STATUTORY INSTRUMENTS

2026 No. 303

EMPLOYMENT, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Application to Enforcement Officers) Regulations 2026

Made - - - -	*16th March 2026*
Laid before Parliament	*17th March 2026*
Coming into force - -	*7th April 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 114B(1), (2), (5) and (7)(c) of the Police and Criminal Evidence Act 1984(**a**).

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Police and Criminal Evidence Act 1984 (Application to Enforcement Officers) Regulations 2026 and come into force on 7th April 2026.

(2) In these Regulations, "PACE" means the Police and Criminal Evidence Act 1984.

(3) These Regulations extend to England and Wales only.

Revocation

2. The Police and Criminal Evidence Act 1984 (Application to Labour Abuse Prevention Officers) Regulations 2017(**b**) are revoked.

Application of PACE

3.—(1) The provisions of PACE set out in regulation 4 apply in relation to investigations of labour market offences(**c**) conducted by enforcement officers(**d**) as they apply in relation to investigations of offences by police officers.

(2) Those provisions apply with the modifications specified in the Schedule.

Applicable provisions of PACE

4. The provisions of PACE which apply for the purposes of regulation 3(1) are—

(**a**) 1984 c. 60; section 114B was inserted by section 12(1) of the Immigration Act 2016 (c. 19) and amended by paragraph 63 of Schedule 10 to the Employment Rights Act 2025 (c. 36).
(**b**) S.I. 2017/520.
(**c**) "Labour market offence" is defined in section 114B(11) of the Police and Criminal Evidence Act 1984 by reference to Part 5 of the Employment Rights Act 2025 (see section 151(1) of that Act).
(**d**) "Enforcement officer" is defined in section 114B(11) of the Police and Criminal Evidence Act 1984 by reference to section 90(3) of the Employment Rights Act 2025.

(a) section 1(1) to (3) and (6) (power of constable to stop and search persons, vehicles etc.)(**a**);

(b) section 2(1) to (3), (8) and (9) (provisions relating to search under section 1 and other powers);

(c) section 3(1), (2), (6), (6A), (7) and (9) (duty to make records concerning searches)(**b**);

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

(e) section 9(1) and Schedule 1 (special provisions as to access)(**d**);

(f) section 15 (search warrants - safeguards)(**e**);

(g) section 16 (execution of warrants)(**f**);

(h) section 17(1)(a)(i) and (b), (2) and (4) (entry for purpose of arrest etc.)(**g**);

(i) section 18 (entry and search after arrest)(**h**);

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

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

(l) section 21(1) to (9) (access and copying)(**k**);

(m) section 22(1), (2)(a), (3), (4) and (7) (retention)(**l**);

(n) section 24(1)(b) and (d), (2) to (4) and (5)(a), (b), (c)(i) to (iii), (d), (e) and (f) (arrest without warrant: constables)(**m**);

(o) section 28 (information to be given on arrest);

(p) section 29 (voluntary attendance at police station etc.);

(q) section 30(1)(a), (1A), (1B) and (7) to (11) (arrest elsewhere than at police station)(**n**);

(r) section 32(1) to (9) (search upon arrest)(**o**);

(**a**) Section 1 of PACE was amended by section 140 of the Criminal Justice Act 1988 (c. 33); section 115 of the Serious Organised Crime and Police Act 2005 (c. 15) ("the SOCPA 2005") and section 10 of the Offensive Weapons Act 2019 (c. 17). Other amendments are not relevant to these Regulations.

(**b**) Section 3 of PACE was amended by section 1 of the Crime and Security Act 2010 (c. 17).

(**c**) Section 8 of PACE was amended by sections 113 and 114 of, and paragraph 43 of Schedule 7 to, the SOCPA 2005. Other amendments are not relevant to these Regulations.

(**d**) Amendments to section 9 of PACE are not relevant to these Regulations. Schedule 1 to PACE was amended by paragraph 14 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16) ("the CJPA 2001"); section 113 of, paragraph 43 of Schedule 7 to, 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). Schedule 1 to PACE was also amended by paragraph 6 of Schedule 4 to the Courts Act 2003 (c. 39) and section 114 of the SOCPA.

(**e**) 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.

(**f**) Section 16 of PACE was amended by paragraph 281 of Schedule 8 to the Courts Act 2003; section 2 of the Criminal Justice Act 2003 (c. 44) ("the CJA 2003"); sections 113 and 114 of the SOCPA 2005; S.I. 2005/3496 and section 44(7) of the Immigration Act 2016.

(**g**) Section 17(1)(b) of PACE was amended by paragraph 43 of Schedule 7 to the SOCPA 2005. Other amendments to section 17 are not relevant to these Regulations.

(**h**) Section 18 of PACE was amended by paragraphs 1 and 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) ("the PCA 2017").

