

Status: Point in time view as at 28/06/2018.

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SCHEDULES

SCHEDULE 12

POWERS OF CIVILIAN STAFF AND VOLUNTEERS: FURTHER AMENDMENTS

PART 2

OTHER AMENDMENTS

- 6 (1) Schedule 1 to the Representation of the People Act 1983 (parliamentary election rules) is amended as follows.
- (2) In paragraph 31(2)—
- (a) after “community support officer” insert “ or community support volunteer ”;
- (b) in the words in brackets, after “employees” insert “ or volunteers ”.
- (3) In paragraph 32(5)—
- (a) after “community support officer” insert “ or community support volunteer ”;
- (b) in the words in brackets, after “employees” insert “ or volunteers ”.

Commencement Information

- I1** Sch. 12 para. 6 in force for certain purposes at Royal Assent, see s. 183
- I2** Sch. 12 para. 6 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

- 7 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 55 (intimate searches), in subsection (17), in the definition of “appropriate officer”, omit paragraph (b).
- (3) In section 64A (photographing of suspects etc), in subsection (1B)—
- (a) in paragraph (c), for “with a community support officer under paragraph 2(3) or (3B) of Schedule 4” substitute “ with a community support officer or a community support volunteer under paragraph 7 of Schedule 3B ”;
- (b) for paragraph (e) substitute—
- “(e) given a fixed penalty notice by a community support officer or community support volunteer who is authorised to give the notice by virtue of his or her designation under section 38 of the Police Reform Act 2002;”.
- (4) In section 67 (codes of practice - supplementary), in subsection (9A)(a), in the words in brackets, after “civilian staff” insert “ and volunteers ”.

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Commencement Information

- I3** Sch. 12 para. 7 in force for certain purposes at Royal Assent, see s. 183
- I4** Sch. 12 para. 7 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

- 8 In the Road Traffic Act 1988, in section 144 (exceptions from requirement of third-party insurance or security), in subsection (2)(b), after “in its capacity as a police authority,” insert “ by a police volunteer designated under section 38 of the Police Reform Act 2002, ”.

Commencement Information

- I5** Sch. 12 para. 8 in force for certain purposes at Royal Assent, see s. 183
- I6** Sch. 12 para. 8 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

- 9 In the Road Traffic Offenders Act 1988, in section 79 (statements by constables), in subsection (2), after “civilian police employee” insert “ , or by a police volunteer designated under section 38 of the Police Reform Act 2002, ”.

Commencement Information

- I7** Sch. 12 para. 9 in force for certain purposes at Royal Assent, see s. 183
- I8** Sch. 12 para. 9 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

- 10 (1) The Police Act 1996 is amended as follows.
- (2) In section 23AA (force collaboration provision about civilian employees)—
- (a) in subsection (1), for “designated civilian employees of one police force” substitute “ persons designated under section 38 of the Police Reform Act 2002 (“designated persons”) by the chief officer of one police force ”;
 - (b) in subsection (2), for “designated civilian employees” (in both places where it occurs) substitute “ designated persons ”;
 - (c) in subsection (3)—
 - (i) for “designated civilian employees” substitute “ designated persons ”;
 - (ii) for “those employees” substitute “ those persons ”;
 - (d) in subsection (4), for “designated civilian employees” substitute “ designated persons ”;
 - (e) in subsection (5) —
 - (i) in the opening words, for “civilian employees of the assisting force” substitute “ persons designated under section 38 of the Police Reform Act 2002 by the chief officer of the assisting force ”;
 - (ii) in each of paragraphs (a) to (c), for “civilian employees” substitute “ designated persons ”;
 - (f) in subsection (6), omit the definition of “designated”;
 - (g) in that subsection, in the definition of “relevant section 38 designation”—
 - (i) for “designated civilian employee” substitute “ designated person ”;

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(ii) for “the employee” substitute “ the person ”.

(3) In section 23I(7) (collaboration agreements: definition)—

- (a) omit the “and” at the end of paragraph (a);
- (b) at the end of paragraph (b), insert “and
- (c) references to persons who are under the direction and control of the chief officer of police by virtue of being volunteers with the force;”.

Commencement Information

- I9** Sch. 12 para. 10 in force for certain purposes at Royal Assent, see s. 183
- I10** Sch. 12 para. 10 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

11 In the Crime and Disorder Act 1998, in section 66H (interpretation of Chapter 1), in paragraph (c), for “an investigating officer” substitute “ a policing support officer or a policing support volunteer ”.

