Draft Order laid before Parliament under section 67(7A) of the Police and Criminal Evidence Act 1984, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) Order 2008

Made - - - -

Coming into force - - 1st February 2008

The Secretary of State:

(1) has, in pursuance of sections 60(1)(a) and 66(1)(a) to (d) of the Police and Criminal Evidence Act 1984(**a**) ("the Act"), issued codes of practice in connection with the:

(a) exercise by police officers of statutory powers of stop and search;

(b) searching of premises by police officers and the seizure of property found by police officers on persons or premises;

(c) detention, treatment and questioning of persons by police officers;

(d) identification of persons by police officers; and

(e) tape recording of interviews with suspects;

(2) may, under section 67(2)(**b**) of the Act, revise the whole or any part of a code;

(3) has consulted in accordance with section 67(4) of the Act; and

(4) has, in accordance with section 67(7B) of the Act, laid each revised code of practice before Parliament;

And a draft of this Order has been laid before Parliament and has been approved by each House of Parliament in accordance with section 67(7A) of the Act;

The Secretary of State, in exercise of the powers conferred upon her by section 67(5) of the Act, makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) Order 2008 and shall come into force on 1st February 2008.

(**a**) 1984 c.60.
(**b**) Section 67(1) to (7D) was substituted by section 11 of the Criminal Justice Act 2003 (c.44).

Revision of codes of practice

2. The revised codes of practice laid before Parliament on 12th December 2007 in connection with the matters referred to in—

(a) section 60(1)(a) of the Act (tape recording of interviews with suspects – Code E);

(b) section 66(1)(a) of the Act (exercise by police officers of statutory powers of stop and search – Code A)(**a**);

(c) section 66(1)(b) of the Act—

(i) (detention, treatment and questioning of persons by police officers – Code C); and

(ii) (identification of persons by police officers – Code D);

(d) section 66(1)(c) and (d) of the Act (searching of premises by police officers and the seizure of property found by police officers on persons or premises – Code B);

shall come into operation on 1st February 2008.

Home Office
2008

Minister of State

(**a**) Section 66 is numbered as such by virtue of section 57(1) and (4) of the Criminal Justice and Court Services Act 2000, section 66(1)(a)(i) was amended by sections 110(3)(a), 174(2) and Schedule 17, Part 2 of the Serious Organised Crime and Police Act 2005 (c.15) and section 66(1)(a)(iii) was amended by section 110(3)(b) of the Serious Organised Crime and Police Act 2003.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st February 2008 as the date on which revised codes of practice under sections 60(1)(a) and 66(1)(a) to (d) of the Police and Criminal Evidence Act 1984 ("the Act") will come into operation, superseding the existing codes of practice issued under those sections.

The changes primarily clarify stop and search powers under section 1(9) of the Act, implement Lord Carter's review of legal aid procurement (published on 13th July 2006 which can be found at http://www.legalaidprocurementreview.gov.uk/index.htm), enable the police to caution suspects in Welsh where appropriate and enable the audio recording of interviews on secure digital network to be piloted. They also reflect other minor legislative changes and make other minor corrections to the previous code of practice.

The codes of practice are published by the Stationery Office and copies may be obtained from its bookshops. The changes contained in this Order will be notified to the Stationery Office and an addendum provided to the version of codes B, D and E published on 1st January 2006, to the version of code A published on 31st August 2006 and to the version of code C published on 25th July 2006. The revised codes of practice will also be available on the Home Office website.

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£3.00

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E1701 12/2007 171701T 19585