



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART IV

POLICE POWERS

Powers of police to stop and search

VALID FROM 10/04/1995

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.

Status: Point in time view as at 03/01/1995. This version of this provision is not valid for this point in time.

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 60 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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;
 - (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 ^{M1}Police and Criminal Evidence Act 1984; and
 - “vehicle” includes a caravan as defined in section 29(1) of the ^{M2}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.

Marginal Citations

M1 1984 c. 60.

M2 1960 c. 62.

60 Powers to stop and search in anticipation of violence. **E+W+S**

[^{F1}(1) If a police officer of or above the rank of inspector reasonably believes—

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- (a) that incidents involving serious violence may take place in any locality in his police area, and that it is expedient to give an authorisation under this section to prevent their occurrence, or
 - (b) that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason,
- he may give an authorisation that the powers conferred by this section are to be exercisable at any place within that locality for a specified period not exceeding 24 hours.]
- (2)
- (3) If it appears to [^{F2}an officer of or above the rank of]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 [^{F3}activity] falling within the authorisation, he may direct that the authorisation shall continue in being for a further [^{F4}24] hours.
- [^{F5}(3A) If an inspector gives an authorisation under subsection (1) he must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.]
- (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;
 - (b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.
- [^{F6}(4A) This section also confers on any constable in uniform power—
- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
 - (b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.]
- (5) A constable may, in the exercise of [^{F7}the powers conferred by subsection (4) above], 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
- [^{F8}(a) to stop, or to stop a vehicle; or
 - (b) to remove an item worn by him,]
- 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 [^{F9}the grounds on which it is given and]the locality in which and

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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^{F10} . . .

^{F11}(10A) A person who is searched by a constable under this section shall be entitled to obtain a written statement that he was searched 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 he was searched.]

(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^{M3}Police and Criminal Evidence Act 1984 [^{F12}or, in relation to Scotland, section 47(4) of the^{M4}Criminal Law (Consolidation) (Scotland) Act 1995]; and

“vehicle” includes a caravan as defined in section 29(1) of the^{M5}Caravan Sites and Control of Development Act 1960.

^{F13}(11A) For the purposes of this section, a person carries a dangerous instrument or an offensive weapon if he has it in his possession.]

(12) The powers conferred by this section are in addition to and not in derogation of, any power otherwise conferred.

Textual Amendments

- F1** S. 60(1) substituted (1.3.1999) by 1997 c. 21, s. 8(2); S.I. 1999/5, art. 2
- F2** Words in s. 60(3) substituted (1.3.1999) by 1997 c. 21, s. 8(4)(a); S.I. 1999/5, art. 2
- F3** Word in s. 60(3) substituted (1.3.1999) by 1997 c. 21, s. 8(4)(b); S.I. 1999/5, art. 2
- F4** Word in s. 60(3) substituted (1.3.1999) by 1997 c. 21, s. 8(4)(c); S.I. 1999/5, art. 2
- F5** S. 60(3A) inserted (1.3.1999) by 1997 c. 21, s. 8(5); S.I. 1999/5, art. 2
- F6** S. 60(4A) inserted (1.3.1999) by 1998 c. 37, s. 25(1) (with Sch. 9); S.I. 1998/3263, art. 4
- F7** Words in s. 60(5) substituted (1.3.1999) by 1998 c. 8, s. 25(2) (with Sch. 9); S.I. 1998/3263, art. 4
- F8** S. 60(8)(a)(b) substituted (1.3.1999) for words in s. 60(8) by 1998 c. 37, s. 25(3); S.I. 1998/3263, art. 4
- F9** Words in s. 60(9) inserted (1.3.1999) by 1997 c. 21, s. 8(6); S.I. 1999/5, art. 2
- F10** Words in s. 60(10) repealed (1.3.1999) by 1997 c. 21, s. 8(7); S.I. 1999/5, art. 2
- F11** S. 60(10A) inserted (1.3.1999) by 1997 c. 21, s. 8(8); S.I. 1999/5, art. 2
- F12** Words in s. 60(11) inserted (1.3.1999) by 1997 c. 21, s. 8(9); S.I. 1999/5, art. 2
- F13** S. 60(11A) inserted (1.3.1999) by 1997 c. 21, s. 8(10); S.I. 1999/5, art. 2

Modifications etc. (not altering text)

- C1** S. 60 extended (S.) (1.3.1999) by 1997 c. 21, s. 8(11); S.I. 1999/5, art. 2

Marginal Citations

- M3** 1984 c. 60.
- M4** 1995 c. 39.

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M5 1960 c. 62.

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