



E.R.Baker & F.B.Dodge

# **Baker & Wilkie's**

Police Promotion Handbook

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General Police Duties

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Seventh Edition

Butterworths

Police Promotion Handbooks

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## **General Police Duties**

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Seventh edition

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## Preface

The Police Promotion Handbooks were introduced more than 20 years ago for the specific purpose of assisting police students in preparing for promotion examinations. They are based exclusively on the examination syllabuses, and incorporate features of considerable value to the student in acquiring not only the necessary knowledge but also the technique of answering questions, the latter by the lay-out of the text and the exclusion of unnecessary verbiage and detail.

The advantages of the Handbook as an examination textbook may be summarised as follows:

1. The problem of dealing with 'parliamentary' language is avoided by stating statutory provisions in the simplest terms throughout.

2. Examination subjects are dealt with in the order in which they appear in the syllabus thus making unnecessary the frequent reference to the syllabus which would ordinarily be required.

3. The difficulty presented by having to determine what is and what is not relevant to a particular examination is met by the edge marking of text to indicate whether it relates to the sergeants' or to the inspectors' examination or to both.

4. Progress tests are included at suitable intervals to enable a student to assess progress by means of testing his knowledge and memory.

5. Summaries of leading cases are introduced whenever they clarify or usefully illustrate a point of law or police practice.

This new edition of Handbook No. 3 (dealing with the subject of General Police Duties) takes account of the relevant changes in and additions to the law (including the effect of recent cases) since the publication of the previous edition in 1981, notably the Wildlife and Countryside Act of 1981 which is now in force and included in the examination syllabus. It also includes for the first time suggestions and advice as to how to prepare for the examination in the most effective way.

E. R. BAKER  
F. B. DODGE

## Introduction: preparing for the examination

1. *Introduction.* This Handbook has been prepared with the sole object of providing police students with a textbook specially designed to meet their needs in preparing themselves for promotion examinations. The main purposes of this introductory section are (a) to bring to the attention of students the means by which the book can make things easier for them so that it may be used to best advantage, and (b) to suggest memory aids, but in connection with this it must be emphasised that the aids are merely suggestions and are not intended for any student who has found his or her own methods of study adequate.

2. *Co-operation in preparation.* Where there is the possibility of working closely with someone else preparing for the same examination it is recommended that this should be done, for the value of mutual co-operation cannot be over-stated, particularly with regard to revision work and to testing progress. In its simplest form this would involve an arrangement to get together at pre-arranged intervals to test each other's knowledge of the subjects currently being studied in common. Nothing is better than to have students with a common interest being able to fire questions at each other to test individual weaknesses and strengths in set subjects.

3. *The syllabus.* The first task of any student is to get to know the subjects specified by the syllabus. This is made more complicated in the case of the promotion examinations because the syllabuses more often than not split up into separate parts, some for one examination only, some for the other only, and some for both. This handbook makes research unnecessary by covering all the subjects set out in both syllabuses (in syllabus order) and marking the text to indicate whether a particular passage relates to one examination or to the other or to both.

4. *Specific offences.* The subject of 'General Police Duties' relates in the main to offences (and powers and duties in relation thereto) under specified statutes and regulations which do not fall within the range of the more particularised subjects of Criminal Law, Evidence and Procedure and Road Traffic Law. The majority of offences are straightforward, uncomplicated, and subject to the

general rules relating to summary offences, namely

- a) that there is no power to arrest without warrant, and
- b) that the time limit for prosecutions is six months.

These offences should present no real problem for there is nothing about them which would require the memory to recall anything more than that they exist, but to this a qualification applies, for some of the 'simple' offences do have something extra about them, i.e. one or more of the following:

- a) a power to arrest
- b) a mens rea or mental element, e.g. knowledge
- c) a limitation as to place, e.g. road, bar, etc
- d) an extended liability, e.g. to servant
- e) an exception or exemption

and it is these extras an examiner would particularly have in mind for the earning of additional marks. For this reason a student should apply his mind to the presence or otherwise of one or more of these extras whenever he or she is studying a particular offence or answering a question relating to it. It may be useful to some students to consider applying a mnemonic (an aid to memory) when dealing with question on a specific offence. The most appropriate mnemonic in this case would be AMPLE. It is an easy word to remember and is made up from the first letters of each of the five key words applicable to the above, namely:

Arrest  
Mental element (or Mind)  
Place  
Liability  
Exception or exemption.

The application of a mnemonic to specific offences leads to a principle of study which every student should consider, that is the building up (as a *preliminary* to a detailed study) of a framework outlining the subject's most important features. This textbook provides such a structure in the main headings and sub-headings. The main heading provides a general description of the offences or subject and the subordinate headings indicate the range of considerations which apply to it. It is a good thing to master the heading and sub-headings first by writing them out in a notebook. In this way the memory is more likely to respond to a question on the subject by recalling all the considerations which have to be borne in mind concerning a particular problem.

