

The Law > and YOU

A quick guide to some issues
that might affect young people



Stop and Search

Why is it done?

Stop and Search can help the police detect crime and make communities safer.

- what you are doing
- why you are in an area or where you are going
- what you are carrying

Who can stop you?

- A police officer
- A police community support officer

A police community support officer must be in uniform. A police officer does not have to be in uniform but if they are not, they must show you their identity card.

You should not be stopped and searched just because of:

- your age, race, gender, sexual orientation, disability, religion or faith
- the way you look or dress
- the language you speak
- if you have committed a crime in the past

If you believe you have been stopped or searched for any of these reasons you can complain.

What is a 'stop and search'?

This is when a police officer stops you and searches you, your clothes, and anything you are carrying.

Only a police officer (not a police community support officer) can search you.

You can only be stopped and searched if a police officer has good reason to suspect you are carrying:

- drugs
- weapons
- stolen property
- any items which could be used to commit a crime, an act of terrorism, or to cause criminal damage

This good reason should be based on facts, information or intelligence or could be because of the way you are behaving.

What is a 'stop'?

A 'stop' is when a police officer or police community support officer stops you and asks you to tell them:



There are a few times when police officers can search anyone in a certain area, for example:

- when there is evidence that serious violence could take place there
- if there has been a terrorist threat in a certain area

If this is the reason the officer should explain this to you and must be searching for items which could be used in connection with violence or terrorism.

Where can I be stopped and searched?

- In a public place
- Anywhere if the police believe you have committed a crime

What if I am in a vehicle?

The police can search your vehicle if they have good reason to think it contains:

- stolen goods
- drugs
- weapons

Your right to a form

If you are stopped or searched the officer must fill in a form saying why you were stopped or searched and give you a copy.

Sometimes when a police officer or police community support officer talks to you it will not count as a 'stop'. For example if the officer is:

- looking for witnesses
- asks you for general information about an incident
- is giving you directions

In these situations the officer would not normally fill in a form, but if you want them to do so you can ask for this to happen.

How can I complain?

Stop and search should only be carried out when there are reasonable grounds to do so. You should be treated fairly, politely and with respect at all times and given an explanation for the stop and search. If you are unhappy with how you were treated during a stop and search, you can complain. It will help if you keep hold of the form the police give you.

Greater Manchester's Police and Crime Commissioner, has developed a web app so you can tell them about your experience of being stopped and searched. Their job is to represent you and they are completely independent of Greater Manchester Police. Your personal information will not be shared with the police without your consent but your feedback will be used to improve the services the police provide. The app also has information about your rights.

Access the app by visiting:
www.gmpcc.org.uk/stopandsearch

You can get advice from or complain to:

- a police station
- a Citizen's Advice Bureau
- the Independent Police Complaints Commission
- a solicitor

This is only a guide to stop and search procedures. It does not cover all of the law.



Dispersal Orders

What is a dispersal order?

Dispersal orders are put on certain areas from time to time. If an area has a dispersal order the police are allowed to disperse (move on and separate) groups of two or more people in that area. They can do this if they have reason to believe that the group have or might harass, intimidate, alarm or distress a member of the public.

If you are in a group that is asked to disperse by police it will be an offence for you to go back to that area in the next 24 hours.

Under 16's

If someone under 16 is stopped in the area after 9pm and is not accompanied by an adult, the police can escort them to their home address if they are either:

- at risk or vulnerable because of anti-social behaviour or crime
- causing, or at risk of causing, anti-social behaviour

What happens if someone doesn't move on when a police officer asks them to?

If someone doesn't disperse and they are in an area which has a dispersal order, this is a criminal offence and could result in a fine of up to £5,000 and / or imprisonment for up to three months.

Who decides which area needs a dispersal order?

A senior police officer makes the decision and in Wigan borough this also has to be agreed by a senior member of staff from Wigan Council.

Orders are placed on areas where there are problems with groups causing anti-social behaviour or intimidating others.

The areas could be as small or as large as necessary, as long as there is evidence of anti-social behaviour there.

How long does the order last?

A dispersal order can be placed on an area for up to six months. After that a new order could be put in place if there was still evidence of groups causing anti-social behaviour.



Young People and Possession of Alcohol

Persistently possessing alcohol in a public place

Section 30 of the Policing and Crime Act 2009 gives police officers the power to tackle underage drinking in public places.

This means that being persistently (three or more times in twelve months) in possession of alcohol in a public place is now an offence.

Confiscation of Alcohol from Under 18's

The Confiscation of Alcohol (Young Persons) Act 1997 gives police officers the power to seize alcohol from anybody that they reasonably suspect to be under the age of 18 who is found with alcohol in a public place.

It is a criminal offence for a person to refuse to give up the alcohol when asked to by the police.

Over 18's

It also gives officers the power to seize alcohol from any person aged 18 or over if they believe that all or part of the alcohol is intended to be given to someone aged under 18.

It is a criminal offence for a person to refuse to give up the alcohol when asked to by the police.

Under 16's

Section 29 of the Policing and Crime Act gives police officers an additional power. If a police officer seizes alcohol from somebody that they reasonably believe is under 16 they can take that person home or to another place of safety.

The legal bit

The Policing and Crime Act says: A person under the age of 18 is guilty of an offence if, without reasonable excuse, the person is in possession of alcohol in any relevant place on 3 or more occasions within a period of twelve consecutive months. A relevant place is defined as any public place, or any place to which the person has unlawfully gained access.

This now means that if a young person aged under 18 has alcohol seized from him or her at least three times in twelve months it will be an offence and they could be prosecuted.

What happens if found guilty?

If found guilty they could get a fine of up to £500. They will also have a criminal record.



Illegal Motorbiking

If someone rides a motorbike off-road, they are probably committing an offence and their bike can be seized by police and crushed.

If they are riding a motorbike on a road without the required documents (such as driving licence, MOT certificate or insurance), they are committing an offence. They may be prosecuted and they may have their motorbike seized.

MOTORBIKES CAN BE CRUSHED IF PROOF OF OWNERSHIP AND THE RELEVANT DOCUMENTS ARE NOT PRODUCED WHEN ASKED FOR BY THE POLICE.

The laws behind this

The Police Reform Act 2002 gives police officers and some police community support officers the powers to deal with people who use motorbikes in an anti-social manner, either on or off road. The police officer must have reasonable grounds for believing that a vehicle is being used in a manner which contravenes (breaks the law) section 3 or section 34 of the Road Traffic Act 1998 (careless and inconsiderate driving or prohibited off-road driving)

The Road Traffic Act 1988 provides police with the power to seize motor vehicles used on a road without the required documents.

What riders / drivers MUST have

All drivers / riders must comply with British minimum age requirements: 17 years old for cars and motorbikes and 16 years old for mopeds.

All drivers / riders must have the following:

- Protective head gear when on a motorbike or moped
- Learner plates if your licence is provisional
- Driving licence
- Insurance
- MOT
- Vehicle Excise Duty (Tax)
- Registration plate

To ride a moped learners MUST:

- Be 16 or over
- Have at least a provisional licence
- Complete CBT training

You MUST pass the theory test for motorbikes and then the moped practical test to get your full moped licence.

What to do if you're having a problem with someone using a motorbike illegally

If you are suffering from the actions of irresponsible motorcyclists you should report it to the police by calling **101**

It will help to have as much detail as possible including the location, people responsible and a description of the people and bikes, and of any vehicles being used to transport the motorbikes to the location. The registration number of any vans used to transport motorbikes to the location is very useful to police to help them get a successful prosecution.

