

Your Rights on Stop and Search

- You don't have to give your name and address if you are stopped and searched by the police, except if you are:
 - the driver of a vehicle on the road (and date of birth) or if involved in accident or road traffic offence whether in a car, on a bike or as a pedestrian
 - suspected of anti-social behaviour (reasonable grounds to suspect have caused, or are likely to, cause harassment, alarm or distress to one or more persons – can include police – higher threshold) under s50 of Police Reform Act 2002.
 - The police wish to summons you or issue a fixed penalty notice (sec 25 PACE)
- Before any search you should be told:
 - officer's name and police station (or at least the station)
 - that you are entitled to a copy of the search form (police can decline to give on the spot if not practicable to do so)
 - object of the proposed search ie. the legal power being used and what they are looking for
 - grounds to suspect you (if required for the legal power)
- You can be arrested if you refuse to be searched and they can use reasonable force to search you.
- You are only required to take off hats, coats, scarves, gloves but no other clothing eg head gear, shoes, unless you are taken to somewhere that is screened off from the public and for certain clothing need same sex officer.
- The police don't need any grounds to search you if the search is under sec 60 POA or under sec 44 Terrorism Act (these are blanket search powers which must be approved by a senior officer in a specific area for a specific period of time), but need 'reasonable grounds to suspect you' if search is under sec 1 of PACE and sec 43 Terrorism Act. So ask what act you are being searched under and if its sec 43 or sec 1 ask what grounds they have for the search.
- The police can only search and seize specific items under their search powers:
 - **s1 PACE**, search for articles that might be used for burglary/theft, stolen goods, offensive weapons, bladed articles, items that may be used for criminal damage. Police not entitled to read or record personal info.
 - **s43 Terrorism Act 2000**, police need reasonable grounds to suspect that you are a terrorist (use or intend to use violence/cause serious damage to property to influence government or intimidate public to advance a political, religious or ideological cause) and can search anything that may be evidence you are a terrorist, including computers, cameras, personal papers.
 - **s60 Criminal Justice Act, to search for offensive weapons and dangerous instruments**. The police are not entitled to read and record personal information.
 - **s44 Terrorism Act 2000**, search as for s43 above (in force on railways, underground and in London all the time).
- You must be given a record of the search/seizure of your property. If your property is seized there is still no need to give your name and address, ask for the evidence bag to be numbered and the number written on the search form.