

Powers available to persons accredited under Community Safety Accreditation Schemes

Chief officers may choose to give accredited persons in their force all, some or none of the below powers. Where an accreditation applies a paragraph of Schedule 5 to an accredited person, all the provisions in that paragraph will apply.

Table 1 lists the powers that chief officers may confer on accredited persons. New powers added by the Serious Organised Crime and Police Act 2005 and the Clean Neighbourhoods and Environment Act 2005 are in italics.

Table 2 lists the offences for which accredited persons may be accredited with a power to issue a penalty notice for disorder under Chapter 1 Part 1 of the Criminal Justice and Police Act 2001. If a chief officer of police accredits an accredited person with powers under paragraph 1 of Schedule 5 of the Police Reform Act 2002 he or she may choose whether to give the accredited person the power to issue penalty notices for all of the available fixed penalty offences or a selection of them.

This list of powers provides only a broad outline of the available powers. For further detail please look at the relevant legislation and accompanying explanatory notes.

Table 1

<u>Power</u>	<u>Relevant legislation</u>
Power to issue penalty notices for disorder: Power of a constable 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) except in respect of an offence under section 12 of the Licensing Act 1872 or section 91 of the Criminal Justice Act 1967(See below for a list of penalty notices for disorder that accredited persons can issue)	Paragraph 1(2)(aa) of Schedule 5 to the Police Reform Act 2002 (inserted by section 89(1) of the Anti-Social Behaviour Act 2003)
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)	Paragraph 1(2)(ab) of Schedule 5 to the Police Reform Act 2002 (inserted by section 23 of the Anti-Social Behaviour Act 2003)
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)(a) of Schedule 5 to the Police Reform Act 2002
Power to issue fixed penalty notices for dog	Paragraph 1(2)(b) of

<p>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><i>With the commencement of Section 65 of the Clean Neighbourhoods and Environment Act 2005, no further land may be designated under the Dogs (Fouling of Land) Act 1996. However local authorities who have designated land under the 1996 Act prior to its repeal can continue to enforce, thus FPNs may be issued and/or prosecution sought under the original provisions.</i></p>	<p>Schedule 5 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)(ba) of Schedule 5 to the Police Reform Act 2002 (inserted by section 46 of the Anti-Social Behaviour Act 2003)</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)(c) of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to issue fixed penalty notices in respect of offences under dog control orders: <i>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.)</i></p>	<p><i>Paragraph 1(2)(d) of Schedule 5 to the Police Reform Act 2002 (see section 62(3) of the Clean Neighbourhoods and Environment Act 2005)</i></p>
<p>Power to require giving of name and address: Power to require the name and address of a person whom an accredited person has reason to believe has committed a relevant offence (Relevant offences are defined under paragraph 2(3) of Schedule 5 of the Police Reform Act 2002 as relevant fixed penalty offences under paragraph 1 of Schedule 5 or an offence that causes injury, alarm or distress to another person or loss of or damage to another person's property.) It is an offence to fail to comply with an accredited person's requirement.</p>	<p>Paragraph 2 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to deal with begging: <i>The Serious Organised Crime and Police Act makes offences under sections 3 and 4 of the Vagrancy Act 1824 into relevant offences, giving accredited persons the power to request the name and address of</i></p>	<p><i>Paragraph 2(3)(aa) of Schedule 5 to the Police Reform Act 2002 (see paragraph 18 of Schedule 8 to the</i></p>

<i>someone committing such an offence.</i>	<i>Serious Organised Crime and Police Act 2005).</i>
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.	Paragraph 3 of Schedule 5 to the Police Reform Act 2002
Power to require name and address for road traffic offences: <i>The Serious Organised Crime and Police Act 2005 allows chief officers to confer the power to require the name and address of a driver or pedestrian who fails to follow appropriate directions on an accredited person.</i>	<i>Paragraph 3A of Schedule 5 to the Police Reform Act 2002 (inserted by paragraph 19 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</i>
Power to require persons drinking in designated places to surrender alcohol: Power to require a person whom an accredited person 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 4 of Schedule 5 to the Police Reform Act 2002
Power to require persons aged under 18 to surrender alcohol: Power to require a person who he reasonably believes 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 accredited person has reason to believe that the person is, has been or intends to consume alcohol. Power to dispose of alcohol surrendered.	Paragraph 5 of Schedule 5 to the Police Reform Act 2002
Power to seize tobacco from a person aged under 16 and to dispose of that tobacco in a manner directed by the employer of an accredited person.	Paragraph 6 of Schedule 5 to the Police Reform Act 2002
Power to remove abandoned vehicles under regulations made under section 99 of the Road Traffic Regulation Act 1984.	Paragraph 7 of Schedule 5 to the Police Reform Act 2002.
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.	Paragraph 8 of Schedule 5 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	Paragraph 8A of Schedule 5 to the

Road Traffic Act 1988 when an accredited person has reason to believe that a person has committed the offence of riding on a footpath.	Police Reform Act 2002 (inserted by section 89 of the Anti-Social Behaviour Act 2003)
Power to control traffic for purposes other than escorting a load of exceptional dimensions: <i>The Serious Organised Crime and Police Act 2005 enables accredited persons to be given 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 accredited persons the power to direct traffic for the purposes of conducting a traffic survey. Accredited persons conferred with powers under this paragraph must also be given powers under paragraph 3A of Schedule 5 to the Police Reform Act.</i>	<i>Paragraph 8B of Schedule 5 to the Police Reform Act 2002 (inserted by paragraph 20 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</i>
Power to direct traffic for the purposes of escorting abnormal loads	Paragraph 9 of Schedule 5 to the Police Reform Act 2002
Power to photograph persons away from a police station: <i>The Serious Organised Crime and Police Act 2005 enables accredited persons to be given the power to photograph a person who has been given a fixed penalty notice away from the police station.</i>	<i>Paragraph 9ZA of Schedule 5 to the Police Reform Act 2002 (inserted by paragraph 21 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</i>

Table 2

Offences for which Accredited Persons may issue penalty notices for disorder under Chapter 1 Part 1 of the Criminal Justice and Police Act 2001	Relevant legislation
Sale of alcohol to a person under 18	s146 of the Licensing Act 2003
Purchase of alcohol for a person under 18	S149(3) of the Licensing Act 2003
Delivery of alcohol to a person under 18 or allowing such delivery	s151 of the Licensing Act 2003
Breach of fireworks curfew	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
Possession of a category 4 firework	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
Possession by a person under 18 of an adult firework	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003

Supply of excessively loud fireworks	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
Wasting police time, giving false report	s5 of the Criminal Law Act 1967
Using public electronic communications network in order to cause annoyance, inconvenience or needless anxiety	s127(2) of the Communications Act 2003
Knowingly giving false alarm to a person acting on behalf of a fire and rescue authority	s49 of the Fire and Rescue Services Act 2004
Causing harassment, alarm or distress	s5 of the Public Order Act 1986
Throwing fireworks	s80 of the Explosives Act 1875
Consumption of alcohol by a person under 18 or allowing such consumption	s150 of the Licensing Act 2003
Buying or attempting to buy alcohol by an under 18	s149(1) of the Licensing Act 2003
Sells or attempts to sell alcohol to a person who is drunk	s141 of the Licensing Act 2003
Trespassing on a railway	s55 of the British Transport Commission Act 1949
Throwing stones at a train	s56 of the British Transport Commission Act 1949
Drinking in a designated public area	s12(4) of the Criminal Justice and Police Act 2001