



Home Office

Stop and Search: Extending police powers to cover offences relating to unmanned aircraft (drones), laser pointers and corrosive substances.

Government consultation

This consultation begins on 9 September

This consultation ends on 22 October

About this consultation

- To:** This consultation is open to the public
- Duration:** From 09/09/18 to 22/10/18
- Enquiries (including requests for the paper in an alternative format) to:** Police Powers Unit
6th Floor Fry, 2 Marsham Street, SW1P 4DF
Email: stopandsearch123@homeoffice.gov.uk
- How to respond:** Please send your response by 22 October to:
Stop and Search consultation
Police Powers Unit
6th Floor Fry, 2 Marsham Street, SW1P 4DF
Email: stopandsearch123@homeoffice.gov.uk
- Additional ways to respond:** Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font, or audio.

Contents

Introduction	2
The background	4
The legislation	5
The challenges	7
The proposals	10
Questionnaire	12
About you	12
Annex A: situational policing example: drones	16
Annex B: situational policing example: lasers	17
Annex C : situational policing example: corrosive substances	18
Annex D: further background	19
Contact details and how to respond	23

Foreword

The power of stop and search is vital in the fight against crime. It is an important tool for the police to prevent, detect and investigate offences, including some of the most violent and devastating, thereby helping the police to protect and safeguard the public. It is an integral part of the policing response in tackling serious violence, and in preventing and deterring people from carrying weapons. However, it is also important that when stop and search is used – it is done effectively, professionally, and, as far as possible, with community consent. When the police and community work closely together, it makes for better, far more effective, policing in our communities.

It is for these reasons that the Government is consulting on proposals to extend stop and search, to consider how effective and proportionate the power could potentially be to help enforce new or proposed laws designed to deal with increasing problems – problems which can lead to catastrophic, fatal or life changing consequences for individuals and families. The areas of concern are the use of drones, lasers and corrosive substances – each having legitimate uses, but each also being misused either recklessly or with the intention of causing significant harm to others.

If stop and search can help in the prevention, detection and investigation of incidents involving these articles, then it is imperative that we understand the ways that it can help but also the potential challenges involved.

Introduction

This paper consults on proposals to extend stop and search on the basis of *reasonable grounds for suspicion* to address the criminal misuse of unmanned aircraft (drones), laser pointers and corrosive substances. It is aimed at the public, police and other interested groups in England and Wales. The consultation sets out the challenges that law enforcement faces, and asks key questions concerning each of the proposed extensions, including whether extending stop and search would be effective and proportionate. To assist consultees in considering these questions, situational examples demonstrating how stop and search might be used are provided in the annexes.

The background

1. Police officers have certain powers to stop, detain and search individuals and vehicles without having to make an arrest. The most commonly used power is section 1 of the Police and Criminal Evidence Act (PACE) 1984¹. Under this power, to be able to conduct a stop and search, an officer must have *reasonable grounds for suspecting* that stolen or prohibited articles, knives or fireworks are being carried. Prohibited articles include offensive weapons and articles made, adapted or intended to be used for causing criminal damage or committing other specified offences.
2. The definition of an offensive weapon, for the purposes of a search under section 1 of PACE, applies to articles which are made, adapted or intended for use for causing injury to persons.
3. When used correctly, stop and search is an important policing tool which enables officers to either confirm or allay any reasonable suspicion they have, without having to resort to using the power of arrest, which is a far more intrusive power involving the deprivation of a person's liberty.

¹ www.legislation.gov.uk/ukpga/1984/60/section/1

The legislation

Summary of Section 1 of the Police and Criminal Evidence Act 1984 (PACE)²:

- A police officer may stop and search a person or vehicle for stolen or prohibited items, including offensive weapons.
- An officer may seize any such item that is found.
- An officer must have reasonable grounds for suspecting that he will find stolen or prohibited articles before conducting a stop and search.
- Authorisation of a senior officer is not required.

