



Crime and Disorder Act 1998

1998 CHAPTER 37

PART I

PREVENTION OF CRIME AND DISORDER

CHAPTER III

GREAT BRITAIN

25 Powers to require removal of masks etc.

[^{F1}(1) After subsection (4) of section 60 (powers to stop and search in anticipation of violence) of the ^{M1}Criminal Justice and Public Order Act 1994 (“the 1994 Act”) there shall be inserted the following subsection—

“(4A) This section also confers on any constable in uniform power—

- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
- (b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.”]

(2) In subsection (5) of that section, for the words “those powers” there shall be substituted the words “ the powers conferred by subsection (4) above ”.

(3) In subsection (8) of that section, for the words “to stop or (as the case may be) to stop the vehicle” there shall be substituted the following paragraphs—

- “(a) to stop, or to stop a vehicle; or
- (b) to remove an item worn by him.”.

Textual Amendments

F1 S. 25(1) repealed (E.W.) (14.12.2001) by 2001 c. 24, ss. 125, 127(2)(i), Sch. 8 Pt. 6

Status: Point in time view as at 20/01/2004.

Changes to legislation: Crime and Disorder Act 1998, Chapter III is up to date with all changes known to be in force on or before 30 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)

Commencement Information

- II** S. 25 wholly in force at 1.3.1999; S. 25 not in force at Royal Assent, see s. 121; S. 25 expressed to be in force at 1.12.1998 by S.I. 1998/2327, art. 4(1) (which entry relating to the commencement of s. 25 omitted (30.8.1998) by virtue of S.I. 1998/2906, art. 2); S. 25 in force at 1.3.1999 by S.I. 1998/3263, art. 4

Marginal Citations

- M1** 1994 c.33.

26 Retention and disposal of things seized.

After section 60 of the 1994 Act there shall be inserted the following section—

“60A Retention and disposal of things seized under section 60.

- (1) Any things seized by a constable under section 60 may be retained in accordance with regulations made by the Secretary of State under this section.
- (2) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal and destruction in prescribed circumstances, of such things.
- (3) Regulations under this section may make different provisions for different classes of things or for different circumstances.
- (4) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

- I2** S. 26 wholly in force at 1.3.1999; S. 26 not in force at Royal Assent, see s. 121; S. 26 in force at 1.12.1998 for the purpose of making regulations under s. 60A of the Criminal Justice and Public Order Act 1994 by S.I. 1998/2327, art. 4(1) (as amended by 1998/2906, art. 2(3)); S. 26 in force at 1.3.1999 by S.I. 1998/3263, art. 4

27 Power of arrest for failure to comply with requirement.

- (1) In section 24(2) (arrestable offences) of the Police and Criminal Evidence Act 1984 (“the 1984 Act”), after paragraph (n) there shall be inserted—

“(o) an offence under section 60(8)(b) of the ^{M2}Criminal Justice and Public Order Act 1994 (failing to comply with requirement to remove mask etc.);”.

- (2) After section 60A of the 1994 Act there shall be inserted the following section—

“60B Arrest without warrant for offences under section 60: Scotland.

In Scotland, where a constable reasonably believes that a person has committed or is committing an offence under section 60(8) he may arrest that person without warrant.”

Status: Point in time view as at 20/01/2004.

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Commencement Information

- I3** [S. 27](#) wholly in force at 1.3.1999; [S. 27](#) not in force at Royal Assent, see [s. 121](#); [S. 27](#) expressed to be in force at 1.12.1998 by [S.I. 1998/2327](#), [art. 4\(1\)](#) (which entry relating to the commencement of [s. 27](#) omitted (30.8.1998) by virtue of 1998/2906, art. 2(2)); [S. 27](#) in force at 1.3.1999 by [S.I. 1998/3263](#), [art. 4](#)

Marginal Citations

- M2** [1994 c.33](#).

Status:

Point in time view as at 20/01/2004.

Changes to legislation:

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