

STOPPING VEHICLES: THE LAW

The police in the United Kingdom are not automatically entitled to stop vehicles at any time and for any purpose they wish. The laws which give them authority to do so are as follows:

- in various circumstances outlined in the Road Traffic Act i.e. if they believe a vehicle to be unsafe or to be driven recklessly or without due care and attention. Police officers should generally be in uniform to lawfully operate powers under this Act.
- Section 1 of the Police and Criminal Evidence Act 1984 (PACE) permits a constable who has reasonable suspicion that a person is in possession of a stolen or prohibited article to detain a person or vehicle for the purposes of a search for such an article.
- Section 60(4) of the Criminal Justice and Public Order Act 1994 provides that, where an authorisation for its use has been granted, a constable in uniform may stop any vehicle and search it, its driver and any passenger for offensive weapons or dangerous instruments. Authorisation for the use of this section must be given by a police officer of, or above, the rank of superintendent¹ who must reasonably believe that incidents involving serious violence² may take place in any locality in his/her area and such authorisation will prevent their occurrence. An authorisation permits the use of the powers anywhere in the locality for a period of up to 24 hours, must be in writing, and must specify both the locality and the time period for which it is valid.
- In urgent cases there is a common law power which may permit preventative action to be taken to prevent breach of the peace. These include powers to arrest or detain a person. Breach of the peace takes place when harm is done or likely to be done to a person, or in his presence to his property, or a person is put in fear of being harmed through assault, affray, riot or other disturbance.
- If a uniformed police officer reasonably believes that a person is en route to an assembly in an area to which an order under section 14A of the Public Order Act 1986 applies³, and that this assembly is likely to be one prohibited by that order, he may stop that person and require him not to proceed in the direction of that assembly.
- The police are bound by the the Race Relations Act 1976 (as amended, 2000) and therefore have a duty in law not to discriminate, directly or indirectly, in the performance of their duties; not to assist another in the performance of a discriminatory act; not to victimise a person who complains of a discriminatory act; and to promote equality of opportunity and good race relations.

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¹ Although authorisation may be given by a chief inspector or inspector where they reasonably believe that incidents involving serious violence are imminent and no superintendent is available.

² 'Serious violence' is not defined by the Act; the dictionary definition of 'violence' is 'the exercise of physical force so as to inflict injury or damage to persons or property'.

³ Sections 12 to 14 of the Act provide powers to impose conditions on public processions and assemblies and to prohibit public processions *if* prescribed public order criteria are satisfied. A court order must be applied for to the council of the district where the assembly is believed to take place. An order cannot be valid for more than four days or more than a five mile radius.