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Rt Hon Yvette Cooper MP  
Home Affairs Committee  
Committee Office, House of Commons  
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Dear Yvette,

20 February 2019

## **GOVERNMENT RESPONSE TO THE PUBLIC CONSULTATION ON EXTENDING STOP AND SEARCH POWERS TO COVER CORROSIVE SUBSTANCES, DRONES AND LASER POINTERS**

As chair of the Home Affairs Select Committee, I am writing to inform you that today the Home Office published the Government response to the recent public consultation that proposed extending the power of 'reasonable grounds' stop and search under section 1 of the Police and Criminal Evidence Act 1984 to cover: the proposed offence of carrying a corrosive substance in public under the Offensive Weapons Bill; the misuse of laser pointers to commit offences under the Laser Misuse (Vehicle) Act 2018; and the misuse of drones to commit offences under the Air Navigation Order 2016 and the Prisons Act 1952.

Stop and search 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. The use of stop and search, when proportionate, lawful, and intelligence-led, 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.

Following careful consideration of the responses we received to the consultation, a summary in relation to the proposals is set out below.

### Corrosive substances

The Offensive Weapons Bill, which is currently before Parliament, will introduce the offence of possession of a corrosive substance in a public place. This new offence will strengthen the powers available to the police to take action to prevent attacks using corrosive substances. Whilst it is already possible to stop and search a person when there is suspicion someone possesses an offensive weapon, which could include a corrosive substance in certain circumstances, there can be difficulties in establishing an offensive intent. Responses to the consultation were strongly supportive of the view that extending stop and search to cover the possession of a corrosive substance in a public place would be effective and proportionate.

The Government will therefore take this proposal forward. The Offensive Weapons Bill already includes the necessary legislative provisions to extend stop and search powers in this way in relation to corrosive substances in England and Wales. These provisions shall remain unamended.

### Drones

As part of the consultation process, a new stop and search power was considered which 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, to commit offences under the Air Navigation Order 2016 and offences under the Prison Act 1952.

Broadly, responses to the consultation were not supportive of the proposed new stop and search power. However, since the consultation concluded, the misuse of drones has caused significant disruption to Gatwick airport operations. This disruption affected tens of thousands of passengers in the run up to Christmas and was a stark example of why continued action is required to make sure drones are used safely and securely in the UK. This unprecedented incident has informed the Government's proposed next steps in this area.

Following the incident at Gatwick Airport, the Government has been working closely with the police to examine whether they have the necessary powers to respond should the misuse of a drone cause widespread disruption to the operation of an aerodrome. The police have been clear that in certain circumstances, a power to stop and search a person in relation to offences concerning flying a drone within the restriction zone of a licensed aerodrome would enhance their ability to respond should a similar situation arise in the future. We consider such a power to be proportionate and beneficial in enabling the police to tackle incidents causing widespread disruption to the operation of aerodromes and the Government will continue to work with the police to define the detailed scope of this power.

In addition, the Government is working closely with the police to examine whether they have the appropriate powers to respond effectively to other offences, including around prisons, that might be committed using a drone. If this work reveals further meaningful operational gaps, the Government will take further legislative action.

### Laser pointers

Lasers have become a growing concern, particularly near airports where they can dazzle and distract both pilots and air traffic controllers. These attacks can have very serious, potentially fatal consequences. This is why the Government passed legislation on this issue and offenders now face tough penalties for endangering the lives of others.

Having reviewed the consultation responses, the Government recognises that there are mixed views as to whether extending stop and search powers in relation to this offence is necessary. We hope that existing measures will act as a deterrent against the misuse of lasers, but it is important that the police have the powers they require to enforce these new offences. As this new law only came into force last July, we will continue to monitor the situation carefully and engage the police to further understand their operational requirements – to ensure the law can be enforced and the travelling public are protected from laser attacks. We will keep the proposal under review to allow for this.

A copy of this letter and the Government Response to the public consultation will be placed in the House Library.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Javid', with a small comma at the end.

**Rt Hon Sajid Javid MP**