

# CRIME AND SECURITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Police powers: stop and search*

#### *Section 1: Records of searches*

22. *Section 1* amends section 3 of the Police and Criminal Evidence Act 1984 (“PACE”) which specifies the information which constables must record when they stop and search a person.
23. *Subsection (3)* provides that, where a person is arrested as a result of a stop and search and taken to a police station, the constable who carried out the search must ensure that the search record forms part of the person’s custody record (rather than completing a separate form). In all other cases the constable must make the record of the search at the time it takes place or as soon as practicable after completion of the search.
24. *Subsection (4)* removes the requirement for constables to record the person’s name (or a note otherwise describing the person) and description of any vehicle searched.
25. *Subsection (5)* further reduces the recording requirements for a stop and search. The previous section 3 of PACE and Code of Practice A required ten items of information to be recorded, including whether anything was found and whether any injury or damage was caused. These are reduced to the following seven items of information:
  - Date;
  - Time;
  - Place;
  - Ethnicity;
  - Object of search;
  - Grounds for search;
  - Identity of the officer carrying out the stop and search.
26. *Subsection (6)* provides that the requirement to state a person’s ethnic origins is a requirement in the first place to record the person’s self-defined ethnicity. However, if a constable thinks that this is different from their own assessment then they will also record their own assessment.
27. *Subsections (2), (7) and (8)* amend section 3 of PACE to take account of the fact that the person who makes the record in the custody record may not be the constable who carried out the search.
28. *Subsection (9)* reduces the time within which a person can request a copy of the search record from 12 months to 3 months after the date of the search.