5. *More general subjects.* What has been said above in relation to a particular offence applies also to a more general subject, i.e. one which refers to a range of offences rather than one specific offence. This has nothing to do with anticipating a possible examination question – it is a matter of memory training and providing a better understanding of a whole subject as well as particular items connected with it. For example on the subject, say, of illegal sales of intoxicating liquor, it is a good idea to ask yourself what the main aspects are in relation to it and run through them in your mind, and, best of all, write them down in the notebook you may be using. The Handbook makes this easy to do by using the sub-headings relating to particular offences under the main heading, e.g.

without licence  
breach of licence  
permitted hours  
young persons  
deliveries  
long pull, etc.,

A run-over (with the notebook and from time to time) is invaluable as a means of revision.

6. *Progress tests.* These tests are included at intervals throughout the handbook. They are not framed as typical examination questions but are designed to enable any student to test his knowledge by applying his mind to the examination subjects in the order in which they appear in the book and in the syllabus. He (or she) should not pass on to the next stage until satisfied with the progress made.

The following items of advice apply to the progress tests:

- 1) Do not tackle a test until it is felt that the subjects to which they relate have been sufficiently studied and revised to inspire reasonable confidence.
- 2) Having read a question carefully, run over in your mind all the information relevant to it which you should then check up by reference to the appropriate passage in the text. If the book is your own underline any important matter not remembered.
- 3) If the question is one requiring a short answer (e.g. a brief definition) a mental note of the answer is adequate, but in any other case it is best to write down the basics before reference to the text.

7. *Programme of studies.* Every student should aim to study in a steady, orderly and unhurried fashion. Cramming (or a crash

course) is poor preparation indeed. The following recommendations should be considered:

- a) Cover the syllabus subjects (as set out in this Handbook) in stages. There are eight progress tests in the book and these would seem to make suitable endings to eight stages.
- b) Add another stage to cover the final revision of the whole subject.
- c) Divide the period during which your study has to be completed into the nine stages, and make a note of the dates by which each stage is due to be completed.

8. *Objective questions.* Students will be well aware of the fact that some 'objective' questions are included in the promotion examination papers. Such questions are not generally suitable for subject revisions, but they have been introduced in the progress test covering the subject 'Police' (which is probably a student's 'best' subject) to provide some practice. In dealing with such a question it is advised that the question should be read carefully but without reference to (or even a glance at) the alternative answers included at the end. It is best to allow the mind to apply itself to the question without the possible distraction extraneous considerations would introduce. Consider the alternatives only when this has been done.



# Abbreviations

The following abbreviations are used in this book:

AI	inspector of accidents
AIC	artificial insemination centre
AO	arrestable offence
AP	authorised person (under the Badgers Act 1973)
ASP	area of special protection (under the Badgers Act 1973)
AWOL	absent without leave
AWW	arrest without warrant
CAA	Civil Aviation Authority
CD	controlled drug (under the Misuse of Drugs Act 1971)
CJ Act	Criminal Justice Act
CL Act	Criminal Law Act
CoC	certificate of consent (under the Gaming Act 1968)
COP	chief officer of police
CRO	Criminal Records Office
C & YP Act	Children and Young Persons Act
DPP	Director of Public Prosecutions
DVO	divisional veterinary officer
EA	employers' association(s)
GB	Gaming Board for Great Britain
HMCIC	Her Majesty's Chief Inspector of Constabulary
HO	Home Office
(I)	on indictment
IO	indicatable offence
JP	justice of the peace
LA	local authority
LCC	licensed collecting centre (under the Movement and Sale of Pigs Order 1975)
LNRH	late night refreshment house
LP	premises licensed under the Gaming Act 1968
MOH	medical officer of health
MPD	Metropolitan Police District
MWI	miners' welfare institute(s)
n/e	not exceeding
NSPCC	National Society for the Prevention of Cruelty to Children
OAP Act	Offences Against the Person Act
PFD	Postal and Finance Department (of the Post Office)
PO	Post Office
PSV	public service vehicle
RAF	Royal Air Force
RP	premises registered under the Gaming Act 1968

RSPCA	Royal Society for the Prevention of Cruelty to Animals
(S)	on summary conviction
SH	slaughterhouse
SL	society lottery
S of S	Secretary of State
TU	trade union(s)
USAF	United States Air Force
WRAC	Women's Royal Army Corps
WRAF	Women's Royal Air Force
WRNS	Women's Royal Naval Service
WRVS	Women's Royal Voluntary Service