Summary of Section 23 of the Misuse of Drugs Act 1971³:

- Allows an officer to stop and search persons, vehicles and vessels for prohibited and controlled drugs.
- Applies when the officer has reasonable grounds to suspect that the person is in possession of a controlled drug.

Summary of Section 60 of the Criminal Justice and Public Order Act 1994⁴:

- Applies when a senior officer believes that incidents involving serious violence may take place, or that dangerous instruments or offensive weapons are being carried.
- Allows a senior officer to authorise additional stop and search powers within a designated area for a limited time of up to 48 hours.
- Where an authorisation has been given, a police officer may stop and search persons and vehicles for offensive weapons or dangerous instruments and may seize any such item that is found.

² <https://www.legislation.gov.uk/ukpga/1984/60/contents>

³ <https://www.legislation.gov.uk/ukpga/1971/38/contents>

⁴ <https://www.legislation.gov.uk/ukpga/1994/33/contents>

Stop and Search Consultation

- Where an authorisation has been given, an officer may make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

The challenges

Drones

4. Drones are commonly available in the UK and have a wide range of legitimate uses. However, they can also be misused, and there have been increasing incidents of this in recent years. For example, since 2014, the number of incidents of drones coming into close and unsafe proximity of manned aircraft has been rising year on year, with a total of 93 incidents reported in 2017. This can be dangerous and potentially catastrophic in certain circumstances.
5. As well as incidents relating to aviation safety, there are other ways that drones are being misused for criminal purposes. Her Majesty's Prison and Probation Service (HMPPS) has witnessed a significant increase in the use of drones to convey items illegally into prisons in England and Wales. The contraband delivered per flight can have a considerable impact on the safety and security of prisons, and undermines the rehabilitation of offenders. Further background is in Annex D.
6. The potential threat to the public at large scale public events and crowded public places is also significant. Additionally, critical national infrastructure, sensitive sites, and defence establishments may be at risk of criminal or hostile drone activity.
7. As the misuse of drones has increased, challenges have emerged in pursuing effective enforcement and investigation. These include the speed of advancement of the technology, widespread misuse and a broad range of offences that can be committed using drones. Coupled with the lack of police enforcement powers, this has meant that police officers have been unable to effectively deal with reports of misuse.
8. To address this, in November 2017, the Department for Transport announced its intention to develop a draft Drones Bill which would include additional powers for the police⁵. A broader consultation on what these other powers should be, as well as the wider content of the Bill and other drone policy measures, was published on 26 July 2018⁶ and is open for responses until 17 September 2018.
9. The focus of this consultation is on potential stop and search powers, particularly in relation to offences under the Air Navigation Order 2016 that can be committed using drones, and covering offences under the Prison Act 1952 prohibiting the illicit conveying of items into a prison. Currently, stop and search powers do not apply to these offences.

⁵ <https://www.gov.uk/government/speeches/drones-update-27-november-2017>

⁶ <https://www.gov.uk/government/consultations/drone-legislation-use-restrictions-and-enforcement>

Stop and Search Consultation

10. In relation to aviation, the proposed new stop and search power would allow police officers to conduct a stop and search of a person or vehicle in a public place if the officer has reasonable grounds for suspecting that they will find a drone and/or any article associated with a drone, which has been used, or is intended to be used, in the commission of an offence under the Air Navigation Order 2016⁷. In particular:
- a. a breach of an airspace restriction;
 - b. flying a drone above 400ft or within 1km of a protected aerodrome; and
 - c. flying a drone within 50m of people, vehicles, vessels or structures or within 150m of congested areas or large open-air assemblies.
11. There are a range of offences under the Prison Act 1952 which penalise the unauthorised conveyance (by any means) of specified articles into prisons. We are considering providing a power to stop and search in circumstances where drones are misused for this purpose.

