

Police community support officer powers

LIST OF STANDARD POWERS

Power	Relevant legislation
<p>Power to issue fixed penalty notices for cycling on a footpath: Power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (riding on a footway) committed by cycling.</p>	<p>Paragraph 1(2)(b) of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to issue fixed penalty notices for littering: Power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (fixed penalty notices in respect of litter).</p>	<p>Paragraph 1(2)(d) of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to issue fixed penalty notices in respect of offences under dog control orders: 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).</p>	<p>Paragraph 1(2)(e) of Schedule 4 to the Police Reform Act 2002 (see section 62(2) of the Clean Neighbourhoods and Environment Act 2005).</p>
<p>Power to require name and address: Power to require the name and address of a person whom a PCSO has reason to believe has committed a relevant offence or a relevant licensing offence (Relevant offences are defined under subparagraph 2(6) of Schedule 4 of the Police Reform Act 2002 and include relevant fixed penalty offences under paragraph 1 of Schedule 4, an offence under section 32(2) of the Anti-Social Behaviour Act 2003 (failure to follow an instruction to disperse) and an offence which appears to have caused injury, alarm or distress to another person or loss of or damage to another person's property. Relevant licensing offence is defined as a specified offence under the Licensing Act 2003) Paragraph 1A enables chief constables to designate the power to require name and address without also designating the power of detention.</p>	<p>Paragraph 1A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 2 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p>Power to require name and address for anti-social behaviour: Power of a constable in uniform under section 50 of the Police Reform Act 2002 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner to give his name and address. Subparagraph 3(2) of Schedule 4 provides the PCSO with the power to detain (under subparagraphs 2(3) to (5) of Schedule 4). However, by virtue of paragraph 2(8) of Schedule 4 the power to detain <i>has no effect unless a PCSO has been designated with the power of detention under paragraph 2 of Schedule 4.</i></p>	<p>Paragraph 3 of Schedule 4 to the Police Reform Act 2002 (as amended by paragraph 3(10) of Schedule 8 to the Serious Organised Crime and Police Act 2005)</p>

<p>Power to require name and address for road traffic offences: Enables PCSOs to be designated with the power to require the name and address of a driver or pedestrian who fails to follow the directions of a community support officer or police officer under sections 35 or 37 of the Road Traffic Act 1988.</p>	<p>Paragraph 3A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 6 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p>Power to require persons drinking in designated places to surrender alcohol: Power to require a person whom a PCSO reasonably believes is, or has been, consuming alcohol in a designated public place or intends to do so, to not consume that alcohol and to surrender any alcohol or container for alcohol. Power to dispose of alcohol surrendered.</p>	<p>Paragraph 5 of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to require persons aged under 18 to surrender alcohol: Power to require a person who he reasonably suspects is aged under 18 or is or has been supplying alcohol to a person aged under 18 to surrender any alcohol in his possession and to give their name and address. Power to require such a person to surrender sealed containers of alcohol if the PCSO has reason to believe that the person is or has been consuming or intends to consume alcohol. Power to dispose of alcohol surrendered.</p>	<p>Paragraph 6 of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to seize tobacco from a person aged under 16 and to dispose of that tobacco.</p>	<p>Paragraph 7 of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to seize drugs and require name and address for possession of drugs: Enables PCSOs to be designated with a power seize unconcealed drugs or drugs found when searching for alcohol, tobacco or other items if the PCSO reasonably believes the person is in unlawful possession of them. The PCSO must retain the drugs until a constable instructs them what to do with it. If a PCSO finds drugs in a person's possession or has reason to believe that a person is in possession of drugs and reasonably believe such possession is unlawful then the PCSO may require that persons name and address.</p>	<p>Paragraphs 7B of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 8 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p>Power to enter and search any premises for the purposes of saving life and limb or preventing serious damage to property.</p>	<p>Paragraph 8 of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to seize vehicles used to cause alarm: Power to stop and seize a vehicle which a PCSO has reason to believe is being used in a manner which contravenes sections 3 or 34 of the Road Traffic Act 1988 (careless and inconsiderate driving and prohibition of off-road driving) and is causing alarm, distress or annoyance under section 59 of the Police Reform Act 2002.</p>	<p>Paragraph 9 of Schedule 4 to the Police Reform Act 2002</p>

