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SCHEDULES

SCHEDULE 5

Section 41

POWERS EXERCISABLE BY ACCREDITED PERSONS

Power to issue fixed penalty notices

- 1 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed or is committing a relevant fixed penalty offence at a place within the relevant police area.
- (2) Those powers are the following powers so far as exercisable in respect of a relevant [F¹fixed penalty] offence—
- (a) the power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (c. 50) (riding on a footway) committed by cycling;
 - [F²(aa) the powers of a constable in uniform to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices in respect of offences of disorder) ^{F³} . . . ;]
 - [F⁴(ab) the power of a constable to give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil);]
 - [F⁵(ac) the power of a constable to give a penalty notice under section 105 of the Education and Inspections Act 2006 (penalty notice in respect of presence of excluded pupil in public place);]
 - (b) ^{F⁶}
 - [F⁷(ba) the power of an authorised officer of a local authority to give a notice under section 43(1) of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting); and]
 - (c) the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices in respect of litter) ^{F⁸} and
 - (d) the power of an authorised officer of a primary or secondary authority, within the meaning of section 59 of the Clean Neighbourhoods and Environment Act 2005, to give a notice under that section (fixed penalty notices in respect of offences under dog control orders).]
- [F⁹(2A) The reference to the powers mentioned in sub-paragraph (2)(aa) does not include those powers so far as they relate to an offence under the provisions in the following list—
- section 12 of the Licensing Act 1872,
 - section 91 of the Criminal Justice Act 1967,
 - section 1 of the Theft Act 1968,

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section 1(1) of the Criminal Damage Act 1971,
 section 87 of the Environmental Protection Act 1990.]

- (3) In this paragraph “relevant fixed penalty offence”, in relation to an accredited person, means an offence which—
- (a) is an offence by reference to which a notice may be given to a person in exercise of any of the powers mentioned in [F10]sub-paragraph (2)(a) to (d)] ; and
 - (b) is specified or described in that person’s accreditation as an offence he has been accredited to enforce.
- [F11(3A) For the purposes of paragraph (f) of section 64A(1B) of the Police and Criminal Evidence Act 1984 (photographing of suspects in relation to fixed penalty offences) “relevant fixed penalty offence”, in relation to an accredited person, includes an offence under a relevant byelaw within the meaning of paragraph 1A(4) (and, accordingly, the reference in that paragraph (f) to paragraph 1 of this Schedule includes a reference to paragraph 1A of this Schedule).]
- [F12(4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in sub-paragraph (2) (ab) [F13]or (ac)] , sub-paragraph (1) shall have effect as if for the words from “who he has reason to believe” to the end there were substituted “in the relevant police area who he has reason to believe has committed or is committing a relevant fixed penalty offence”.]

Textual Amendments

- F1** Words in Sch. 5 para. 1(2) inserted (1.12.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 9, 53, [Sch. 5 para. 6\(2\)](#); S.I. 2007/3203, [art. 2\(c\)](#)
- F2** Sch. 5 para. 1(2)(aa) inserted (31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 89\(5\)](#), 93; S.I. 2004/690, [art. 2\(b\)\(iv\)](#)
- F3** Words in Sch. 5 para. 1(2)(aa) repealed (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122(5)(a), 174, 178, [Sch. 17 Pt. 2](#); S.I. 2005/1521, [art. 3\(1\)\(cc\)\(ee\)\(viii\)](#)
- F4** Sch. 5 para. 1(2)(ab) inserted (27.2.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 23\(6\)](#), 93; S.I. 2003/3300, [art. 3\(a\)\(ii\)](#)
- F5** Sch. 5 para. 1(2)(ac) inserted (1.9.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 107\(4\)](#), 188; S.I. 2007/1801, [art. 4\(h\)](#)
- F6** Sch. 5 para. 1(2)(b) repealed (6.4.2006 for E. and 15.3.2007 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 107, 108, [Sch. 5 Pt. 5](#); S.I. 2006/795, [art. 2\(3\)](#), Sch. 2 (with art. 4(3)(b)); S.I. 2006/2797, [art. 5\(g\)](#) (with art. 10(3)(b)) (as amended (30.1.2007) by S.I. 2007/120, art. 3); S.I. 2007/702
- F7** Sch. 5 para. 1(2)(ba) inserted (31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 46\(2\)\(b\)](#), 93; S.I. 2004/690, [art. 2\(a\)\(i\)](#)
- F8** Sch. 5 para. 1(2)(d) and preceding word inserted (6.4.2006 for E. and 15.3.2007 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 62\(3\)](#), 108; S.I. 2006/795, [art. 2\(3\)](#), Sch. 2; S.I. 2006/2797, [art. 4\(x\)](#); S.I. 2007/739
- F9** Sch. 5 para. 1(2A) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 122\(5\)\(b\)](#), 178; S.I. 2005/1521, [art. 3\(1\)\(h\)](#); S.I. 2005/2026, [art. 2\(d\)](#)
- F10** Words in Sch. 5 para. 1(3)(a) substituted (27.1.2010) for the words "sub-paragraph (2)(a) to (c)" by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 135, 245, [Sch. 6 para. 4\(2\)](#); S.I. 2010/112, [art. 2\(g\)](#)

