

SCHEDULES

SCHEDULE 12

POWERS OF CIVILIAN STAFF AND VOLUNTEERS: FURTHER AMENDMENTS

PART 1

AMENDMENTS OF THE POLICE REFORM ACT 2002

- 1 (1) Section 38B (police powers for civilian employees under collaboration agreements) is amended as follows.
 - (2) In subsection (1)(a), after “civilian employee of” insert “, or a police volunteer with,”.
 - (3) In subsection (2), for “one or more of the descriptions specified in section 38(2)” substitute “either or both of the descriptions specified in section 38(1) (if C is a civilian employee of the assisting force) or section 38(1A) (if C is a police volunteer with the assisting force)”.
 - (4) In subsection (3), for “section 38(2)” substitute “section 38(1) or (as the case may be) section 38(1A)”.
 - (5) In subsection (10)—
 - (a) for “civilian employees of the assisting force” substitute “persons designated under section 38 by the chief officer of police of the assisting force”;
 - (b) for “section 23B” substitute “section 23AA”.
- 2 (1) Section 42 (supplementary provisions relating to designations and accreditations) is amended as follows.
 - (2) Omit subsections (A1) to (C1) and (1A).
 - (3) In subsection (2A), for “investigating officer”, in each place where it occurs, substitute “policing support officer or policing support volunteer”.
 - (4) In subsection (2B), for ““investigating officer” means a person designated as an investigating officer” substitute ““policing support officer” and “policing support volunteer” mean (respectively) a person designated as a policing support officer or (as the case may be) a policing support volunteer”.
 - (5) After subsection (7A) insert—

“(7B) For the purposes of determining liability for the unlawful conduct of police volunteers designated under section 38, conduct by such a volunteer in reliance or purported reliance on a designation under that section is to be taken to be conduct by that person in the course of employment by the chief officer of police by whom the designation is made; and, in the case of a tort, that chief officer is to be treated as a joint tortfeasor accordingly.

Status: This is the original version (as it was originally enacted).

- (7C) For the purposes of determining liability for the unlawful conduct of police volunteers designated under section 38, conduct by such a volunteer in reliance or purported reliance on a designation under section 38B is to be taken to be conduct by that person in the course of employment by the chief officer of police by whom the designation under section 38 is made; and, in the case of a tort, that chief officer is to be treated as a joint tortfeasor accordingly.”
- 3 Omit section 45 (code of practice relating to chief officers’ powers under Chapter 1).
- 4 In section 105 (powers of Secretary of State to make orders and regulations), in subsection (3)(b)—
- (a) for “any order that is” substitute “any order or regulations that are”;
 - (b) after “section 19(3),” insert “38(9C),”;
 - (c) omit “, 38A(4)”;
 - (d) omit “or paragraph 15A(2) of Schedule 4”.
- 5 (1) Schedule 4 is amended as follows.
- (2) For the heading to the Schedule substitute “Powers exercisable by contracted-out staff”.
- (3) Omit Parts 1 and 2.
- (4) In Part 5, in paragraph 36—
- (a) in sub-paragraph (1)(a), for “section 38 or 39” substitute “section 39”;
 - (b) omit sub-paragraphs (2) and (2A);
 - (c) in sub-paragraph (3), for “section 38 or 39” substitute “section 39”;
 - (d) omit sub-paragraph (3A).