



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART I

#### POWERS TO STOP AND SEARCH

#### **1 Power of constable to stop and search persons, vehicles etc.**

- (1) A constable may exercise any power conferred by this section—
- (a) in any place to which at the time when he proposes to exercise the power the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or
  - (b) in any other place to which people have ready access at the time when he proposes to exercise the power but which is not a dwelling.
- (2) Subject to subsection (3) to (5) below, a constable—
- (a) may search—
    - (i) any person or vehicle;
    - (ii) anything which is in or on a vehicle,  
for stolen or prohibited articles [<sup>F1</sup>, any article to which subsection (8A) below applies [<sup>F2</sup>, any substance to which subsection (8AA) below applies] or any firework to which subsection (8B) below applies]; and
  - (b) may detain a person or vehicle for the purpose of such a search.
- (3) This section does not give a constable power to search a person or vehicle or anything in or on a vehicle unless he has reasonable grounds for suspecting that he will find stolen or prohibited articles [<sup>F3</sup>, any article to which subsection (8A) below applies [<sup>F4</sup>, any substance to which subsection (8AA) below applies] or any firework to which subsection (8B) below applies].
- (4) If a person is in a garden or yard occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable may not search him in the exercise of the power conferred by this section unless the constable has reasonable grounds for believing—
- (a) that he does not reside in the dwelling; and

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*Status: Point in time view as at 06/04/2022. This version of this provision has been superseded.*

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- (b) that he is not in the place in question with the express or implied permission of a person who resides in the dwelling.
- (5) If a vehicle is in a garden or yard occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable may not search the vehicle or anything in or on it in the exercise of the power conferred by this section unless he has reasonable grounds for believing—
- (a) that the person in charge of the vehicle does not reside in the dwelling; and
  - (b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling.
- (6) If in the course of such a search a constable discovers an article which he has reasonable grounds for suspecting to be a stolen or prohibited article <sup>[F5]</sup>, an article to which subsection (8A) below applies <sup>[F6]</sup>, a substance to which subsection (8AA) below applies] or a firework to which subsection (8B) below applies], he may seize it.
- (7) An article is prohibited for the purposes of this Part of this Act if it is—
- (a) an offensive weapon; or
  - (b) an article—
    - (i) made or adapted for use in the course of or in connection with an offence to which this sub-paragraph applies; or
    - (ii) intended by the person having it with him for such use by him or by some other person.
- (8) The offences to which subsection (7)(b)(i) above applies are—
- (a) burglary;
  - (b) theft;
  - (c) offences under section 12 of the <sup>M1</sup>Theft Act 1968 (taking motor vehicle or other conveyance without authority); <sup>F7</sup> . . .
  - <sup>[F8]</sup>(d) fraud (contrary to section 1 of the Fraud Act 2006)]<sup>[F9]</sup>; and
  - (e) offences under section 1 of the Criminal Damage Act 1971 (destroying or damaging property).]
- <sup>[F10]</sup>(8A) This subsection applies to any article in relation to which a person has committed, or is committing or is going to commit an offence under section 139 <sup>[F11]</sup>or 139AA] of the Criminal Justice Act 1988.]
- <sup>[F12]</sup>(8AA) This subsection applies to any substance in relation to which a person has committed, or is committing or is going to commit an offence under section 6 of the Offensive Weapons Act 2019 (offence of having a corrosive substance in a public place).
- (8AB) In this section references to such a substance include an article which contains such a substance.]
- <sup>[F13]</sup>(8B) This subsection applies to any firework which a person possesses in contravention of a prohibition imposed by fireworks regulations.
- (8C) In this section—
- (a) “firework” shall be construed in accordance with the definition of “fireworks” in section 1(1) of the Fireworks Act 2003; and
  - (b) “fireworks regulations” has the same meaning as in that Act.]
- (9) In this Part of this Act “offensive weapon” means any article—
- (a) made or adapted for use for causing injury to persons; or

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- (b) intended by the person having it with him for such use by him or by some other person.

#### Textual Amendments

- F1** Words in s. 1(2) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 115\(2\)](#), 178; S.I. 2005/1521, [art. 3\(1\)\(f\)](#)
- F2** Words in s. 1(2) inserted (6.4.2022) by [Offensive Weapons Act 2019 \(c. 17\)](#), [ss. 10\(2\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F3** Words in s. 1(3) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 115\(3\)](#), 178; S.I. 2005/1521, [art. 3\(1\)\(f\)](#)
- F4** Words in s. 1(3) inserted (6.4.2022) by [Offensive Weapons Act 2019 \(c. 17\)](#), [ss. 10\(3\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F5** Words in s. 1(6) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 115\(4\)](#), 178; S.I. 2005/1521, [art. 3\(1\)\(f\)](#)
- F6** Words in s. 1(6) inserted (6.4.2022) by [Offensive Weapons Act 2019 \(c. 17\)](#), [ss. 10\(4\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F7** Word in s. 1(8)(c) repealed (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 332](#), 336, [Sch. 37 Pt. 1](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(g\)\(i\)](#)
- F8** S. 1(8)(d) substituted (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), [ss. 14\(1\)](#), 15(1), [Sch. 1 para. 21](#); S.I. 2006/3200, [art. 2](#)
- F9** S. 1(8)(e) and preceding word "and" inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 1\(2\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F10** S. 1(8A) inserted by [Criminal Justice Act 1988 \(c. 33\)](#), SIF 39:1, [s. 140\(1\)\(c\)](#)
- F11** Words in s. 1(8A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 26 para. 3](#); S.I. 2012/2770, [art. 2\(f\)](#)
- F12** S. 1(8AA)(8AB) inserted (6.4.2022) by [Offensive Weapons Act 2019 \(c. 17\)](#), [ss. 10\(5\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F13** S. 1(8B)(8C) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 115\(5\)](#), 178; S.I. 2005/1521, [art. 3\(1\)\(f\)](#)

#### Modifications etc. (not altering text)

- C1** S. 1(1)-(3) applied (with modifications) (30.4.2017) by [The Police and Criminal Evidence Act 1984 \(Application to Labour Abuse Prevention Officers\) Regulations 2017 \(S.I. 2017/520\)](#), [regs. 1](#), 2, 3(a), [Sch.](#)
- C2** S. 1(7)(b) modified (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), [ss. 8\(2\)\(a\)](#), 15(1); S.I. 2006/3200, [art. 2](#)
- C3** S. 1(6) applied (with modifications) (30.4.2017) by [The Police and Criminal Evidence Act 1984 \(Application to Labour Abuse Prevention Officers\) Regulations 2017 \(S.I. 2017/520\)](#), [regs. 1](#), 2, 3(a), [Sch.](#)

#### Marginal Citations

- M1** 1968 c. 60.

**Status:**

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**Changes to legislation:**

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