established for the purposes of ascertaining whether a vehicle is carrying a person who committed an offence other than a road traffic offence or a [vehicle] excise offence; a person who is witness to such an offence; a person intending to commit such an offence; or a person who is unlawfully at large. It also includes the powers of a constable conferred under section 163 of the Road Traffic Act 1984 to enable him to require a vehicle to stop for the purpose of a road check.

207. *Paragraphs 14* and *15*enable the extension of strictly limited powers of a constable under the Terrorism Act 2000. The purpose of extending such powers to designated community support officers is to enable them to provide valuable support to constables in times of terrorist threat and to give chief officers the discretion to deploy constables for duties that require their full expertise and powers in such times. If specified in a community support officer's designation, *paragraph 14* confers on him the powers of a constable under section 36 of the Terrorism Act 2000 to enforce a cordoned area, where the cordoned area has been established under the Terrorism Act. These powers enable a constable to prevent the cordon from being breached by giving orders (for example requiring a person to leave the cordoned area), making arrangements (for example for the removal of a vehicle) or imposing prohibitions or restrictions (for example to prevent or restrict access to the cordoned area). If specified in a community support officer's designation, *paragraph 15* confers on him the powers of a constable under sections 44(1)(a), 44(1)(d), 44(2)(b) and 45(2) of the Terrorism Act 2000 (powers of stop and search). These are the powers to stop and search vehicles; to search anything in or on a vehicle or carried by the driver or by any passenger in that vehicle; to search anything carried by a pedestrian; and to seize and retain any article discovered in the course of a search by him or a constable under these provisions. It does not extend the powers of a constable to search people – drivers, passenger or pedestrians. *Paragraph 15(2)* provides that these powers cannot be exercised by a designated community support officer except in the company of and under the supervision of a constable.