



Derbyshire Police Authority

Standard PCSO powers

(Issued 1 December 2007)

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. Paragraph 1(2)(b) of Schedule 4 to the Police Reform Act 2002.

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). Paragraph 1(2)(d) of Schedule 4 to the Police Reform Act 2002.

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). 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).

Power to require name and address: Power to require the name and address of a person whom a CSO 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. 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).

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 CSO 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 has no effect unless a CSO has been designated with the power of detention under paragraph 2 of Schedule 4. 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).

Power to require name and address for road traffic offences: Enables CSOs 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. 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).

Power to require persons drinking in designated places to surrender alcohol: Power to require a person whom a CSO 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. Paragraph 5 Schedule 4 to the Police Reform Act 2002.

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 CSO has reason to believe that the person is, or has been, consuming or intends to consume alcohol. Power to dispose of alcohol surrendered. Paragraph 6 of Schedule 4 to the Police Reform Act 2002.

Power to seize tobacco from a person aged under 16 and to dispose of that tobacco. Paragraph 7 Schedule 4 to the Police Reform Act 2002.

Power to seize drugs and require name and address for possession of drugs: Enables CSOs to be designated with a power seize unconcealed drugs or drugs found when searching for alcohol, tobacco or other items if the CSO reasonably believes the person is in unlawful possession of them. The CSO must retain the drugs until a constable instructs them what to do with it. If a CSO 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 CSO may require that persons name and address. Paragraph 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).

Power to enter and search any premises for the purpose of saving life and limb, or preventing serious damage to the property. Paragraph 8 of Schedule 4 to the Police Reform Act 2002.

Power to seize vehicles used to cause alarm: Power to stop and seize a vehicle which a CSO has reason to believe is being used in a manner which contravenes section 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. Paragraph 9 of Schedule 4 to the Police Reform Act 2002.

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;

(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. Paragraph 10 of Schedule 4 to the Police Reform Act 2002.

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 CSO has reason to believe that a person has committed the offence of riding on a footpath. Paragraph 11A of Schedule 4 to the Police Reform Act 2002 (inserted by section 89(3) of the Anti-Social Behaviour Act 2003).

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 CSOs the power to direct traffic for the purposes of conducting a traffic survey. CSOs designated under this paragraph must also be designated with powers under paragraph 3A of Schedule 4 to the Police Reform Act. 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).

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 Paragraph 13 of Schedule 4 to the Police Reform Act 2002.

Power to place signs: enables CSOs 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. Paragraph 13A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 11 of the Serious Organised Crime and Police Act 2005).

Power to enforce cordoned areas: under section 36 of the Terrorism Act 2000 Paragraph 14 of Schedule 4 to the Police Reform Act 2002.

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. Paragraph 15 of Schedule 4 to the Police Reform Act 2002.

Power to photograph persons away from a police station: enables CSOs 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. 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 Act 2005).

Locally designated powers of Derbyshire PCSOs

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) Section 38 and paragraph 1(1) and 1(2)(aa) of Part 1 of Schedule 4 of the Police Reform Act 2002.

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 notice in respect of graffiti or fly-posting). Section 38 and Paragraph 1(2)(ca) of Schedule 4 to the Police Reform Act 2002 (inserted by section 46 of the Anti-Social Behaviour Act 2003)

Search and seizure powers alcohol and tobacco

Power to search, seize and dispose of alcohol where the PCSO reasonably believes that a person is in possession of alcohol or a container for alcohol in contravention of a requirement that the PCSO has given under section 12 of the Criminal Justice and Police Act 2001 (alcohol consumption in public places) or section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (confiscation of intoxicating liquor) by virtue under of the standard powers and duties of a PCSO.

Power to search, seize and dispose of tobacco where the PCSO reasonably believes that a person is in possession of tobacco and the PCSO has a duty to seize under section 7(3) of the

Children and Young Persons Act 1933 (seizure of tobacco etc from young persons) by virtue under of the standard powers and duties of a PCSO. A person who without reasonable excuse fails to consent to being searched is guilty of an offence. The PCSO may require a person to give their name and address if they fail to consent to being searched.

Power to stop vehicles for testing

Powers of a constable in uniform to stop vehicles for the purposes of testing under subsection (3) of section 67 of the Road Traffic Act 1988 for the purposes of a test under subsection (1) of that section. Section 38 and paragraph 11 of Part 1 of Schedule 4 to the Police Reform Act 2002.

Power to remove truants (and excluded pupils) to designated premises etc

Enables a PCSO to be designated with the powers of a constable under section 16(3) or (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. Section 38 and paragraph 4C of Part 1 of Schedule 4 to the Police Reform Act 2002.

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). Section 38 and paragraph 4A of Part 1 of Schedule 4 to the Police Reform Act 2002

Power to remove children in contravention of bans imposed by curfew notices to their place of residence

Power of a PC to remove a child to their place of residence if the PCSO has reason to believe that the child is in contravention of a ban imposed by a curfew notice under section 15(3) of the Crime and Disorder Act 1998. Section 38 and paragraph 4B of Part 1 of Schedule 4 to the Police Reform Act 2002.