Laser pointers

12. Laser pointers are commonly available in the UK and have a wide range of legitimate uses. However, as with drones, the misuse of these devices is an increasing safety concern, particularly in respect of transport vehicles. Since 2010, annually there have been over 1000 incidents reported to the Civil Aviation Authority (CAA). The most serious consequence of the misuse of these devices in the aviation context is a pilot losing control of an aircraft - with potentially catastrophic consequences.
13. The Laser Misuse (Vehicles) Act 2018⁸ created a new offence of shining a laser at a vehicle and dazzling or distracting the person in control of the vehicle e.g. aircraft, motor vehicle, train or ship. However, the Act does not include a power for the police to stop and search individuals where they suspect that they may be in possession of a laser pointer that has been used to commit this offence. Further background is available in Annex D.
14. The proposed new stop and search power would allow police officers to conduct a stop and search of a person or vehicle in a public place if the officer has reasonable grounds for suspecting that they will find a laser pointer which has been used to commit the offence of shining or directing a laser beam towards a vehicle which is moving or ready to move, and the laser beam dazzles or distracts, or is likely to dazzle or distract, a person with control of the vehicle.

⁷ www.legislation.gov.uk/ukxi/2018/623/made

⁸ www.legislation.gov.uk/ukpga/2018/9/contents/enacted

15. Whilst existing powers allow an officer to conduct stop and search for a laser pointer as an offensive weapon in instances where they have reasonable grounds for suspecting that an individual intends to use it to cause injury (i.e. the individual is shining a laser pointer at the driver of a vehicle with the intention of causing an accident), they do not extend to instances where there are no grounds for suspecting an intent to cause injury (i.e. an individual who intends to dazzle or distract the driver but has no conscious intention to cause injury). We are considering providing the power to stop and search for the purpose of addressing this gap.

Corrosive substances

16. In June 2018, the Government introduced the Offensive Weapons Bill⁹ into Parliament which, if enacted, will create a new offence of possessing a corrosive substance in a public place¹⁰. The police must be able to effectively enforce this new law and so, accordingly, the Home Office is considering whether extending stop and search would enable them to do so. The definition of corrosive substances within the Bill for the new possession offence is a substance which is capable of burning human skin by corrosion. This is not about substances which may be irritants or everyday household items such as table vinegar, lemon juice or chilli powder.

17. There has been an increase in the use of acids and other corrosive substances as a weapon in violent attacks in recent years. Acids and other corrosives substances are available in a number of different types of products. These products have legitimate uses but we know that they are being carried and used to threaten and attack people, inflicting serious harm and causing life changing injuries. This cannot be tolerated.

18. The proposed extension of stop and search would allow police officers to conduct a stop and search of a person or vehicle in a public place if the officer has reasonable grounds for suspecting that a person may be in possession of a corrosive substance in a public place.

19. Whilst the existing power under section 1 of PACE allows an officer to conduct stop and search for a corrosive substance as a prohibited article (offensive weapon)¹¹ where it is suspected that a person is in possession of a corrosive substance to cause injury, it does not extend to the proposed new offence of possession in a public place. It is this gap that the proposed extension of stop and search seeks to address, enabling the police to take better preventative action.

⁹ www.publications.parliament.uk/pa/bills/cbill/2017-2019/0232/cbill_2017-20190232_en_1.htm

¹⁰ However, if charged, it will be a statutory defence for the person to prove (on the balance of probabilities) that they had good reason or lawful authority for having the corrosive substance in a public place.

¹¹ See section 1(7)(a) and (9) of the Police and Criminal Evidence Act 1984.