## Latin legal terms in general use

a fortiori	so much the more so; with greater reason
ab initio	from the beginning
aliunde	from elsewhere; from another person, place or quarter
animus furandi	intent to steal
ante	before
bona fide	in good faith
certiorari	(literally) to be more fully informed of; an order which issues from the High Court of Justice removing causes from inferior courts of record to the High Court for review
contra	against
contra pacem	against the peace
corpus delicti	the body of essential fact constituting a criminal offence
dictum, dicta (pl.)	a saying, sayings
doli incapax	incapable of crime
eiusdem generis	of the same kind or nature
et seq. (et sequentes)	and the following
ex hypothesi	following from this assumption
ex officio	by virtue of office
ex parte	on behalf of
flagrante delicto	in the commission of the offence
habeas corpus	(literally) you must have the body; a prerogative writ to a person detaining another in custody commanding him to produce that person before the court
ibid. (ibidem)	in the same place, in the same book, chapter, passage, etc.
in camera	the public excluded from court or heard in the judge's private room

infra	below
intra vires	(literally) within the powers; valid
inter alia	among other things
ipso facto	by the very fact
mandamus	(literally) we command; an order which issues from the High Court of Justice to compel the performance of a public duty
mens rea	guilty mind
modus operandi	the way in which anything is done; mode or manner of operation
obiter dictum, obiter dicta (pl.)	a mere saying by the way; a chance remark, which is not binding upon future courts, though it may be respected according to the reputation of the judge, the eminence of the court and the circumstances in which made
onus probandi	the onus (or burden) of proof
per	by
per se	by or in itself
post	after
prima facie	at first sight, on the face of it
quaere	query
sic	so, thus
simpliciter	absolutely, without qualification
sine die	without naming a day, indefinitely
sub judice	under judicial consideration
subpoena duces tecum	a writ commanding a person to attend in court under a penalty and to bring with him certain documents in his possession
supra	above
ultra vires	(literally) beyond the powers; an act in excess of the authority conferred by law and therefore invalid
viva voce	orally
viz. (videlicet)	that is to say; in other words; namely

# Important

## Edge-marking of text

Police students should note that the edge-marking of the text indicates the examination to which it relates, as follows:

- examination for promotion to inspector only,
- examination for promotion to sergeant only.

Unmarked text relates to both examinations.



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# 1 Aircraft

The following provisions do not apply to aircraft of HM and visiting forces.  
CAA means the Civil Aviation Authority.

## 1. Dangerous flying, etc.

### (1) Civil Aviation Act 1949, s. 11

Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft, and also the owner thereof, shall be liable on summary conviction to a fine or to imprisonment unless he is able to prove to the court that the aircraft was flown without his privity or fault. 'Owner' includes any person by whom the aircraft was hired at the time.

### (2) Rules of the Air and Air Traffic Control Regulations 1980

#### LOW FLYING

- a) It is an offence for any aircraft to fly:
  - i) over towns or congested areas at less than 1,500 feet above the highest fixed object within 2,000 feet of the aircraft, or
  - ii) so low that it could not land clear of the town in case of an emergency.
- b) It is an offence for any aircraft to fly over or within 1,000 yards of any assembly in the open air of more than 1,000 people, without the written permission of the Civil Aviation Authority and the organisers of the event: even then it must not fly so low as not to be able to land clear in an emergency.
- c) It is an offence for any aircraft to fly closer than 500 feet to any person, vessel, vehicle or premises.
- d) It is an offence to fly in an aerobatic display or stunt over populous areas.

#### EXEMPTIONS—

- i) Helicopters with written permission of the CAA are exempt from (a), but they must not fly below such height as would enable them to land without danger to persons or property, and not at any time when an article, person



or animal is suspended from the helicopter. The dispensations granted by the CAA are always made in consultation with the police, and are not normally granted for the carriage of external loads at low levels over motorways and major roads. Warning of the movement of such loads to be given to the police—not less than 48 hours.

ii) Aircraft landing or taking off from an aerodrome in prescribed airspace, checking navigational aids or procedure at government or licensed aerodromes are exempt from (a)–(d).

iii) Contraventions if necessary to save lives are exempt from (a)–(d).

iv) Aircraft engaged in sowing or spraying crops, water, etc. and aircraft authorised in writing by the organisers of an air display, race or pageant are exempt from (a) and (b).

v) Captive balloons and kites.

vi) Aircraft in the service of a police authority in UK are exempt from (a)–(c).

vii) Aircraft on a flight with VFR clearance are exempt from (a) (i).

(a VFR flight means a flight under visual rules which apply when the aircraft is being flown visually as opposed to the use of instruments. The pilot has to remain in sight of the ground and away from cloud cover).

### (3) 1980 Order, article 46

No person shall wilfully or negligently cause or permit an aircraft to endanger any person or property.

## 2. Police powers

### *Article 84 of the Air Navigation Order 1980*

Any authorised person (which includes constable) is empowered to enter at all reasonable times any aerodrome, or *any place* where an aircraft is landed, for the purpose of inspecting.

a) the aerodrome;

b) any aircraft on the aerodrome or other place;

c) any document which he has power to demand under the 1980 Order.

An authorised person can, in certain circumstances (e.g. presence of danger, aircraft in unfit condition), direct an operator or commander of an aircraft not to make a particular flight. Failure to comply is an offence.

#### NOTE

It is an offence to obstruct any authorised person acting under the Order,