

Stop and Search: Your Legal Rights

Can the police take my name and address?

It's not an offence to refuse to give the police your name and address, except if:

- you are the driver of a vehicle
- you are suspected of engaging in 'antisocial behaviour'. Before giving your details ask what 'antisocial behaviour' they suspect you have committed, as they could well be trying it on. Anti-social behaviour" is defined as behaviour that has caused harassment, alarm or distress to other people. It an offence for a person to fail to give his name and address when so required, or to give a false or inaccurate name

You can be arrested if you don't give your name and address and the police think you've committed any offence (however minor), or are about to. Again ask what offence you are supposed to have committed before giving any info.

When can the police stop and search me?

- **At any time under Section 1 of PACE 1984** - you (and your vehicle) can be stopped and searched at any time if the police reasonably suspect that you've got drugs, weapons, stolen items or items (tools etc) to carry out theft, burglary or criminal damage.
- **Section 60 of the Criminal Justice and Public Order Act 1994** – this search must be specifically authorised by a senior police officer if police believe an incident involving serious violence may take place in the locality. This is a blanket search power allowing searches of anyone in a given area for a given period of time. You and your vehicle can be stopped and searched for offensive weapons and dangerous instruments (e.g. tent poles, scissors, tools or an umbrella). They can't search for anything else or seize anything else e.g. address book, camera film. The police don't need any grounds to suspect that you are carrying weapons or dangerous instruments before searching you.
- **Section 44 Terrorism Act 2000** – this search must be specifically authorised by a senior officer. You and your vehicle can be searched for articles (including computers, cameras, paperwork) that could be used in connection with terrorism. Again the police don't need any reasons for the search. **Section 43** gives a general power to the police to stop and search you if they reasonably suspect you are a terrorist.
- **Criminal Justice Act 2003**, the police may search you for items they suspect are being or may be used for criminal damage.

The following apply to all of the above stop and search provisions:

- You don't need to give your name and address when subjected to these searches, unless you are the driver of a vehicle that is being searched.
- They can require you to remove outer clothing and they can 'pat you down', but this must be done by a same sex officer. They can also check your bags and pockets.
- Weapons or other items, that they are entitled to search for, can be seized.
- They must give you a form explaining why you were stopped and searched.
- It's an offence to refuse to be searched.

Giving your name and address

There is no general obligation to carry ID or to give your name and address or any other personal information to the police.

There are basically only TWO situations when you will have to do so.

1. The police have the right to stop a vehicle and demand to see the drivers' license, MOT and insurance documents. They may also demand that the driver give his name, address and date of birth. (Section 164 and 165 of the Road Traffic Act 1988).
2. Section 50 Police Reform Act 2002 Subsection (1) provides a uniformed constable with the power to require a name and address from a person he believes has been acting, or is acting, in an anti-social manner. "Anti-social behaviour" is defined as behaviour that has caused harassment, alarm or distress to other people. Subsection (2) makes it an offence for a person to fail to give his name and address when so required, or to give a false or inaccurate name. The offence is punishable, on summary conviction, by a fine not exceeding level 3 on the standard scale (currently £1000).

However because of Serious Organised Crime and Police Act 2005 the police may manipulate a situation whereby by they say you will be arrested if you fail to give your name and address. They can only do this if they can demonstrate that you are (see below under police powers of arrest)