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STREET-LAWYER UK

“The ‘Police-Auditors’ Pocket Guide to UK Street Law”

Know Your Rights On The Street

In-depth analysis of on-street legal scenarios, associated legislation, and individual rights when dealing with the police.

(England & Wales)

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THE ‘POLICE-AUDITORS’ POCKET GUIDE TO UK STREET LAW

Know Your Rights On The Street

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Important: This handbook is for general educational purposes only and does not constitute legal advice. Laws change and individual circumstances vary. If you are facing a legal issue, consult a qualified solicitor.

BEFORE YOU BEGIN

A One-Off Payment — Yours, Updated For Life

This free sample is a single chapter. The full handbook covers every on-street scenario citizens face with the police in plain English — and it comes with the promise below.

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FOREWORD

Policing By Consent — Not By Authority

In the UK, police do not hold any natural or inherent authority over us. Their power is derived entirely from **legislation and common law**, and is exercised on the principle of **POLICING BY CONSENT, NOT BY AUTHORITY** — a foundation of British policing rooted in the 1829 Peel Principles. This means police maintain order through the approval, respect and cooperation of the public, not through coercion alone. Every power they use — from stopping us on the street to searching our property — must be grounded in specific legal provisions.

Yet every day, people comply with demands that have no legal basis — simply because we don't know our rights. Officers overreach, exaggerate powers, misuse legislation, and rely on public ignorance to go unchallenged. The imbalance of power on our streets is real: when the average citizen doesn't know their legal rights, and police on the street too often misunderstand or misapply the very legislation we rely on, rights that exist on paper disappear in practice.

That is precisely why it is so important for ordinary people to know the law for themselves — because we cannot depend on the person using it against us to get it right. With public trust in policing at an all-time low, the need to understand the law as it is directly applied to us on the streets has never been greater.

The author has viewed hundreds of hours of on-street police encounters with the public, and the carefully chosen scenarios and associated legislation breakdowns are the most predominant ones citizens face prior to any arrest. This handbook covers mainstream and lesser-known legislation regularly used — and misused — on the public to confuse and to force compliance without any legal basis.

Know more than the Copper stopping you!

If you don't know your rights on the street, you lose them. Street-Lawyer UK exists to make sure that doesn't happen.

— Street-Lawyer UK

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CHAPTER 01

Stop and Account

Do I have to talk to the police? · A voluntary encounter, not a detention.

Legal Details | Handle It | Misuses | Say This | Q & A | Resources

Colour key: blue = legal & how to handle · orange = misuses · red = say this · purple = Q&A · teal = resources. Tap any coloured chip above to jump straight to that section.

★ PRIMARY SOURCE & ACKNOWLEDGEMENT

This chapter draws on published legal commentary, casework and advocacy materials from Liberty Human Rights and HNK Solicitors. We gratefully acknowledge their pro-bono dissemination of these legal principles. Statute and case law are reproduced under the Open Government Licence v3.0.

TYPE	**Voluntary encounter**
LEGAL DUTY TO ANSWER	**None**
STATUTORY POWER	**None — no Act compels it**
GOVERNING AUTHORITY	**Rice v Connolly [1966] · HRA 1998 arts. 5 & 8**

A Stop and Account is one of the most misunderstood encounters between police and the public. Officers approach, ask where you're going, what you're doing, or for your name. There is **no statutory power** behind any of it. It is a voluntary conversation — the same legal footing as a passer-by stopping you in the street. You can keep walking. You can stay silent. You can ask for their details and film them. The only ground rule is to be calm, polite, and absolutely clear about your status: **am I being detained, or am I free to go?**

Where The Law Stands

There is **no statutory power** for ‘stop and account.’ It is entirely voluntary. The leading authority is a Court of Appeal decision from 1966 — still good law, still relied on every day in UK courts.