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- F11** Sch. 5 para. 1(3A) inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 133(3)(a), 245; S.I. 2010/112, art. 2(e)
- F12** Sch. 5 para. 1(4) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 23(7), 93; S.I. 2003/3300, art. 3(a)(ii)
- F13** Words in Sch. 5 para. 1(4) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), ss. 107(5), 188; S.I. 2007/1801, art. 4(h)

Modifications etc. (not altering text)

- C1** Sch. 5 para. 1(2)(aa) modified (1.11.2004) by The Criminal Justice and Police Act 2001 (Amendment) and Police Reform Act 2002 (Modification) Order 2004 (S.I. 2004/2540), arts. 1(4), 5

- [^{F14}1A (1) This paragraph applies to an accredited person whose accreditation specifies that it applies to him.
- (2) The accreditation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not all) relevant byelaws, being in each case specified in the accreditation.
- (3) Where that person has reason to believe that an individual has committed an offence against a relevant byelaw at a place within the relevant police area, he may exercise the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 (fixed penalty notices in relation to offences against certain byelaws).
- (4) In this paragraph “relevant byelaw”, in relation to an accredited person, means a byelaw which—
- (a) falls within sub-paragraph (5); and
- (b) is specified or described in that person's accreditation as a byelaw he has been accredited to enforce under this paragraph.
- (5) A byelaw falls within this sub-paragraph if—
- (a) it is a byelaw to which section 237A of the Local Government Act 1972 applies (fixed penalty notices in relation to offences against certain byelaws); and
- (b) the chief officer of the police force for the relevant police area and the authority who made the byelaw have agreed to include it in a list of byelaws for the purposes of this sub-paragraph.
- (6) A list under sub-paragraph (5)(b) must be published by the chief officer 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) The list may be amended from time to time by agreement between the chief officer and the authority, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6).]

Textual Amendments

- F14** Sch. 5 para. 1A inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 133(3)(b), 245; S.I. 2010/112, art. 2(e)

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Power to require giving of name and address

- 2 (1) Where an accredited person whose accreditation specifies that this paragraph applies to him has reason to believe that another person has committed a relevant offence in the relevant police area, he may require that other person to give him his name and address.
- (2) 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 3 on the standard scale.
- (3) In this paragraph “relevant offence”, in relation to any accredited person, means any offence which is—
- (a) a relevant fixed penalty offence for the purposes of any powers exercisable by the accredited person by virtue of paragraph 1; or
 - [^{F15}(aa) an offence under section 3 or 4 of the Vagrancy Act 1824; or]
 - [^{F16}(aza) an offence under a relevant byelaw within the meaning of paragraph 1A(4); or]
 - (b) an offence the commission of which appears to the accredited person to have caused—
 - (i) injury, alarm or distress to any other person; or
 - (ii) the loss of, or any damage to, any other person’s property;
 but the accreditation of an accredited person may provide that an offence is not to be treated as a relevant offence by virtue of paragraph (b) unless it satisfies such other conditions as may be specified in the accreditation.
- [^{F17}(4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in paragraph 1(2)(ab) [^{F18}or (ac)], sub-paragraph (1) of this paragraph shall have effect as if for the words “has committed a relevant offence in the relevant police area” there were substituted “in the relevant police area has committed a relevant offence”.]

Textual Amendments

- F15** Sch. 5 para. 2(3)(aa) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 18](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)
- F16** Sch. 5 para. 2(3)(aza) inserted (27.1.2010) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 133\(3\)\(c\)](#), 245; S.I. 2010/112, [art. 2\(e\)](#)
- F17** Sch. 5 para. 2(4) inserted (27.2.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 23\(8\)](#), 93; S.I. 2003/3300, [art. 3\(a\)\(ii\)](#)
- F18** Words in Sch. 5 para. 2(4) inserted (1.9.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 107\(6\)](#), 188; S.I. 2007/1801, [art. 4\(h\)](#)

Power to require name and address of person acting in an anti-social manner

- 3 An accredited person whose accreditation specifies that this paragraph applies to him shall, in the relevant police area, have the powers of a constable in uniform under section 50 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)) to give his name and address.

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Power to require name and address: road traffic offences

- [^{F19}3A (1) An accredited person whose accreditation specifies that this paragraph applies to him shall, in the relevant police area, have the powers of a constable—
- (a) under subsection (1) of section 165 of the Road Traffic Act 1988 to require a person mentioned in paragraph (c) of that subsection who he has reasonable cause to believe has committed, in the relevant police area, an offence under subsection (1) or (2) of section 35 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address; and
 - (b) under section 169 of that Act to require a person committing an offence under section 37 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address.
- (2) The reference in section 169 of the Road Traffic Act 1988 to section 37 of that Act is to be taken to include a reference to that section as extended by paragraphs 8B(4) and 9(2) of this Schedule.]

Textual Amendments

- F19** Sch. 5 para. 3A inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 19](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

Alcohol consumption in designated public places

- 4 An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the powers of a constable under section 12 of the Criminal Justice and Police Act 2001 (c. 16) (alcohol consumption in public places)—
- (a) to impose a requirement under subsection (2) of that section; and
 - (b) to dispose under subsection (3) of that section of anything surrendered to him;
- and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (5) were references to the accredited person.

