

*These notes refer to the Serious Crime Act 2007 (c.27)
which received Royal Assent on 30th October 2007*

SERIOUS CRIME ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Other Measures to Prevent or Disrupt Serious and Other Crime

Chapter 3: Other measures

Section 87: Incidents involving serious violence: powers to stop and search

281. At present, an officer at least of the rank of inspector can give an authorisation in the circumstances set out in section 60 of the Criminal Justice and Public Order Act 1994, following which people and vehicles within the specified locality can be stopped and searched. These circumstances are where serious violent incidents are anticipated and it is expedient to give an authorisation to prevent their occurrence, or where the police suspect that persons are carrying dangerous instruments or offensive weapons in the locality without good reason.
282. The power to stop and search can be used whether or not the police have a reasonable suspicion that a person is carrying dangerous instruments or offensive weapons. This section extends the powers in section 60 of that Act to add a further circumstance in which they can be used; where a serious violent incident has occurred, and the police believe that the weapon used in the incident is being carried in the locality and it is expedient to give an authorisation to find the weapon. The purpose of this is to assist the police in locating the weapon used in the incident, and in apprehending the offender.
283. In this particular circumstance, the police would be able to make an authorisation orally in the first instance, to be followed in writing as soon as is practicable. In the existing two circumstances they will continue to need to make any authorisation in writing.