

CHAPTER 3

Police powers

New text to appear after that appearing under the heading: **Power to stop and search for the prevention of terrorism p 44:**

Power to stop and search at aerodromes p 46

Police and Justice Act 2006, s 12 inserted a s 24B into the Aviation Security Act 1982 to permit a constable to search without warrant any person, vehicle or aircraft in an aerodrome, or anything which is in or on such a vehicle or aircraft, for stolen or prohibited articles. Section 24B does not give a constable such a power unless he has reasonable grounds for suspecting that he will find stolen or prohibited articles. For the purposes of carrying out such a search, a constable may enter any part of an aerodrome; detain a person, vehicle or aircraft and board any vehicle or aircraft. He may seize any article which he has reasonable grounds for suspecting to be a stolen or prohibited article.

For the purposes of s 24B a 'prohibited article' is an article:

- (a) made or adapted for use in the course of or in connection with criminal conduct,
or
- (b) intended by the person having it with him for such use by him or some other person.

'Criminal conduct' means conduct which constitutes an offence in the part of the United Kingdom in which the aerodrome is situated, or would constitute an offence in that part of the United Kingdom if it occurred there.

Section 24B does not authorise entry into a dwelling.

Bail elsewhere than at a police station p 72

PACE, s 30A has been amended, and further provision made, by the Police and Justice Act 2006 (P & JA 2006).

Replace the material under this heading with the following:

PACE, s 30A provides that a constable may release on bail a person who has been arrested or taken into custody in the circumstances mentioned in s 30(1) above at any time before he arrives at a police station. Such a person must be required to attend at a police station. Where a constable releases such a person on bail:

- (a) no recognizance for the person's surrender to custody may be taken from the person;
- (b) no security for the person's surrender to custody may be taken from the person or

- from anyone else on the person's behalf;
- (c) the person concerned may not be required to provide a surety or sureties for his surrender to custody; and
- (d) no requirement to reside in a bail hostel may be imposed as a condition of bail.

Subject to (a) to (d) above, a constable may impose, as conditions of bail, requirements which he considers to be necessary:

- (a) to secure that the person surrenders to custody;
- (b) to secure that the person does not commit an offence while on bail;
- (c) to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person;
- (d) for the person's own protection or, if the person is under the age of 17, for the person's own welfare or in the person's own interests.

Where conditions are applied to street bail under s 30A the person released on bail has the right to apply for variation of the conditions to a custody officer and to a magistrates' court. (PACE, s 30CA, CB, added by P & JA 2006).

A notice in writing must be given to such a person by the constable granting bail. The notice must state the offence for which the person bailed was arrested and the ground on which he was arrested. The notice must inform that person that he is required to attend a police station. It may also specify the police station at which he is required to attend, and the time of attendance. Where bail has been granted subject to conditions under s 30A, the above notice must specify the requirements imposed by those conditions; must explain the provisions relating to variation of conditions; and if it does not specify the police station at which the person is required to attend, must specify a police station at which a person may request variation by a custody officer. (If the police station and time of attendance are not stated in the notice referred to above, a further written notice containing that information must be sent later. An amended notice may be sent requiring attendance at a different police station or at a different time.).

The requirement to attend a police station may be cancelled by written notice. If a person is required to attend a non-designated police station he must be released or taken to a designated police station not more than six hours after his arrival. Nothing in the Bail Act 1976 applies to bail under s 30A, nor do the provisions of PACE prevent re-arrest without warrant of a person released on bail under s 30A if new evidence justifying a further arrest has come to light since his release.

A constable may arrest without warrant a person who has been released on bail under s 30A but fails to attend the police station at the appointed time. A person so arrested must be taken to any police station as soon as practicable after the arrest. Such an arrest is treated as an arrest for an offence for the purposes of PACE, s 30 (above) and s 31 (below).

The following should be added to the list of occasions upon which a constable may enter and search any premises.

(h).any of ss 4, 5, 6(1) and (2), 7 and 8(1) and (2) of the Animal Welfare Act 2006 (unnecessary suffering, mutilation, docking of dogs tails, administering poisons and animal fighting). As to these provisions see Chapter 22 below.