



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 10

POLICE POWERS

Powers of stop, search and seizure in Northern Ireland

96 Power to stop and search in anticipation of violence

In the Public Order (Northern Ireland) Order 1987 (S.I. 1987/463 (N.I. 7)), after Article 23A (which is inserted by section 95) insert—

“23B Powers to stop and search in anticipation of violence

- (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, and that it is expedient to give an authorisation under this Article to prevent or control their occurrence, or
 - (b) that persons are carrying dangerous instruments or offensive weapons in any locality without good reason,he may give an authorisation that the powers conferred by this Article are to be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.
- (2) This Article confers power on any constable in uniform—
 - (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;

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and a constable may in the exercise of those powers 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 dangerous instruments.

- (3) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—
 - (a) have been committed in connection with the activities in respect of which the authorisation was given, or
 - (b) are reasonably suspected to have been so committed,
 he may direct that the authorisation shall continue in force for a further twenty-four hours.
- (4) If an officer below the rank of superintendent gives an authorisation under paragraph () he must, as soon as it is practicable to do so, cause an officer of or above that rank to be informed.
- (5) If in the course of a search under this Article 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.
- (6) This Article applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles.
- (7) A person who fails to stop or (as the case may be) fails to stop a vehicle when required to do so by a constable in the exercise of his powers under this Article 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.
- (8) Any authorisation under this Article—
 - (a) shall be in writing and signed by the officer giving it; and
 - (b) shall specify—
 - (i) the grounds on which it is given;
 - (ii) the locality in which the powers conferred by this Article are exercisable;
 - (iii) the period during which those powers are exercisable;
 and a direction under paragraph () shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.
- (9) Where a vehicle is stopped by a constable under this Article the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this Article if he applies for such a statement not later than the end of the period of 12 months from the day on which the vehicle was stopped.
- (10) A person who is searched by a constable under this Article shall be entitled to obtain a written statement that he was searched under the powers conferred by this Article if he applies for such a statement not later than the end of the period of 12 months from the day on which he was searched.
- (11) The powers conferred by this Article are in addition to, and not in derogation of, any power otherwise conferred.

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(12) For the purposes of this Article, a person carries a dangerous instrument or an offensive weapon if he has it in his possession.

(13) In this Article—

“caravan” has the meaning given by section 25(1) of the Caravans Act (Northern Ireland) 1963 (N.I. c. 17);

“dangerous instrument” means an instrument which has a blade or is sharply pointed;

“offensive weapon” has the meaning given by Article 22(1);

“vehicle” includes a caravan.”

97 Seized articles

In the Public Order (Northern Ireland) Order 1987 (S.I. 1987/463 (N.I. 7)), after Article 23B insert—

“23C Retention and disposal of things seized under Article 23A and 23B

- (1) Anything seized by a constable under Article 23A or 23B may be retained in accordance with regulations made by the Secretary of State under this Article.
- (2) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal and destruction in prescribed circumstances, of such things.
- (3) Regulations made under this Article shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.”

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