<p>Power to remove abandoned vehicles under regulations made under section 99 of the Road Traffic Regulation Act 1984. A PCSO designated under this paragraph has the power to order the removal of a vehicle under regulation 3 of the Removal and Disposal of Vehicles Regulations 1986. This relates to vehicles that have broken down or been permitted to remain at rest on a road:</p> <ul style="list-style-type: none"> (a) in a position, condition or situation causing obstruction or danger to persons using the road, or (b) in contravention of a prohibition contained in Schedule 1 of the regulations. 	<p>Paragraph 10 of Schedule 4 to the Police Reform Act 2002.</p>
<p>Power to stop cycles: Powers of a constable in uniform to stop a cycle under section 163(2) of the Road Traffic Act 1988 when a PCSO has reason to believe that a person has committed the offence of riding on a footpath.</p>	<p>Paragraph 11A of Schedule 4 to the Police Reform Act 2002 (inserted by section 89(3) of the Anti-Social Behaviour Act 2003)</p>
<p>Power to control traffic for purposes other than escorting a load of exceptional dimensions: Powers to direct traffic (for purposes other than escorting loads of exceptional dimensions) based on the powers constables have under sections 35 and 37 of the Road Traffic Act 1988. It also gives PCSOs the power to direct traffic for the purposes of conducting a traffic survey. PCSOs designated under this paragraph must also be designated with powers under paragraph 3A of Schedule 4 to the Police Reform Act.</p>	<p>Paragraph 11B of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 10 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p>Power to carry out road checks: Power to carry out a road check which has been authorised by a superintendent (or a police officer of higher rank) and power to stop vehicles for the purposes of carrying out a road check</p>	<p>Paragraph 13 of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to place signs: enables PCSOs to be designated with the power of a constable under section 67 of the Road Traffic Regulation Act 1984 to place and maintain traffic signs.</p>	<p>Paragraph 13A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 11 of the Serious Organised Crime and Police Act 2005.)</p>
<p>Power to enforce cordoned areas: under section 36 of the Terrorism Act 2000</p>	<p>Paragraph 14 of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to stop and search in authorised areas: Powers under the Terrorism Act 2000 in authorised areas to stop and search vehicles and pedestrians when in the company and under the supervision of a constable.</p>	<p>Paragraph 15 of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to photograph persons away from a police station: enables PCSOs to be designated with the power to photograph a person who has been arrested, detained or given a fixed penalty notice away from the police station.</p>	<p>Paragraph 15ZA of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 12 of Schedule 8 to the Serious Organised Crime and Police</p>

	Act 2005).
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ANNEX B

LIST OF DISCRETIONARY POWERS THAT CAN BE DESIGNATED BY CHIEF OFFICERS

Power	Relevant legislation
<p>Power to issue penalty notices in respect of offences of disorder: Power 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)</p> <p>(See Annex C for a list of the offences for which PCSOs can be designated with the power to issue penalty notices for disorder).</p>	<p>Paragraph 1(2)(a) of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to issue fixed penalty notices for truancy: 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)</p>	<p>Paragraph 1(2)(aa) of Schedule 4 to the Police Reform Act 2002 (inserted by section 23 of the Anti-Social Behaviour Act 2003)</p>
<p>Power to issue fixed penalty notices for excluded pupil found in a public place: 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).</p>	<p>Paragraph 1(2)(ab) of Schedule 4 to the Police Reform Act 2002 (inserted by section 107(2) of the Education and Inspections Act 2006)</p>
<p>Power to issue fixed penalty notices for dog fouling: Power of an authorised officer of a local authority to give a notice under section 4 of the Dogs (Fouling of Land) Act 1996 (fixed penalty notices in respect of dog fouling).</p> <p>This power (and the 1996 Act) has now been repealed in relation to England and Wales by section 107 and Schedule 5 Part 5 of the Clean Neighbourhoods and Environment Act 2005. However the power continues to have effect in respect of any land which remains designated land under the 1996 Act.</p>	<p>Paragraph 1(2)(c) of Schedule 4 to the Police Reform Act 2002.</p>
<p>Power to issue fixed penalty notices for graffiti and fly-posting: 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).</p>	<p>Paragraph 1(2)(ca) of Schedule 4 to the Police Reform Act 2002 (inserted by section 46 of the Anti-Social Behaviour Act 2003)</p>
<p>Power to issue fixed penalty notice for relevant byelaw offence: Power of an authorised officer of an authority which has made a byelaw to which this section applies has reason to believe that a person has committed an offence against the byelaw.</p>	<p>Paragraph 1ZA of Schedule 4 to the Police Reform Act 2002 (inserted by section 130 of the Local Government and</p>

