



# Knives Act 1997

## 1997 CHAPTER 21

### *Stopping and searching*

#### **8 Powers to stop and search for knives or offensive weapons**

(1) Section 60 of the Criminal Justice and Public Order Act 1994 (powers to stop and search in anticipation of violence) is amended as follows.

(2) For subsection (1) substitute—

“(1) If a police officer of or above the rank of inspector reasonably believes—

- (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.”

(3) Subsection (2) (exercise by chief inspector or inspector of power to give authorisation) is repealed.

(4) In subsection (3) (continuation of authorisation)—

- (a) for “the officer who gave the authorisation or to a” substitute “an officer of or above the rank of”;
- (b) for “incident” substitute “activity”;
- (c) for “six” substitute “24”.

(5) After subsection (3) insert—

“(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.”

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*Status: This is the original version (as it was originally enacted).*

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- (6) In subsection (9) (matters to be specified in authorisations) after “specify” insert “the grounds on which it is given and”.
- (7) In subsection (10), the words from “and similarly” to the end of the subsection are repealed.
- (8) After subsection (10) insert—
- “(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.”
- (9) In subsection (11), in the definition of “offensive weapon”, after “Act 1984” insert “or, in relation to Scotland, section 47(4) of the Criminal Law (Consolidation) (Scotland) Act 1995”.
- (10) After subsection (11) insert—
- “(11A) For the purposes of this section, a person carries a dangerous instrument or an offensive weapon if he has it in his possession.”
- (11) Section 60 of the Act of 1994 is to extend to Scotland; and accordingly in section 172(8) of that Act (list of provisions that extend to Scotland), for “61 to 67” substitute “60 to 67”.