Commencement Information

- I11** Sch. 12 para. 11 in force for certain purposes at Royal Assent, see s. 183
- I12** Sch. 12 para. 11 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

12 In the Representation of the People Act 2000, in Schedule 4 (absent voters in Great Britain), in paragraph 2(5ZA)—

- (a) after “community support officer” insert “ or community support volunteer ”;
- (b) in the words in brackets, after “employees” insert “ or volunteers ”.

Commencement Information

- I13** Sch. 12 para. 12 in force for certain purposes at Royal Assent, see s. 183
- I14** Sch. 12 para. 12 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

13 In the Terrorism Act 2000, in section 47AE (effect of code), in subsection (5), omit “paragraph 15 of Schedule 4 to the Police Reform Act 2002 or”.

Commencement Information

- I15** Sch. 12 para. 13 in force for certain purposes at Royal Assent, see s. 183
- I16** Sch. 12 para. 13 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

14 In the Private Security Industry Act 2001, in Schedule 2 (activities liable to control under the Act), in paragraph 2, for sub-paragraph (7)(f) substitute—

- “(f) activities of a person designated under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers) which are carried out by virtue of the designation;”.

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- I17** Sch. 12 para. 14 in force for certain purposes at Royal Assent, see s. 183
- I18** Sch. 12 para. 14 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

- 15 In the Anti-social Behaviour Act 2003 omit the following—
- (a) section 23(3) and (4);
 - (b) section 46(1);
 - (c) section 89(3) and (4).

Commencement Information

- I19** Sch. 12 para. 15 in force for certain purposes at Royal Assent, see s. 183
- I20** Sch. 12 para. 15 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

- 16 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 27 (interpretation), in the definition of “investigating officer”, for “an investigating officer” substitute “ a policing support officer or a policing support volunteer ”.
- (3) In Schedule 1, omit paragraphs 17 to 19.

Commencement Information

- I21** Sch. 12 para. 16 in force for certain purposes at Royal Assent, see s. 183
- I22** Sch. 12 para. 16 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

- 17 (1) Section 28 of the Railways and Transport Safety Act 2003 (exercise of powers by civilians) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), in the words in brackets, at the end insert “ and volunteers ”;
 - (b) omit paragraph (aa);
 - (c) omit paragraph (d);
 - (d) omit the “and” after paragraph (f);
 - (e) after paragraph (f) insert—
 - “(fa) Schedule 3B (designations under section 38),
 - (fb) Schedule 3C (designations under section 38: additional powers and duties), and”;
 - (f) in paragraph (g), in the words in brackets, for “civilians” substitute “ contracted-out staff ”.
- (3) In subsection (2)—
- (a) omit paragraph (e);
 - (b) in paragraph (f), for “Schedule 4” substitute “ Schedules 3C and 4 ”.

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- I23** Sch. 12 para. 17 in force for certain purposes at Royal Assent, see s. 183
- I24** Sch. 12 para. 17 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

18 In the Serious Organised Crime and Police Act 2005—

- (a) omit section 122(3);
- (b) in Schedule 8, omit paragraphs 1 to 15;
- (c) in Schedule 9, omit paragraphs 2 to 6;
- (d) in Schedule 13, omit paragraph 13.

Commencement Information

- I25** Sch. 12 para. 18 in force for certain purposes at Royal Assent, see s. 183
- I26** Sch. 12 para. 18 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

19 In the Violent Crime Reduction Act 2006, omit section 24(6).

Commencement Information

- I27** Sch. 12 para. 19 in force for certain purposes at Royal Assent, see s. 183
- I28** Sch. 12 para. 19 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

20 In the Education and Inspections Act 2006, omit the following—

- (a) section 107(2) and (3);
- (b) section 108(7).

Commencement Information

- I29** Sch. 12 para. 20 in force for certain purposes at Royal Assent, see s. 183
- I30** Sch. 12 para. 20 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

21 (1) The Police and Justice Act 2006 is amended as follows.

- (2) Omit sections 7 and 8.
- (3) In section 9, omit “makes amendments consequential on section 7 (standard powers and duties of community support officers), and”.
- (4) In Schedule 5, omit paragraphs 2(3) and (4), 3 and 5(2) to (9).
- (5) In Schedule 14, omit paragraph 48.