The proposals

Drones

20. The Government is considering including a provision on stop and search in the Drones Bill when it is introduced to Parliament. The provision would provide the police the power to search any person or vehicle where there are reasonable grounds for suspecting that they will find a drone and/or any article associated with a drone which has been used, or is intended to be misused. In this context, misuse would include failing to comply with the regulatory restrictions in the Drones Bill and also use for other criminal purposes which are currently outside the scope of section 1 of PACE or other existing stop and search powers such as the Misuse of Drugs Act 1971.
21. Irrespective of whether the new power is delivered through an amendment to extend the scope of section 1 of PACE and/or by standalone provisions in the Drones Bill or other primary legislation, the power could only be used where the officer has reasonable grounds to suspect that a person has possession of the article and the safeguards in sections 2 and 3 of PACE 1984 and PACE Code of Practice A (Stop and search) would apply.
22. Scenarios have been considered in which the police may not be able to effectively deal with instances of offences committed using drones, and where a power of stop and search would enable better law enforcement. Annex A provides a situational example of how stop and search might work in practice.

Laser pointers

23. The Government is considering that if stop and search is to be extended to cover laser pointers, it should apply in circumstances where the police have reasonable grounds for suspecting that a person is in possession of a laser pointer that has been used or is intended to be used to commit the offence of shining or directing a laser beam towards a vehicle which is moving or ready to move, and the laser beam dazzles or distracts, or is likely to dazzle or distract, a person with control of the vehicle.
24. Irrespective of whether the new power is delivered through an amendment to extend the scope of section 1 of PACE and/or by standalone provisions in the 2018 Act, the power could only be used where the officer has reasonable grounds to suspect that a person has possession of the article and the safeguards in sections 2 and 3 of PACE 1984 and PACE Code of Practice A (Stop and search) would apply.
25. Scenarios have been considered in which the police may not be able to effectively deal with instances of the new offence and where a power of stop and search would enable

better law enforcement. Annex B provides a situational example of how stop and search might work in practice.

Corrosive substances

26. The Government considers that if stop and search is to be extended to cover corrosive substances, the most appropriate way to do this is to amend section 1 of the Police and Criminal Evidence Act 1984 as set out in section 8 of the Offensive Weapons Bill.
27. This has the effect of allowing police to search a person in circumstances where they have reasonable grounds for suspecting that the person is in possession of a corrosive substance in a public place. The safeguards in sections 2 and 3 of PACE and PACE Code of Practice A would apply.
28. Scenarios have been considered in which the police may not be able to effectively deal with instances of the proposed offence, and where a power of stop and search would enable better law enforcement. Annex C provides a situational example of how stop and search might work in practice.

Questionnaire

Q1. Please indicate to what extent you agree or disagree with each of the following statements. A new power of stop and search is:

a) required to allow police officers to effectively *investigate* the misuse of drones.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

b) required to allow police officers to *prevent* the misuse of drones.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

c) required to allow police officers to effectively *investigate* the new offence of using a laser pointer to dazzle or distract a person with control of a vehicle (including aircraft).

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

d) required to allow police officers to *prevent* the new offence of using a laser pointer to dazzle or distract a person with control of a vehicle (including aircraft).

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

e) required to allow police officers to effectively *investigate* the proposed offence of possession of a corrosive substance¹² in a public place.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

f) required to allow police officers to *prevent* the proposed offence of possession of a corrosive substance in a public place.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q2. Please indicate to what extent you agree or disagree with each of the following statements. The proposed new power of stop and search is a *proportionate* response:

a) to the threat posed by the misuse of drones.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

b) to the threat posed by the misuse of laser pointers.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

c) to the threat posed by the possession of a corrosive substances in a public place.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

¹² The definition of corrosive substances within the Bill for the new possession offence is a substance which is capable of burning human skin by corrosion. This is not about substances which may be irritants or everyday household items such as table vinegar, lemon juice or chilli powder.

Stop and Search Consultation

Q3. Please indicate to what extent you agree or disagree with each of the following statements. The proposed new power will be *effective* in operation in relation to:

a) drones.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

b) laser pointers.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

c) corrosive substances.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q4. Do you have any other comments regarding the proposed new powers (on drones, lasers or corrosive substances)? 200 word limit.

--

About you

Please use this section to tell us about yourself. Providing this information is optional and all information will be stored in line with Data Protection Act 2018.

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Annex A: situational policing example: drones

The following hypothetical example highlights the type of situation in which a power of stop and search in relation to offences committed with drones might be used in practice.

