



# 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>or any article to which subsection (8A) 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>F2</sup>or any article to which subsection (8A) 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
  - (b) that he is not in the place in question with the express or implied permission of a person who resides in the dwelling.

*Status: Point in time view as at 04/07/1996. This version of this provision has been superseded.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 1 is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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>F3</sup>or any article to which subsection (8A) 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); and
  - (d) offences under section 15 of that Act (obtaining property by deception).
- [<sup>F4</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 of the Criminal Justice Act 1988.]
- (9) In this Part of this Act “offensive weapon” means any article—
- (a) made or adapted for use for causing injury to persons; or
  - (b) intended by the person having it with him for such use by him or by some other person.

#### Textual Amendments

- F1** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **s. 140(1)(a)(i)**
- F2** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **s. 140(1)(a)(ii)**
- F3** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **s. 140(1)(b)**
- F4** **S. 1(8A)** inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **s. 140(1)(c)**

#### Marginal Citations

- M1** [1968 c. 60.](#)

**Status:**

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