STATUTORY INSTRUMENTS

2025 No. 300

AGRICULTURE, ENGLAND AND WALES

FOOD, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 and the Criminal Justice and Public Order Act 1994 (Application to Food Crime Officers) Regulations 2025

Made - - - -	*7th March 2025*
Laid before Parliament	*10th March 2025*
Coming into force	*1st May 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 114C(1), (2), (4) and (6) of the Police and Criminal Evidence Act 1984(**a**) and section 39A(1), (2), and (5) of the Criminal Justice and Public Order Act 1994(**b**).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Police and Criminal Evidence Act 1984 and the Criminal Justice and Public Order Act 1994 (Application to Food Crime Officers) Regulations 2025 and come into force on 1st May 2025.

(2) These Regulations extend to England and Wales.

(3) In these Regulations—

"applicable provision" means a provision of PACE or CJPOA that is applied by these Regulations, with or without modifications;

"CJPOA" means the Criminal Justice and Public Order Act 1994;

"PACE" means the Police and Criminal Evidence Act 1984.

Application of PACE

2.—(1) The following provisions of PACE apply, in relation to the conduct by food crime officers(**c**) of investigations of offences, as they apply in relation to the conduct by police officers of investigations of offences, with the modifications set out in regulations 3 to 6—

(**a**) 1984 c. 60 ("PACE"). Section 114C was inserted by section 54 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).
(**b**) 1994 c. 33 ("CJPOA"). Section 39A was inserted by section 54 of the Police, Crime, Sentencing and Courts Act 2022.
(**c**) "Food crime officer" is defined in section 114C(3) of PACE and in section 39A(7) of CJPOA.

(a) section 8(1) to (5) (power of justice of the peace to authorise entry and search of premises)(**a**);

(b) section 9(1) (special provisions as to access)(**b**);

(c) section 15 (search warrants—safeguards)(**c**);

(d) section 16 (execution of warrants)(**d**);

(e) section 18 (entry and search after arrest)(**e**);

(f) section 19 (general power of seizure etc.)(**f**);

(g) section 20 (extension of powers of seizure to computerised information)(**g**);

(h) section 21 (access and copying)(**h**);

(i) section 22(1) to (5) and (7) (retention)(**i**);

(j) section 39 (responsibilities in relation to persons detained)(**j**); and

(k) Schedule 1 (special procedure)(**k**).

(2) In those provisions each reference to an offence includes an offence committed, or suspected of having been committed, before the coming into force of these Regulations or of section 114C of PACE.

General modification of the applicable provisions of PACE

3. Each reference to—

(a) "constable"—

(i) in sections 8(1), (2) and (3)(d), 9(1), 15, 16, 21(1), (3)(a), (5) and (9) of, and Schedule 1 to, PACE, is to be read as including a reference to a "food crime officer"; and

(ii) in the other applicable provisions of PACE, is to be read as a reference to a "food crime officer";

(b) an "offence", or an "indictable offence", in an applicable provision of PACE, is to be read as an offence investigated by a food crime officer; and

(c) "investigation", in an applicable provision of PACE, is to be read as a reference to an investigation carried out by a food crime officer.

(**a**) Section 8 of PACE was amended by sections 113 and 114 of, and paragraph 43 of Schedule 7 to, the Serious Organised Crime and Police Act 2005 (c. 15) ("SOCPA 2005"). There are other amendments to section 8, but these are not relevant to this instrument.

(**b**) There are amendments to section 9 of PACE, but these are not relevant to this instrument.

(**c**) Section 15 of PACE was amended by: sections 113 and 114 of, and Part 2 of Schedule 17 to, the SOCPA 2005 and S.I. 2005/3496.

(**d**) Section 16 of PACE was amended by: paragraph 281 of Schedule 8 to the Courts Act 2003 (c. 39); section 2 of the Criminal Justice Act 2003 (c. 44) ("CJA 2003"); sections 113 and 114 of the SOCPA 2005; and section 44 of the Immigration Act 2016 (c. 19); and S.I. 2005/3496.

(**e**) Section 18 of PACE was amended by paragraph 2 of Schedule 1 to the CJA 2003; paragraph 43 of Schedule 7 to the SOCPA 2005; and section 53 of the Policing and Crime Act 2017 (c. 3) ("PCA 2017").

(**f**) Section 19 of PACE was amended by paragraph 13 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16) ("CJPA 2001").

(**g**) Section 20 of PACE was amended by paragraph 13 of Schedule 2 to the CJPA 2001.