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- I31** Sch. 12 para. 21 in force for certain purposes at Royal Assent, see s. 183

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I32 Sch. 12 para. 21 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

22 In the Local Government and Public Involvement in Health Act 2007—
 (a) omit section 133(2);
 (b) in Schedule 6, omit paragraph 4(1).

Commencement Information

I33 Sch. 12 para. 22 in force for certain purposes at Royal Assent, see s. 183

I34 Sch. 12 para. 22 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

23 In the UK Borders Act 2007, omit section 47.

Commencement Information

I35 Sch. 12 para. 23 in force for certain purposes at Royal Assent, see s. 183

I36 Sch. 12 para. 23 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

24 In the Local Transport Act 2008, in Schedule 4, omit paragraph 65.

Commencement Information

I37 Sch. 12 para. 24 in force for certain purposes at Royal Assent, see s. 183

I38 Sch. 12 para. 24 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

25 In the Local Democracy, Economic Development and Construction Act 2009, in Schedule 6, omit paragraph 116.

Commencement Information

I39 Sch. 12 para. 25 in force for certain purposes at Royal Assent, see s. 183

I40 Sch. 12 para. 25 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

26 In the Policing and Crime Act 2009, in Schedule 7, omit paragraph 125(3)(b).

Commencement Information

I41 Sch. 12 para. 26 in force for certain purposes at Royal Assent, see s. 183

I42 Sch. 12 para. 26 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

27 In the Police Reform and Social Responsibility Act 2011, in Schedule 16, omit paragraphs 292(3), 293, 298 and 303.

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- I43** [Sch. 12 para. 27](#) in force for certain purposes at Royal Assent, see [s. 183](#)
I44 [Sch. 12 para. 27](#) in force at 15.12.2017 in so far as not already in force by [S.I. 2017/1139](#), [reg. 2\(k\)](#) (as amended by [S.I. 2017/1162](#), reg. 2)

28 In the Protection of Freedoms Act 2012, in Schedule 9, omit paragraph 30.

Commencement Information

- I45** [Sch. 12 para. 28](#) in force for certain purposes at Royal Assent, see [s. 183](#)
I46 [Sch. 12 para. 28](#) in force at 15.12.2017 in so far as not already in force by [S.I. 2017/1139](#), [reg. 2\(k\)](#) (as amended by [S.I. 2017/1162](#), reg. 2)

29 In the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in Schedule 23, omit paragraph 14(3).

Commencement Information

- I47** [Sch. 12 para. 29](#) in force for certain purposes at Royal Assent, see [s. 183](#)
I48 [Sch. 12 para. 29](#) in force at 15.12.2017 in so far as not already in force by [S.I. 2017/1139](#), [reg. 2\(k\)](#) (as amended by [S.I. 2017/1162](#), reg. 2)

30 In the Local Government Byelaws (Wales) Act 2012 (anaw 2), omit section 17(2).

Commencement Information

- I49** [Sch. 12 para. 30](#) in force for certain purposes at Royal Assent, see [s. 183](#)
I50 [Sch. 12 para. 30](#) in force at 15.12.2017 in so far as not already in force by [S.I. 2017/1139](#), [reg. 2\(k\)](#) (as amended by [S.I. 2017/1162](#), reg. 2)

31 In the Anti-social Behaviour, Crime and Policing Act 2014, omit the following—
(a) section 40;
(b) section 53(5) and (6);
(c) section 69;
(d) section 152 and Schedule 10;
(e) in Schedule 11, paragraph 32.

Commencement Information

- I51** [Sch. 12 para. 31](#) in force for certain purposes at Royal Assent, see [s. 183](#)
I52 [Sch. 12 para. 31](#) in force at 15.12.2017 in so far as not already in force by [S.I. 2017/1139](#), [reg. 2\(k\)](#) (as amended by [S.I. 2017/1162](#), reg. 2)

32 In the Psychoactive Substances Act 2016, in Schedule 5, omit paragraph 3.

Commencement Information

- I53** [Sch. 12 para. 32](#) in force for certain purposes at Royal Assent, see [s. 183](#)

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I54 Sch. 12 para. 32 in force at 15.12.2017 in so far as not already in force by S.I. 2017/1139, reg. 2(k) (as amended by S.I 2017/1162, reg. 2)

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