The police received calls on multiple occasions from the public saying that they had seen an individual flying a drone in a congested area, an offence under the Aviation Navigation Order 2016. The police have a description of the individual and the location.

Officers patrolled the area during a time that most calls reporting the incident have been made, and they identify an individual matching the description. However, the individual is not flying a drone but has a large bag in their possession.

The officers approach the individual and ask him what he is doing in that location. During the interaction, his manner is evasive and he appears to be nervously holding shut the bag.

Due to the location, the time and the description of the individual, together with the individual's behaviour, the officers determined that they had reasonable grounds to suspect the individual is in possession of a drone which he has used to commit the offence of flying a drone in a congested area under the Aviation Navigation Order 2016.

Having had the grounds and object of the search fully and clearly explained to the individual, the officers conducted the search resulting in the seizure of a drone and associated items.

Annex B: situational policing example: lasers

The following hypothetical example has been produced to highlight the type of situation in which a power of stop and search will be required to investigate the new offence of dazzling or distracting a person in control of a vehicle

The police received calls on multiple occasions from a number of pilots that during their descent into a local airport they were having a green laser shone at their cockpit.

Officers analysed the information to identify the area where the lasers were most commonly be shone from. Following this, the police receive a call from a pilot reporting a similar incident. Officers were deployed to the area that had been identified.

The area was industrial wasteland and was otherwise deserted aside from a vehicle with individuals inside.

Having intelligence about this as a possible laser attack site and as the vehicle was the only one in the area, the officers determined they had reasonable suspicion that these individuals may have in their possession, or in their vehicle, a laser pointer which they have used to commit an offence under the Laser Misuse (Vehicle) Act 2018.

Having had the grounds and object of the search fully and clearly explained to the individuals, all were searched and a green laser pointer was found and seized from one of the individuals.

Annex C: situational policing example: corrosive substances

The following hypothetical example has been produced to highlight the type of situation in which a power of stop and search is required to effectively investigate the new offence of possessing a corrosive substance in a public place without good reason.

A member of the public approaches an officer on foot patrol, who stated that whilst in a local hardware store they saw an individual of a certain description purchasing a bottle of corrosive substance. The member of the public informed the officer that they believed they know this person to be involved in criminal activity, particularly gang violence.

The officer uses their personal radio to pass this information to the control room and other colleagues whilst they obtain more details from the member of the public.

A short time later, an officer and Police Community Support Officer (PCSO) are on foot patrol in a local park. They identify the individual as described.

The officers approach the individual and ask them if they had purchased a corrosive substance earlier from the local hardware store. The individual has a bag and appears to be considerably defensive.

Due to the location, description of the individual, together with the individual's behaviour, the officers determined that they had reasonable grounds to suspect the individual is in possession of a corrosive substance in a public place without good reason.

Having had the grounds and object of the search fully and clearly explained to the individuals, the officer carries out a search of the individual's bag whilst the PCSO records the details. A bottle of corrosive substance is found and seized.