THE CONTROLLING AUTHORITY

> *“Although every citizen has a moral or social duty to assist the police, there is no legal duty to do so.”*
>
> **— Rice v Connolly [1966] 2 QB 414**

THE STATUTORY POSITION

You have no legal duty to provide your name, address, or to answer questions unless lawfully arrested or a specific statutory power applies. The only general power compelling identification is **s.50 Police Reform Act 2002** — and that requires the officer to have reason to believe you are engaged in anti-social behaviour. Routine ‘where are you going?’ questions are not s.50.

YOUR HUMAN RIGHTS PROTECTION

Article 8 of the Human Rights Act 1998 protects your right to private life. **Article 5** protects against arbitrary detention. An officer who blocks your path without lawful authority engages both.

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Key Legal Requirements

- **GOLDEN RULES FOR ANY POLICE ENCOUNTER:** (1) Stay calm, be polite, know your rights. (2) ALWAYS film the interaction if safe. (3) ALWAYS get officer details: name, collar number, station.
- You are either DETAINED or FREE TO GO - there is no middle ground. Ask to clarify your status.
- If DETAINED: Officers MUST clearly state the specific legislation under which you are being detained.
- If officers are holding you, blocking your path, or preventing you from leaving - this could still be considered DETENTION even if they haven't said so. The leading authorities are CASE LAW: see *Collins v Wilcock* [1984] 1 WLR 1172 (any unwanted physical contact by a police officer without lawful authority — for example placing a hand on your arm to detain you — is a battery) and *Walker v Commissioner of Police of the Metropolis* [2014] EWCA Civ 897 (an officer briefly stepping in front of someone and physically blocking their path is a FALSE IMPRISONMENT, because there was no lawful power to detain — no touching is required, the deprivation of liberty alone is enough).
- **CASE LAW — TECHNICAL / DE FACTO DETENTION:** You do not need to be told you are 'detained' or 'arrested' for the courts to treat what is happening to you as a detention. If an officer physically blocks your path, places a hand on you, stands so close that a reasonable person would not feel free to leave, or otherwise prevents you from going about your business — without first identifying a lawful power of detention — that is unlawful detention as a matter of law. *Collins v Wilcock and Walker v Commissioner of Police of the Metropolis are the authorities you can name on the street. Practical effect*: politely state on camera 'You are physically preventing me from leaving — am I being detained, and if so under what power?' If they cannot articulate a power, the unlawful detention starts in that moment and damages can flow.
- You are NOT legally required to answer ANY questions if you are free to go.
- You are NOT required to give your name, address, or date of birth.

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- You are NOT required to explain where you're going or what you're doing.
- Police Code of Practice states officers MUST inform you if they are recording you on body-worn cameras.
- Body-worn camera footage can be requested through a Subject Access Request (SAR) - act quickly as footage is often deleted after 31 days.
- You CAN film the entire interaction - this is legal and recommended.YOUR NAME AND DETAILS: You are NOT legally required to provide your name, address, or any personal details during a stop and account. The ONLY circumstance where you must give your name and address is under Section 50 of the Police Reform Act 2002, which applies when an officer has reason to believe you are engaged in anti-social behaviour — not during a routine stop and account.
- **ON ARREST AND IN CUSTODY:** You are NOT legally obliged to provide your personal details on arrest or while in police custody. However, refusing to do so can delay your release. Police can hold you for up to 24 hours (extendable in certain circumstances). You are only legally REQUIRED to give your details if and when you appear in court — failure to do so at court is a criminal offence.

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Common Misuses and Misapplications

- Implying you must answer: Officers suggesting 'it'll be easier if you cooperate' - you have no obligation to make their job easier.
- Claiming 'suspicion' without details: Vague claims of suspicion don't create legal obligations.
- Blocking your path: If they physically prevent you leaving without citing a power, this may be unlawful detention.
- Not informing you of body-worn camera recording - this breaches Police Code of Practice.

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How to Handle It

1. Stay calm, be polite, know your rights.
2. ALWAYS film the interaction if it is safe to do so - this is your best evidence.
3. ALWAYS ask officers to verbalise their NAME, COLLAR NUMBER, and STATION they are attached to.
4. Ask clearly: 'Am I being detained or am I free to go?'
5. If FREE TO GO: You can walk away immediately and are not required to engage in any way whatsoever.
6. If they say you're DETAINED: Ask 'Under what specific legislation am I being detained?'
7. Do not answer questions - silence is your right.
8. Ask: 'Is your body-worn camera recording?' - they must inform you.