Confiscation of alcohol

- 5 An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (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 that person as if the references to a constable in subsections (1) and (4) (but not the reference in subsection (5) (arrest)) were references to the accredited person.

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Confiscation of tobacco etc.

- 6 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have—
- (a) the power to seize anything that a constable in uniform has a duty to seize under subsection (3) of section 7 of the Children and Young Persons Act 1933 (c. 12) (seizure of tobacco etc. from young persons); and
 - (b) the power to dispose of anything that a constable may dispose of under that subsection;
- and the power to dispose of anything shall be a power to dispose of it in such manner as the relevant employer of the accredited person may direct.
- (2) In this paragraph “relevant employer”, in relation to an accredited person, means the person with whom the chief officer of police for the relevant police area has entered into arrangements under section 40.

Abandoned vehicles

- 7 An accredited person whose accreditation specifies that this paragraph applies to him shall have all such powers in the relevant police area as are conferred on accredited persons by regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) (removal of abandoned vehicles).

Power to stop vehicle for testing

- 8 A person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable in uniform to stop a vehicle under subsection (3) of section 67 of the Road Traffic Act 1988 (c. 52) for the purposes of a test under subsection (1) of that section.

Power to stop cycles

- [^{F20}8A (1) Subject to sub-paragraph (2), a person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable in uniform under section 163(2) of the Road Traffic Act 1988 to stop a cycle.
- (2) The power mentioned in sub-paragraph (1) may only be exercised by that person in relation to a person who he has reason to believe has committed an offence under section 72 of the Highway Act 1835 (riding on a footway) by cycling.]

Textual Amendments

F20 Sch. 5 para. 8A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 89(6), 93; S.I. 2003/3300, art. 2(f)(iv)

Power to control traffic for purposes other than escorting a load of exceptional dimensions

- [^{F21}8B (1) A person whose accreditation specifies that this paragraph applies to him shall have, in the relevant police area—

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- (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) The purposes for which those powers may be exercised do not include the purpose mentioned in paragraph 9(1).
- (3) A person whose accreditation specifies that this paragraph applies to him shall also have, in the relevant police area, 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.
- (4) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (3), for the purposes for which they may be exercised and by a person whose accreditation specifies that this paragraph applies to him, as if the references to a constable were references to him.
- (5) A person's accreditation may not specify that this paragraph applies to him unless it also specifies that paragraph 3A applies to him.]

Textual Amendments

F21 Sch. 5 para. 8B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 8 para. 20](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

Power to control traffic for purposes of escorting a load of exceptional dimensions

- 9
- (1) A person whose accreditation specifies that this paragraph applies to him shall have, for the purpose of escorting a vehicle or trailer carrying a load of exceptional dimensions either to or from the relevant police area, the power of a constable engaged in the regulation of traffic in a road—
 - (a) to direct a vehicle to stop;
 - (b) to make a vehicle proceed in, or keep to, a particular line of traffic; and
 - (c) to direct pedestrians to stop.
 - (2) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of those powers for the purpose mentioned in sub-paragraph (1) by a person whose accreditation specifies that this paragraph applies to him as if the references to a constable engaged in regulation of traffic in a road were references to that person.
 - (3) The powers conferred by virtue of this paragraph may be exercised in any police area in England and Wales.

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- (4) In this paragraph “vehicle or trailer carrying a load of exceptional dimensions” means a vehicle or trailer the use of which is authorised by an order made by the Secretary of State under section 44(1)(d) of the Road Traffic Act 1988.

Photographing of persons given fixed penalty notices

[^{F22}9ZA An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc.) to take a photograph, elsewhere than at a police station, of a person to whom the accredited person has given a penalty notice (or as the case may be a fixed penalty notice) in exercise of any power mentioned in paragraph 1(2) [^{F23}or in exercise of the power mentioned in paragraph 1A(3)].]

Textual Amendments

- F22** Sch. 5 para. 9ZA inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 21**; S.I. 2005/3495, **art. 2(1)(q)(r)**
- F23** Words in Sch. 5 para. 9ZA inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(3)(d)**, 245; S.I. 2010/112, **art. 2(e)**

Power to modify paragraph [^{F25}1(2A)]

[^{F24}~~9A~~^{F26}(1) The Secretary of State may by order amend paragraph 1(2A) so as to remove a provision from the list or add a provision to the list; but the list must contain only provisions mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001.]

- (2) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this paragraph unless a draft of that order has been laid before Parliament and approved by a resolution of each House.]

Textual Amendments

- F24** Sch. 5 para. 9A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 89(7)**, 93; S.I. 2003/3300, **art. 2(f)(iv)**
- F25** Words in Sch. 5 para. 9A heading substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(6)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**
- F26** Sch. 5 para. 9A(1) substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(6)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

Meaning of “relevant police area”

- 10 In this Schedule “the relevant police area”, in relation to an accredited person, means the police area for which the police force whose chief officer granted his accreditation is maintained.

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