Annex D: further background

Drones

1. A drone is an unmanned aircraft, normally flown by a pilot from a distance, using a remote control station that communicates instructions to the drone. Drones are also known as Remotely Piloted Aircraft Systems (RPAS) or Unmanned Aircraft Systems (UAS). Those using drones are often referred to as drone users, operators or pilots.
2. Drones come in a variety of sizes; they can be as small as your hand, weighing less than 250g, or as big as a small plane, weighing several tonnes. As they increase in size, they are able to travel further. Smaller drones tend to use electric motors for propulsion, whereas larger drones tend to use combustion engines like other conventional aircraft.
3. The Air Navigation Order 2016 makes it an offence to endanger the safety of an aircraft under Article 240. However, the number of Airprox incidents (a situation in which the safety of the aircraft involved may have been compromised) reported to the UK Airprox Board involving objects believed to be drones has risen from six incidents in 2014 to 91 in 2017. In July 2017, disruption was caused at Gatwick airport by a drone being flown near to the airport.
4. Furthermore, Articles 94 and 95 of the Air Navigation Order deal with the requirements which all small drones must comply with. For example, Article 94A makes it an offence to fly a drone 400ft above the surface. However, the latest data from the UK Airprox Board shows that 83 Airprox incidents took place at or above 400ft in 2017.
5. Responses to a consultation which ran from 21 December 2016 to 15 March 2017, together with engagement with the National Police Chiefs' Council, Police Scotland and the Police Service of Northern Ireland, made it clear that the police lack appropriate powers to address the criminal misuse of drones.
6. To address this, in November 2017, the Department for Transport announced its intention to develop a draft Drones Bill which would include additional powers for the police¹³. A broader consultation on what these other powers should be, as well as the wider content of the Bill and other drone policy measures, was published on 26 July 2018¹⁴ and is open for responses until 17 September 2018.

Laser pointers

7. Laser pointers are small devices which emit a narrow beam of light and which have a variety of professional uses. The devices are relatively cheap and easy to obtain in the UK from shops and online retailers. The Laser Misuse (Vehicles) Act covers all types of lasers and is not dependent on strength.

¹³ <https://www.gov.uk/government/speeches/drones-update-27-november-2017>

¹⁴ <https://www.gov.uk/government/consultations/drone-legislation-use-restrictions-and-enforcement>

Stop and Search Consultation

8. Since 2009 it has been an offence to direct or shine any light at any aircraft in flight so as to dazzle or distract the pilot of the aircraft (article 225 of the Air Navigation Order 2016). Anyone found guilty of this offence is liable to a fine, up to a maximum of £2,500. This year new legislation came into force which covers all modes of transport and provides tougher penalties. Under the Laser Misuse (Vehicles) Act 2018 it is an offence to shine a laser at any vehicles if it dazzles or distracts, or is likely to dazzle or distract, the person in control of the vehicle. It is also an offence to shine a laser at Air Traffic Control. The maximum penalty for these offences is 5 years imprisonment and/or an unlimited fine.
9. The number of recorded incidents of aircraft being targeted by laser pointers in UK airspace has risen in recent years. Back in 2003, there had never been a reported case of a laser being shone at an aircraft. In 2004, there were six reported cases. By 2008, there were 200. Last year, there were nearly a thousand reported incidents.

Table 1: Laser incidents reported to the Civil Aviation Authority

Year	2009	2010	2011	2012	2013	2014	2015
Number of incidents	746	1500	1912	1571	1397	1447	1439

10. The Government is also aware of incidents in which lasers were targeted at other modes of transport. Records from the British Transport Police show that between 1 April 2011 and 31 October 2016, a total of 466 laser incidents were recorded. This equates to approximately 85 incidents per year. We believe these incidents are under-reported since the recording of laser pointer incidents is not currently mandatory. During this period, 32 incidents resulted in an arrest and 29 resulted in a sanction.

Corrosive substances

11. Over the last 18 months, there has been growing concern about the use of acid and other corrosives in violent attacks and the serious harm and life changing injuries that these substances can inflict on victims and survivors. There is also evidence that the number of attacks has been increasing. A voluntary data collection from police forces undertaken by the National Police Chiefs' Council covered a six month period between November 2016 and April 2017 and 39 forces provided returns. This found that there had been 408 cases of attacks using corrosive substances.
12. In response the Home Office hosted a joint event with the National Police Chiefs' Council in July 2017 with medical experts, police officers, retailers and officials from a number of Government departments, to agree what further action can be taken to prevent these kinds of attacks. Following this, a Government action plan was put in place to tackle the use of acid and other corrosives in violent attacks which puts victims and survivors right at the heart of our response.
13. The plan is based on four key strands: ensuring effective support for victims and survivors; effective policing; ensuring that relevant legislation is understood and consistently applied; and working to restrict access to acids and other harmful products.

