



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART I

POWERS TO STOP AND SEARCH

4 Road checks.

- (1) This section shall have effect in relation to the conduct of road checks by police officers for the purpose of ascertaining whether a vehicle is carrying—
 - (a) a person who has committed an offence other than a road traffic offence or a [F¹vehicle] excise offence;
 - (b) a person who is a witness to such an offence;
 - (c) a person intending to commit such an offence; or
 - (d) a person who is unlawfully at large.
- (2) For the purposes of this section a road check consists of the exercise in a locality of the power conferred by [F²section 163 of the Road Traffic Act 1988.] in such a way as to stop during the period for which its exercise in that way in that locality continues all vehicles or vehicles selected by any criterion.
- (3) Subject to subsection (5) below, there may only be such a road check if a police officer of the rank of superintendent or above authorises it in writing.
- (4) An officer may only authorise a road check under subsection (3) above—
 - (a) for the purpose specified in subsection (1)(a) above, if he has reasonable grounds—
 - (i) for believing that the offence is a serious arrestable offence; and
 - (ii) for suspecting that the person is, or is about to be, in the locality in which vehicles would be stopped if the road check were authorised;
 - (b) for the purpose specified in subsection (1)(b) above, if he has reasonable grounds for believing that the offence is a serious arrestable offence;
 - (c) for the purpose specified in subsection (1)(c) above, if he has reasonable grounds—

Status: Point in time view as at 05/07/1996. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 4 is up to date with all changes known to be in force on or before 26 May 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)

- (i) for believing that the offence would be a serious arrestable offence;
and
 - (ii) for suspecting that the person is, or is about to be, in the locality in which vehicles would be stopped if the road check were authorised;
 - (d) for the purpose specified in subsection (1)(d) above, if he has reasonable grounds for suspecting that the person is, or is about to be, in that locality.
- (5) An officer below the rank of superintendent may authorise such a road check if it appears to him that it is required as a matter of urgency for one of the purposes specified in subsection (1) above.
- (6) If an authorisation is given under subsection (5) above, it shall be the duty of the officer who gives it—
- (a) to make a written record of the time at which he gives it; and
 - (b) to cause an officer of the rank of superintendent or above to be informed that it has been given.
- (7) The duties imposed by subsection (6) above shall be performed as soon as it is practicable to do so.
- (8) An officer to whom a report is made under subsection (6) above may, in writing, authorise the road check to continue.
- (9) If such an officer considers that the road check should not continue, he shall record in writing—
- (a) the fact that it took place; and
 - (b) the purpose for which it took place.
- (10) An officer giving an authorisation under this section shall specify the locality in which vehicles are to be stopped.
- (11) An officer giving an authorisation under this section, other than an authorisation under subsection (5) above—
- (a) shall specify a period, not exceeding seven days, during which the road check may continue; and
 - (b) may direct that the road check—
 - (i) shall be continuous; or
 - (ii) shall be conducted at specified times,
during that period.
- (12) If it appears to an officer of the rank of superintendent or above that a road check ought to continue beyond the period for which it has been authorised he may, from time to time, in writing specify a further period, not exceeding seven days, during which it may continue.
- (13) Every written authorisation shall specify—
- (a) the name of the officer giving it;
 - (b) the purpose of the road check; and
 - (c) the locality in which vehicles are to be stopped.
- (14) The duties to specify the purposes of a road check imposed by subsections (9) and (13) above include duties to specify any relevant serious arrestable offence.

Status: Point in time view as at 05/07/1996. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 4 is up to date with all changes known to be in force on or before 26 May 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)

- (15) Where a vehicle is stopped in a road check, the person in charge of the vehicle at the time when it is stopped shall be entitled to obtain a written statement of the purpose of the road check if he applies for such a statement not later than the end of the period of twelve months from the day on which the vehicle was stopped.
- (16) Nothing in this section affects the exercise by police officers of any power to stop vehicles for purposes other than those specified in subsection (1) above.

Textual Amendments

- F1** Word in s. 4(1)(a) substituted (1.9.1994) by 1994 c. 22, ss. 66(1), 63, **Sch. 3 para.19** (with s. 57(4))
- F2** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 27(1)**

Status:

Point in time view as at 05/07/1996. This version of this provision has been superseded.

Changes to legislation:

Police and Criminal Evidence Act 1984, Section 4 is up to date with all changes known to be in force on or before 26 May 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.