



Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 2

WEAPONS ETC.

Knives, etc.

46 Power to search further education students for weapons

After section 85A of the Further and Higher Education Act 1992 (c. 13) insert—

“85B Power to search further education students for weapons

- (1) A member of staff of an institution within the further education sector who has reasonable grounds for suspecting that a student at the institution may have with him or in his possessions—
 - (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.), or
 - (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),may search that student or his possessions for such articles and weapons.
- (2) A search under this section may be carried out only where—
 - (a) the member of staff and the student are on the premises of the institution; or
 - (b) they are elsewhere and the member of staff has lawful control or charge of the student.
- (3) A person may carry out a search under this section only if—
 - (a) he is the principal of the institution; or
 - (b) he has been authorised by the principal to carry out the search.
- (4) A person who carries out a search of a student under this section—

Status: Point in time view as at 22/08/2007. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 46. (See end of Document for details)

- (a) may not require the student to remove any clothing other than outer clothing;
 - (b) must be of the same sex as the student; and
 - (c) may carry out the search only in the presence of another member of staff who is also of the same sex as the student.
- (5) A student's possessions may not be searched under this section except in his presence and in the presence of another member of staff.
- (6) If, in the course of a search under this section, the person carrying out the search finds—
- (a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or
 - (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,
- he may seize and retain it.
- (7) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.
- (8) A person who seizes anything under subsection (6) must deliver it to a police constable as soon as reasonably practicable.
- (9) The Police (Property) Act 1897 (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (10) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.
- (11) In this section—
- “member of staff”, in relation to an institution within the further education sector, means any person who works at that institution whether or not as its employee;
 - “outer clothing” means—
 - (a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or
 - (b) a hat, shoes, boots, gloves or a scarf;
 - “possessions”, in relation to a student of an institution within the further education sector, includes any goods over which he has or appears to have control.
- (12) The powers conferred by this section are in addition to any powers exercisable by the member of staff in question apart from this section and are not to be construed as restricting such powers.”

Commencement Information

II S. 46 in force for E. at 31.5.2007 by S.I. 2007/858, art. 3(b)

Status:

Point in time view as at 22/08/2007. This version of this provision has been superseded.

Changes to legislation:

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