(**h**) Section 21 of PACE was amended by paragraph 3 of Schedule 1 to the CJA 2003. Section 20 of the PCA 2017 makes provision to insert a subsection (10) into section 21 of PACE, but that amendment is not yet in force (and, accordingly, prospective subsection (10) is not relevant for the purposes of the application and modification of section 21 of PACE by this instrument).

(**i**) Section 22(7) of PACE was amended by paragraph 4 of Schedule 1 to the CJA 2003. There is another amendment, but it is not relevant to this instrument.

(**j**) Section 39 of PACE was amended by: paragraph 54 of Schedule 13 and paragraph 1 of Schedule 15 to the Children Act 1989 (c. 41); paragraph 123 of Schedule 7 and Part 13 of Schedule 8 to the Policing and Crime Act 2009 (c. 26); and section 75 of the PCA 2017.

(**k**) Schedule 1 to PACE was amended by: paragraph 14 of Schedule 2 to the CJPA 2001; section 113 of, and paragraph 43 of Schedule 7 and Part 2 of Schedule 17 to, the SOCPA 2005; paragraph 11 of Schedule 2 to the Armed Forces Act 2011 (c. 18); and section 82 of the Deregulation Act 2015 (c. 20). It is also to be amended by paragraph 6 of Schedule 4 to the Courts Act 2003 (c. 39), but that amendment is not yet in force.

Modification of section 16 of PACE

4. Section 16(5)(a) of PACE is to be read as if ", if not in uniform," were omitted.

Modification of section 21 of PACE

5. Section 21 of PACE is to be read as if—

(a) in subsection (2), after "The officer" there were inserted "or food crime officer";

(b) each reference in subsections (3), (4) and (8) to "the officer" were a reference to "the food crime officer"; and

(c) in subsection (3)(b), the reference to "the police" were a reference to the Food Standards Agency.

Modification of section 39 of PACE

6. Section 39 of PACE is to be read as if—

(a) in subsection (2)(a), after "another police officer" there were inserted "or a food crime officer";

(b) the reference in subsection (3) to "the officer" were a reference to "the food crime officer";

(c) in subsection (3A)—

(i) the reference to "an officer" includes a food crime officer; and

(ii) for the words "another police officer" there were substituted "a food crime officer";

(d) each reference in subsection (3B) to "officer" were a reference to "food crime officer";

(e) each reference in subsection (3C) to "the officer" were a reference to "the food crime officer";

(f) in subsection (3E)—

(i) for "the officer" in the first place it occurs, there were substituted "the food crime officer"; and

(ii) after "any legal representative of that person and the officer" there were inserted "or food crime officer".

Application of CJPOA

7. The following provisions of CJPOA apply, with the modifications set out in regulations 8 to 10, in relation to a food crime officer as they apply to a constable—

(a) section 36(1) to (4A), (6) and (7) (effect of accused's failure or refusal to account for objects, substances or marks); and

(b) section 37(1) to (3A), (5) and (6) (effect of accused's failure or refusal to account for presence at a particular place)(**a**).

General modification of the applicable provisions of CJPOA

8. Each reference to an "offence" in the applicable provisions of CJPOA is to be read as an offence investigated by a food crime officer.

(**a**) Sections 36 and 37 of CJPOA were amended by: Schedule 5 to the Criminal Procedure and Investigations Act 1996 (c. 25); section 58 of the Youth Justice and Criminal Evidence Act 1999 (c. 23); paragraph 64 of Schedule 3 and part 4 of Schedule 37 to the CJA 2003; and S.I. 1997/16.

Modification of section 36 of CJPOA

9. Section 36 of CJPOA is to be read as if—

(a) in subsection (1)(b), after "constable", in the first place it occurs, there were inserted "or a food crime officer"; and

(b) in subsections (1)(c) and (4) the reference to "constable" includes a "food crime officer".

Modification of section 37 of CJPOA

10. Section 37 of CJPOA is to be read as if—

(a) in subsection (1)(b), after "constable" there were inserted "or a food crime officer"; and

(b) in subsections (1)(c) and (3) the reference to "constable" includes a "food crime officer".

Signed by authority of the Secretary of State for Health and Social Care

Ashley Dalton
Parliamentary Under Secretary of State
Department of Health and Social Care

7th March 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply certain provisions of the Police and Criminal Evidence Act 1984 (c. 60) ("PACE") to investigations undertaken by food crime officers (as defined in section 114C(3) of PACE).

Regulation 2 applies certain provisions of PACE to food crime officers, with the modifications set out in regulations 3 to 6.

Regulation 7 applies certain provisions of the Criminal Justice and Public Order Act 1994 (c. 33) to food crime officers, with the modifications set out in regulations 8 to 10.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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