



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART IV

POLICE POWERS

Powers of police to stop and search

60 Powers to stop and search in anticipation of violence

- (1) Where a police officer of or above the rank of superintendent reasonably believes that—
 - (a) incidents involving serious violence may take place in any locality in his area, and
 - (b) it is expedient to do so to prevent their occurrence,he may give an authorisation that the powers to stop and search persons and vehicles conferred by this section shall be exercisable at any place within that locality for a period not exceeding twenty four hours.
- (2) The power conferred by subsection (1) above may be exercised by a chief inspector or an inspector if he reasonably believes that incidents involving serious violence are imminent and no superintendent is available.
- (3) If it appears to the officer who gave the authorisation or to a superintendent that it is expedient to do so, having regard to offences which have, or are reasonably suspected to have, been committed in connection with any incident falling within the authorisation, he may direct that the authorisation shall continue in being for a further six hours.
- (4) This section confers on any constable in uniform power—
 - (a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments;

Status: This is the original version (as it was originally enacted).

- (b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.
- (5) A constable may, in the exercise of those powers, stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.
- (6) If in the course of a search under this section a constable discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.
- (7) This section applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles.
- (8) A person who fails to stop or (as the case may be) to stop the vehicle when required to do so by a constable in the exercise of his powers under this section shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.
- (9) Any authorisation under this section shall be in writing signed by the officer giving it and shall specify the locality in which and the period during which the powers conferred by this section are exercisable and a direction under subsection (3) above shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.
- (10) Where a vehicle is stopped by a constable under this section, the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this section if he applies for such a statement not later than the end of the period of twelve months from the day on which the vehicle was stopped and similarly as respects a pedestrian who is stopped and searched under this section.
- (11) In this section—
“dangerous instruments” means instruments which have a blade or are sharply pointed;
“offensive weapon” has the meaning given by section 1(9) of the Police and Criminal Evidence Act 1984; and
“vehicle” includes a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960.
- (12) The powers conferred by this section are in addition to and not in derogation of, any power otherwise conferred.