(**i**) Section 19 of PACE was amended by paragraph 13 of Schedule 2 to the CJPA 2001.

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

(**k**) Section 21 of PACE was amended by paragraphs 1 and 3 of Schedule 1 to the CJA 2003.

(**l**) Section 22(7) of PACE was inserted by paragraphs 1 and 4 of Schedule 1 to the CJA 2003. Other amendments to section 22 are not relevant to these Regulations.

(**m**) Section 24 of PACE was substituted by section 110 of the SOCPA 2005.

(**n**) Section 30 of PACE was amended by section 4 of the CJA 2003 and section 53 of the PCA 2017. Other amendments are not relevant to these Regulations.

(**o**) Section 32 of PACE was amended by section 59 of the Criminal Justice and Public Order Act 1994 (c. 33) (the "CJPOA 1994") and paragraph 43 of Schedule 7 to the SOCPA 2005. Other amendments are not relevant to these Regulations.

(s) section 43 (warrants of further detention)(**a**);

(t) section 44 (extension of warrants of further detention)(**b**);

(u) section 77 (confessions by mentally handicapped persons)(**c**);

(v) section 117 (power of constable to use reasonable force); and

(w) sections 10 to 14, 23, 82 and 118 (interpretation provisions)(**d**), to the extent relevant to the sections listed above in paragraphs (a) to (v).

Transitional provision

5. Until section 20(2) of the Policing and Crime Act 2017(**e**) comes into force, regulation 4(l) is to be read as if for "section 21(1) to (9)" there were substituted "section 21".

Kate Dearden
Parliamentary Under-Secretary of State
Department for Business and Trade

16th March 2026

(**a**) Section 43 of PACE was amended by section 29 of the CJPOA 1994, paragraph 43 of Schedule 7 to the SOCPA 2005; sections 57, 65 and 67 of the PCA 2017 and paragraph 10 of Schedule 4 to the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

(**b**) Section 44 of PACE was amended by sections 57 and 67 of the PCA 2017 and paragraph 11 of Schedule 4 to the Police, Crime, Sentencing and Courts Act 2022.

(**c**) Section 77 of PACE was amended by paragraph 38 of Schedule 7 to the Police Act 1996 (c. 16) and paragraph 48 of Schedule 36 to the CJA 2003.

(**d**) Section 14 of PACE was amended by paragraph 193 of Schedule 1 to the Corporation Tax Act 2010 (c. 4). Section 23 of PACE was amended by section 103 of, and Part 1 of Schedule 23 to, the Energy Act 2004 (c. 20). Section 118 was amended by paragraph 9 of Schedule 1 to the Civil Evidence Act 1995 (c. 38); paragraph 5 of Schedule 15 to the Terrorism Act 2000 (c. 11); paragraph 9 of Schedule 7 to the Police Reform Act 2002 (c. 30); and paragraph 24 of Schedule 7, and Part 2 of Schedule 17, to the SOCPA 2005. Other amendments to section 118 are not relevant to these Regulations.

(**e**) 2017 (c. 3).

SCHEDULE

Regulation 3(2)

Modifications of PACE when applied to investigations conducted by enforcement officers

Introductory

1. The provisions of PACE set out in regulation 4 have effect with the modifications set out in paragraphs 2 to 23.

General modifications

2. Except where expressly provided in these Regulations, each reference to a constable is to be read as, or in the case of sections 8, 9, 15, 16, 43 and 44 and Schedule 1 is to be read as including, a reference to an enforcement officer.

3. Each reference to "an officer" or "the officer" is to be read as "an enforcement officer" or "the enforcement officer", as the case may be.

4. Except as provided in paragraph 17(b), each reference to an offence is to be read as a reference to a labour market offence.

5. Each reference to an indictable offence is to be read as a reference to a labour market offence which is an indictable offence.

6. Each reference to a criminal investigation is to be read as a reference to a criminal investigation in connection with a labour market offence.

7. Each reference to an offence (including a labour market offence) includes an offence committed, or suspected of having been committed, before the coming into force of these Regulations or of section 114B of PACE.

8. Each reference to a person being charged with an offence is to be read as a reference to a person being charged with an offence by a constable.

9. Each reference to a person being released on bail is to be read as a reference to a person being released on bail by a constable.

10.—(1) Where, under a provision of PACE as applied by these Regulations, a power is exercisable only by or with the authority of an enforcement officer of at least the grade of senior executive officer, any enforcement officer is to be treated as being of the grade of senior executive officer if the condition in sub-paragraph (2) is met.

(2) The condition is that the enforcement officer has been authorised by an officer of the Secretary of State of at least the grade of director to exercise the power or, as the case may be, to give the authority for its exercise.