14. In addition to this, on 9 April, the Government published a new Serious Violence Strategy¹⁵ to take action to address serious violence and, in particular, the recent increases in knife crime, gun crime and homicide. The strategy represents a step change in the way we think and respond to serious violence. There is considerable concern about violent crime following the recent rise in police-recorded knife and firearms offences, and there is concern around the use of acid and other corrosive substances being used as a weapon in attacks to inflict serious harm and life changing injuries. One of the key commitments is a new Offensive Weapons Bill to strengthen the legislation on corrosives substances.
15. As set out in the Government's Serious Violence Strategy, the Home Office has commissioned the Centre for Applied Science and Technology, which has now been integrated with the Defence Science and Technology Laboratory, to examine new methods to support the police in undertaking street based testing for corrosive substances. This will support the police if they suspect an individual is carrying corrosive substances in public, but where the substance has been transferred to a different container.
16. The Government consulted on new legislative measures on offensive and dangerous weapons between October and December 2017. The consultation included a proposal to make it an offence to possess a corrosive substance in a public place. The new proposed offence would place the onus on the person in possession of the corrosive substance in a public place to prove that they had good reason for being in possession of it. It is modelled on the current offence in place under section 139 of the Criminal Justice Act 1988 of having an article with a blade or point in a public place. A summary of the consultation responses received has been published and is available on GOV.UK.¹⁶ There was strong support for this proposal, with 67% of online responses supporting the proposed new offence.
17. On 20 June, the Government introduced the Offensive Weapons Bill¹⁷. The Bill also includes new legislative measures to prohibit the sale and delivery of corrosive products to under-18s and also the delivery of corrosive products to residential premises.
18. The definition of corrosive substances within the Bill for the new possession offence is a substance which is capable of burning human skin by corrosion. This is not about substances which may be irritants or everyday household items such as table vinegar, lemon juice or chilli powder.

Monitoring stop and search

19. The Police and Criminal Evidence Act (PACE) 1984 is an Act of Parliament which instituted a legislative framework for the powers of police officers in England and Wales to combat crime, and provided codes of practice to regulate the use of these powers and protect public rights.
20. PACE Code A is the code of practice for statutory powers of stop and search and

¹⁵ <https://www.gov.uk/government/publications/serious-violence-strategy>

¹⁶ www.gov.uk/government/consultations/offensive-and-dangerous-weapons-new-legislation

¹⁷ https://publications.parliament.uk/pa/bills/cbill/2017-2019/0232/cbill_2017-20190232_en_1.htm

Stop and Search Consultation

details requirements to record public encounters by police officers and staff.

21. Paragraph 4.3 of PACE Code A sets out that police officers and staff are required to record; date and time of the search, the self-defined ethnicity of the person search and the object being searched for.
22. A key part of the Government's reform of the use of stop and search powers is the Best Use of Stop and Search Scheme (BUSSS)¹⁸.
23. Membership of the BUSSS is voluntary and demonstrates to the public that a force is using powers of stop and search fairly, effectively and transparently. Member forces must meet a number of requirements.
24. The extension of stop and search to cover new offences, as in this consultation fall under PACE Code A and the Best Use of Stop and Search Scheme and their requirements for forces to record data. Published data helps forces understand how effectively powers are being used and creates a national picture of the use of stop and search powers.

18

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf

Contact details and how to respond

Please send your response by to: 22 October 2018

Stop and Search Consultation

Police Powers Unit

6th Floor Fry, 2 Marsham Street, SW1P 4DF

Email: stopandsearch123@homeoffice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at <https://www.gov.uk/government/consultations/police-stop-and-search-powers>

Alternative format versions of this publication can be requested by contacting the Home Office (as above)

Publication of response

A paper summarising the responses to this consultation will be published and the response paper will be available online at GOV.UK

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that

Stop and Search Consultation

confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.



© Crown copyright 2018

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at public.enquiries@homeoffice.gsi.gov.uk.