



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART I

#### POWERS TO STOP AND SEARCH

#### **2 Provisions relating to search under section 1 and other powers.**

- (1) A constable who detains a person or vehicle in the exercise—
- (a) of the power conferred by section 1 above; or
  - (b) of any other power—
    - (i) to search a person without first arresting him; or
    - (ii) to search a vehicle without making an arrest,
- need not conduct a search if it appears to him subsequently—
- (i) that no search is required; or
  - (ii) that a search is impracticable.
- (2) If a constable contemplates a search, other than a search of an unattended vehicle, in the exercise—
- (a) of the power conferred by section 1 above; or
  - (b) of any other power, except the power conferred by section 6 below and the power conferred by section 27(2) of the <sup>MI</sup>Aviation Security Act 1982—
    - (i) to search a person without first arresting him; or
    - (ii) to search a vehicle without making an arrest,
- it shall be his duty, subject to subsection (4) below, to take reasonable steps before he commences the search to bring to the attention of the appropriate person—
- (i) if the constable is not in uniform, documentary evidence that he is a constable; and
  - (ii) whether he is in uniform or not, the matters specified in subsection (3) below; and the constable shall not commence the search until he has performed that duty.
- (3) The matters referred to in subsection (2)(ii) above are—
- (a) the constable's name and the name of the police station to which he is attached;

*Status: Point in time view as at 28/08/2000. This version of this provision has been superseded.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 2 is up to date with all changes known to be in force on or before 02 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)*

- (b) the object of the proposed search;
  - (c) the constable's grounds for proposing to make it; and
  - (d) the effect of section 3(7) or (8) below, as may be appropriate.
- (4) A constable need not bring the effect of section 3(7) or (8) below to the attention of the appropriate person if it appears to the constable that it will not be practicable to make the record in section 3(1) below.
- (5) In this section "the appropriate person" means—
- (a) if the constable proposes to search a person, that person; and
  - (b) if he proposes to search a vehicle, or anything in or on a vehicle, the person in charge of the vehicle.
- (6) On completing a search of an unattended vehicle or anything in or on such a vehicle in the exercise of any such power as is mentioned in subsection (2) above a constable shall leave a notice—
- (a) stating that he has searched it;
  - (b) giving the name of the police station to which he is attached;
  - (c) stating that an application for compensation for any damage caused by the search may be made to that police station; and
  - (d) stating the effect of section 3(8) below.
- (7) The constable shall leave the notice inside the vehicle unless it is not reasonably practicable to do so without damaging the vehicle.
- (8) The time for which a person or vehicle may be detained for the purposes of such a search is such time as is reasonably required to permit a search to be carried out either at the place where the person or vehicle was first detained or nearby.
- (9) Neither the power conferred by section 1 above nor any other power to detain and search a person without first arresting him or to detain and search a vehicle without making an arrest is to be construed—
- (a) as authorising a constable to require a person to remove any of his clothing in public other than an outer coat, jacket or gloves; or
  - (b) as authorising a constable not in uniform to stop a vehicle.
- (10) This section and section 1 above apply to vessels, aircraft and hovercraft as they apply to vehicles.

**Marginal Citations**

**M1** 1982 c. 36.

**Status:**

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