Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART IV

POLICE POWERS

Powers of police to stop and search

60 Powers to stop and search in anticipation of violence.

[F1(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.**]**

(2) . . . . . .

(3) If it appears to **[**F2an 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 **[**F3activity**]** falling within the authorisation, he may direct that the authorisation shall continue in being for a further **[**F424**]** 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—

Status: *Point in time view as at 01/07/2004. This version of this provision has been superseded.*
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(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) . . . . . .

(5) A constable may, in the exercise of **[**F7the 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.

[F8F9(8) A person who fails**]**

F10(a) to stop, or to stop a vehicle; F9. . .

F9(b) . . . . . .

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 **[**F11the grounds on which it is given and**]**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.

[F8(9A) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if the references to a locality in his police area were references to a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.**]**

(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 F12. . ..

[F13(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—

[F14**[**F15"British Transport Police Force" means the constables appointed under section 53 of the British Transport Commission Act 1949;**]]**

"dangerous instruments" means instruments which have a blade or are sharply pointed;

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"offensive weapon" has the meaning given by section 1(9) of the [M1]Police and Criminal Evidence Act 1984 **[**[F16]or, in relation to Scotland, section 47(4) of the [M2]Criminal Law (Consolidation) (Scotland) Act 1995**]**; and

[F17] . . . . . .

"vehicle" includes a caravan as defined in section 29(1) of the [M3]Caravan Sites and Control of Development Act 1960.

[[F18](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) repealed (14.12.2001) by 2001 c. 24, ss. 125, 127(2)(i), **Sch. 8 Pt. VI**

F7 Words in s. 60(5) substituted (1.3.1999) by 1998 c. 37, **s. 25(2)** (with Sch. 9); S.I. 1998/3263, **art. 4**

F8 S. 60(9A) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(3)(a)**

F9 S. 60(8)(b) and word "or" immediately preceding repealed (14.12.2001) by 2001 c. 24, ss. 125, 127(2)(i), **Sch. 8 Pt. VI**

F10 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**

F11 Words in s. 60(9) inserted (1.3.1999) by 1997 c. 21, **s. 8(6)**; S.I. 1999/5, **art. 2**

F12 Words in s. 60(10) repealed (1.3.1999) by 1997 c. 21, **s. 8(7)**; S.I. 1999/5, **art. 2**

F13 S. 60(10A) inserted (1.3.1999) by 1997 c. 21, **s. 8(8)**; S.I. 1999/5, **art. 2**

F14 S. 60: definition of "British Transport Police Force" ceases to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003, (c. 20), ss. 73, 120, {Sch. 5 para. 4(1)(b)(2)(f)} (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

F15 Definitions of "British Transport Police Force" and "policed premises" in s. 60(11) inserted (14.12.2001) by 2001 c. 24, ss. 101, 127(2)(f), **Sch. 7 para. 16(3)**

F16 Words in s. 60(11) inserted (1.3.1999) by 1997 c. 21, **s. 8(9)**; S.I. 1999/5, **art. 2**

F17 S. 60(11): definition of "policed premises" repealed (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(3)(b)**

F18 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**

C2 Ss. 60, 60AA amended (1.7.2004) by Railways and Transport Safety Act 2003, (c. 20), ss. 73, 120, {Sch. 5 para. 4(1)(a)(2)(f)} (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

Marginal Citations

M1 1984 c. 60.

M2 1995 c. 39.

M3 1960 c. 62.

Status:
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