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Say This

Suggested phrases — not a script. These are wording you can choose to use calmly to assert your rights. They are not a substitute for a solicitor. If you are arrested or formally interviewed, always request the duty solicitor (it is free) before answering questions.

- **"I do not answer questions."**
- **"I do not discuss my day or where I am going."**
- **"Am I being detained, or am I free to go?."**
- **"I am happy to answer that question if you can tell me the legislation that requires me to."**
- **"I do not consent to a search."**
- **"I am exercising my right to silence under *Rice v Connolly* [1966]."**
- **"I do not answer personal questions."**
- **"Under what legislation am I being detained?."**
- **"I am exercising my right to silence — no adverse inference can be drawn from that at this stage."**
- **"Is that a question or a statement?" (for example if the police say 'This is very suspicious behaviour and you shouldn't be doing that should you?').**
- **"I don't think you have mate." (for example if the police say they have already explained the grounds or legislation).**

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Common Questions

Do I have to answer police questions during stop and account?

No. You have no legal obligation to answer any questions during a stop and account. This is a completely voluntary encounter and you can walk away at any time unless formally detained.

Can I walk away if I'm not being detained?

Yes. If you are not being detained under a specific legal power, you are FREE TO GO and can leave immediately without any explanation or engagement whatsoever. Simply ask 'Am I detained or free to go?' - if free to go, walk away.

What if they surround me or block my path?

If officers physically prevent you from leaving without citing a lawful power of detention, this may constitute unlawful detention. Two key cases set the standard: *Collins v Wilcock* [1984] 1 WLR 1172 — any unwanted physical contact by an officer without lawful authority (e.g. taking hold of your arm to detain you) is a BATTERY; and *Walker v Commissioner of Police of the Metropolis* [2014] EWCA Civ 897 — an officer stepping in front of a person and blocking their path with no power to detain is a FALSE IMPRISONMENT (no touching required — the deprivation of liberty alone makes it actionable). Calmly ask 'Under what power am I being detained?' Note the officers' details and film if safe to do so. If they cannot articulate a power, the unlawful detention begins at that point.

Do police have to tell me if they're recording?

Yes. Police Code of Practice requires officers to inform you if they are recording on body-worn cameras. If they don't tell you, ask directly: 'Is your body-worn camera recording?' You can request this footage later through a Subject Access Request (SAR).

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Sources & Further Reading

◆ **COMMENTARY & CASEWORK**

Liberty - Stop and Search Rights - Link
https://www.libertyhumanrights.org.uk/advice_information/stop-and-search/

ICO - Subject Access Requests - Link
https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/

CPS - Crown Prosecution Service
https://www.cps.gov.uk/about-cps

HNK Solicitors - Do You Have to Tell Police Your Name?
https://hnksolicitors.com/news/do-you-have-to-tell-police-your-name/

Collins v Wilcock [1984] 1 WLR 1172 - Ipsa Loquitur Case Summary
https://ipsaloquitur.com/tort-law/cases/collins-v-wilcock/

Walker v Commissioner of Police of the Metropolis [2014] EWCA Civ 897 - Ipsa Loquitur Case Summary
https://ipsaloquitur.com/tort-law/cases/walker-v-commissioner-police-metropolis/

Metropolitan Police - Photography Advice
https://www.met.police.uk/advice/advice-and-information/ph/photography-advice/

Metropolitan Police - Stop & Search Q&A;
https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/policies/stop-search-questions-answers

◆ **OFFICIAL & PRIMARY MATERIALS**

› **Human Rights Act 1998 - Link**

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— End of sample —

The full handbook contains in-depth chapters covering the on-street legal scenarios citizens face when dealing with the police — providing instant legal street-cred to all aspiring street-lawyers!

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