

Stop and Search Briefing

There is no general right for the police to search you. There are exceptions to this where they have grounds for suspecting you personally of certain offences, for example under the Misuse of Drugs legislation, if they have reasonable grounds to suspect you of possession of illegal drugs. The police may search you upon detention or arrest, provided the conditions for detention or arrest are satisfied.

The police may try to get people to co-operate where they have no legal power to compel them to do so. The general advice, if the police seek to search you, is to always demand to know what power they are acting under and whether they have legal authority to compel you to submit to a search, or are asking you to agree to one voluntarily. In the latter case, it's your decision whether to agree or not. You should make a note, at the time, of the numbers of the officers involved and of what power they claim to use. In Scotland, you do not usually get a *Stop and Account* form, although it doesn't hurt to ask for one.

There are two powers which, if in force, allow the police to search anyone within a specified area without having any particular suspicion of you personally. There is no history of these powers being used at Faslane, and no justification for doing so, and their use could be challenged. These are:

Section 60

Section 60 of the Criminal Justice and Public Order Act 1994 allows a senior police officer to impose an order on an area if he believes that "*incidents involving serious violence*" may take place or that "*persons are carrying dangerous instruments or offensive weapons*". If a s60 order is in force then a uniformed police officer may stop and search any person or vehicle (without requiring any suspicion of them) within the specified area **for weapons**. There is also a power to make people remove masks.

They are only allowed to search for weapons (not read papers, etc. although they may try). You do not have to give your name and address or any other information as part of the section 60. You have a right to a written record of the search although the Scottish police aren't used to giving them out and may refuse at the time.

Since we are committed to nonviolence and not to carry weapons it seems difficult to imagine how a s60 order could be justified and any attempt to impose one could be challenged.

Section 44 (Terrorism Act)

Section 44 of The Terrorism Act 2000 allows a senior police officer, with the consent of the Secretary of State, to impose an order on an area if he "*considers it expedient for the prevention of acts of terrorism*". If a s44 order is in force then a uniformed police officer may stop and search any person or vehicle (without requiring any suspicion of them) within the specified area "*for articles of a kind which could be used in connection with terrorism*".

You do not have to give your name and address or any other information as part of the section 44. You have a right to a written record of the search although the Scottish police aren't used to giving them out and may refuse at the time.