



Bar Council response to the Home Office consultation on Stop and Search

1. This is the response of the General Council of the Bar of England and Wales (the Bar Council) to the Home Office consultation “Stop and Search: Extending police powers to cover offences relating to unmanned aircraft (drones), laser pointers and corrosive substances”¹.
2. The Bar Council represents over 16,500 barristers in England and Wales. It promotes the Bar’s high quality specialist advocacy and advisory services; fair access to justice for all; the highest standards of ethics, equality and diversity across the profession; and the development of business opportunities for barristers at home and abroad.
3. A strong and independent Bar exists to serve the public and is crucial to the administration of justice. As specialist, independent advocates, barristers enable people to uphold their legal rights and duties, often acting on behalf of the most vulnerable members of society. The Bar makes a vital contribution to the efficient operation of criminal and civil courts. It provides a pool of talented men and women from increasingly diverse backgrounds from which a significant proportion of the judiciary is drawn, on whose independence the Rule of Law and our democratic way of life depend. The Bar Council is the Approved Regulator for the Bar of England and Wales. It discharges its regulatory functions through the independent Bar Standards Board.

Format of this response

4. The consultation culminates in a questionnaire which contains four questions, with various sub-questions, and takes the form of a series of tick boxes. Given the nature of our views on the consultation, and our general practice, we have considered it more appropriate to give a short narrative approach.

¹ [Home Office \(2018\) Police stop and search powers](#)

The response

5. The consultation paper is commendably brief and focused. The purpose of the proposed extension of powers is a laudable one, directed as it is to the protection of the public from the risk of harm caused by the use of drones, laser pointers and corrosive substances.

6. There is scope for argument as to whether existing powers (for example in relation to possession of offensive weapons) may be broad enough to capture some of the behaviour in question. However, we acknowledge that in some cases existing powers will not be sufficient to enable the police to react to information about actual or potential offences involving drones etc., and we can see the force in the granting of bespoke powers which are targeted at the specific behaviour under consideration here.

7. Accordingly, subject to the slight caveat expressed above, we agree that the new powers are: necessary for the prevention and investigation of criminal activity; proportionate to the potential harm under consideration; and – if properly deployed – are likely to be effective in disrupting, deterring and gathering evidence of crimes involving drones, laser pointers and corrosive substances.

Bar Council²

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² Prepared by the Law Reform Committee for the Bar Council