	Public Involvement in Health Act 2007)
Power to detain: Power to detain a person whom a PCSO has reason to believe has committed a relevant offence who fails to comply with a requirement under paragraph 1A(3) to give name and address or who gives an answer which the PCSO reasonably suspects to be false or inaccurate for up to 30 minutes for the arrival of a police officer (or to accompany that person to a police station if he or she elects to do so on request). Under paragraph 2(2) (as amended by Schedule 8 to the Serious Organised Crime and Police Act 2005) a PCSO may only be designated with the power to detain if they have also been designated with the power to require name and address under paragraph 1A of the Police Reform Act 2002.	Paragraph 2(3) of Schedule 4 to the Police Reform Act 2002. (Paragraph 3(2) of Schedule 8 to the Serious Organised Crime and Police Act 2005.)
Power to enforce byelaws: The Serious Organised Crime and Police Act 2005 provides that offences committed under relevant byelaws are relevant offences under paragraph 2(6) of Schedule 4 of the Police Reform Act 2002. A relevant byelaw is a byelaw from a list of byelaws that has been agreed between a chief constable and a relevant byelaw-making body. As well as being able to require name and address for breach of a byelaw, PCSOs can also enforce a byelaw by removing a person from a place if a constable would also have the power to enforce a byelaw in that way.	Paragraphs 1A, 2(3A), 2(6)(ad), 2(6B), 2(6C), 2(6D), 2(6E), 2(6F) of Schedule 4 to the Police Reform Act 2002 (see paragraphs 2, 3(4), 3(7) and 3(8) of Schedule 8 to the Serious Organised Crime and Police Act 2005).
Power to deal with begging: The Serious Organised Crime and Police Act 2005 makes offences under sections 3 and 4 of the Vagrancy Act 1824 into relevant offences. It also gives PCSOs a power to detain a person who they have required to stop committing an offence under sections 3 and 4 of the Vagrancy Act and who has failed to comply with the requirement.	Paragraphs 2(6)(ac) and 2(3B) of Schedule 4 to the Police Reform Act 2002 (see paragraphs 3(4), 3(5), 3(6) and 3(7) of Schedule 8 to the Serious Organised Crime and Police Act 2005).
Power to enforce certain licensing offences: The Serious Organised Crime and Police Act 2005 establishes a set of relevant licensing offences. These offences are sale of alcohol to a person who is drunk, obtaining alcohol for a person who is drunk, sale of alcohol to children, purchase of alcohol by or on behalf of children, consumption of alcohol by children and sending a child to obtain alcohol. Where these offences apply specifically to clubs they are not relevant licensing offences. PCSOs may require name and address but may not detain for those relevant licensing offences that are most likely to be committed by license holders.	Paragraph 2(6A) of Schedule 4 to the Police Reform Act 2002 (see paragraphs 3(3) and 3(8) of Schedule 8 to the Serious Organised Crime and Police Act 2005).

<p>Power to search detained persons for dangerous items or items that could be used to assist escape: Enables PCSOs to be designated with the same powers as a constable under section 32 of PACE to search detained persons for anything that could be used to cause physical injury or to assist escape. A PCSO must comply with a police officer's instructions on what to do with the item.</p>	<p>Paragraph 2A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 4 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p>Power to use reasonable force to prevent a detained person making off: either when waiting for the arrival of a constable or when accompanying a detained person to a police station.</p>	<p>Paragraph 4 of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to disperse groups and remove persons under 16 to their place of residence: Powers which, by virtue of an authorisation under section 30 of the Anti-social Behaviour Act 2003, are conferred on a constable in uniform by section 30(3) to (6) of that Act (power to disperse groups and remove persons under 16 to their place of residence).</p>	<p>Paragraph 4A of Schedule 4 to the Police Reform Act 2002 (inserted by section 33 of the Anti-Social Behaviour 2003)</p>
<p>Power to remove truants to designated premises etc: Enables a PCSO to be designated with the power of a constable under section 16(3) of (3ZA) of the Crime and Disorder Act 1998 to remove a truant or excluded pupil found in a specified area (as specified in a direction under section 16(2) of the 1998 Act) to designated premises or (in the case of a truant) to the school from which the truant is absent.</p>	<p>Paragraph 4C of Schedule 4 to the Police Reform Act 2002 (inserted by section 8 of the Police and Justice Act 2006)</p>
<p>Power to use reasonable force in relation to detained persons: Paragraph 2(4A) of Schedule 4 to the Police Reform Act 2002 places a duty on PCSOs to remain with a police officer when transferring a detained person to his or her custody until the police officer has control of the detained person. Paragraph 2(4B) places a PCSO accompanying a detained person to a police station under a duty to remain at the police station until he has transferred control of the detained person. If a PCSO is designated with paragraph 4ZB of Schedule 4 then he or she may use reasonable force in complying with duties under 2(4A) and 2(4B). If a PCSO is designated with paragraph 4ZA then he or she may use reasonable force when exercising powers under paragraphs 2(3B), 2(4), 7A(8) or 7C(2)(a).</p>	<p>Paragraphs 2(4A), 2(4B), 4ZA and 4ZB of Schedule 4 to the Police Reform Act 2002 (see paragraphs 2, 3 and 4 of Schedule 9 to the Serious Organised Crime and Police Act 2005).</p>

<p>Power to search for alcohol and tobacco: Where a person has failed to comply with a requirement under paragraph 5 or 6 or has failed to allow a PCSO to seize tobacco under paragraph 7 of Schedule 4 to the Police Reform Act 2002 and a PCSO reasonably believes that the person is in possession of alcohol or tobacco then a PCSO may search them for it and dispose of anything found. It is an offence to fail to consent to be searched and PCSOs can require name and address for this offence. As specified in paragraph 3(10) of Schedule 8 to the Serious Organised Crime and Police Act 2005 a PCSO may only detain a person for failure to give an adequate name and address if he or she has been designated with powers under paragraph 2 of Schedule 4 to the Police Reform Act 2002.</p>	<p>Paragraph 7A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 8 of Schedule 8 of the Serious Organised Crime and Police Act 2005).</p>
<p>Power to seize drugs and require name and address for possession of drugs: Builds on the standard power to seize drugs and require name and address under paragraph 7B and enables PCSOs to detain a person on failure to comply with the requirement to provide name and address.</p> <p>See list of standard powers.</p>	<p>Paragraph 7C of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 8 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p>Power to enforce Park Trading offences: Enables a PCSO to seize non-perishable items from a person the PCSO reasonably have been used in the commission of a park trading offence under the Royal Parks (Trading) Act 2000. This power can only apply to PCSOs in the Metropolitan Police Force.</p>	<p>Paragraph 7D of Schedule 4 to the Police Reform Act 2002</p>
<p>Limited power to enter licensed premises: Enables PCSOs to be designated with a power to enter licensed premises under section 180 of the Licensing Act 2003 for the purposes of investigating relevant licensing offences. They may not enter clubs and must enter all premises with a constable unless the premises are licensed for the sale of alcohol off the premises.</p>	<p>Paragraph 8A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 9 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p>Power to stop vehicles for testing: Powers of a constable in uniform to stop vehicles for the purposes of testing under section 67 of the Road Traffic Act 1988.</p>	<p>Paragraph 11 of Schedule 4 to the Police Reform Act 2002.</p>
<p>Power to direct traffic for the purposes of escorting abnormal loads</p>	<p>Paragraph 12 of Schedule 4 to the Police Reform Act 2002</p>
<p>Power to serve closure notice for licensed premises persistently selling to children</p>	<p>Paragraph 5A of Schedule 4 to the Police Reform Act 2002 (as inserted by section 24(6) of the Violent Crime</p>

	Reduction Act 2006).
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