Specific modifications

11. Section 1 (power of constable to stop and search persons, vehicles etc.) is to be read as if—

(a) in the heading, the words ", vehicles etc." were omitted;

(b) for subsection (1), there were substituted—

"(1) A constable may exercise any power conferred by this section on any premises which is being searched by an enforcement officer in reliance on a warrant under section 8 or paragraph 12 of Schedule 1.";

(c) in subsection (2)—

(i) the words "to (5)" were omitted;

(ii) in paragraph (a)—

(aa) in sub-paragraph (i), for the words "or vehicle" there were substituted "found on the premises";

(bb) sub-paragraph (ii) were omitted;

(cc) for the words from "stolen or prohibited articles" to "(8B) below applies" there were substituted "material which might be evidence in relation to a labour market offence";

(iii) in paragraph (b), the words "or vehicle" were omitted;

(d) in subsection (3)—

(i) the words "or vehicle or anything in or on a vehicle" were omitted; and

(ii) for the words from "he will find stolen" to the end there were substituted "the person to be searched has concealed on him material which might be evidence in relation to a labour market offence.";

(e) after subsection (3), there were inserted—

"(3A) This section only gives an enforcement officer a power to search to the extent that is reasonably required for the purpose of discovering any such material."; and

(f) in subsection (6)—

(i) for the words "an article" there were substituted "material, other than an item subject to legal privilege,";

(ii) for the words from "a stolen" to "(8B) below applies" there were substituted "evidence of a labour market offence or to have been obtained in consequence of a labour market offence";

(iii) at the end, there were inserted "if it is necessary to do so in order to prevent it being concealed, lost, altered or destroyed".

12. Section 2 (provisions relating to search under section 1 and other powers) is to be read as if—

(a) in subsection (1)—

(i) in the opening words, the words "or vehicle" were omitted;

(ii) the word "or" after paragraph (a) were omitted; and

(iii) paragraph (b) were omitted;

(b) in subsection (2)—

(i) the words ", other than a search of an unattended vehicle," were omitted;

(ii) the word "or" after paragraph (a) were omitted;

(iii) paragraph (b) were omitted;

(iv) the words ", subject to subsection (4) below," were omitted;

(v) for the words "the appropriate person" there were substituted "the person proposed to be searched";

(vi) in paragraph (i) (which appears after the words "the appropriate person"), the words "if the constable is not in uniform" were omitted; and

(vii) in paragraph (ii), the words "whether he is in uniform or not," were omitted;

(c) in subsection (3)—

(i) in paragraph (a), the words from "and the name" to the end were omitted; and

(ii) in paragraph (d), for "section 3(7)" to the end there were substituted "section 3(7) below";

(d) in subsection (8), the words "or vehicle" were omitted in both places;

(e) for subsection (9), there were substituted—

"(9) The power conferred by section 1 above is not to be construed as authorising an enforcement officer to require a person to remove any of his clothing, other than an outer coat, jacket or gloves, but it does authorise a search of a person's mouth."; and

(f) after subsection (9), there were inserted—

"(9A) No person may be searched except by a person of the same sex.".

13. Section 3 (duty to make records concerning searches) is to be read as if—

(a) in subsection (1)—

(i) for the words from "any such power" to "Aviation Security Act 1982," there were substituted "the power conferred by section 1 above"; and

(ii) for the words "unless it is not practicable to do so" there were substituted "as soon as practicable";

(b) for subsection (2) there were substituted—

"(2) If the search results in the person who was searched being—

(a) arrested by an enforcement officer;

(b) delivered into the custody of a constable under section 30(1A); and

(c) taken to a police station,

the enforcement officer shall provide the record to the custody officer who shall make the record as part of the person's custody record.";

(c) in subsection (6)—

(i) the words "or a vehicle" were omitted;

(ii) in paragraph (a)(v), the words "except in the case of a search of an unattended vehicle," and "or the person in charge of the vehicle searched (as the case may be)" were omitted;

(d) in subsection (7), the words "If a record of a search of a person has been made under this section," were omitted; and

(e) in subsection (9), for "subsections (7) and (8)" substitute "subsection (7)".

14. Section 16 (execution of warrants) is to be read as if—

(a) in subsections (3A) and (3B), for the words "a police officer of at least the rank of inspector", in each case, there were substituted "an enforcement officer of at least the grade of senior executive officer"; and

(b) in subsection (5)(a), the words ", if not in uniform," were omitted.

15. Section 17 (entry for the purpose of arrest etc.) is to be read as if—

(a) in subsection (1)(a)(i), the reference to criminal proceedings were a reference to criminal proceedings in connection with a labour market offence; and

(b) in subsection (2), the words "Except for the purpose specified in paragraph (e) of subsection (1) above," were omitted.

16. Section 18 (entry and search after arrest) is to be read as if—

(a) in subsections (4) and (6), for the words "the rank of inspector or above", in each case, there were substituted "at least the grade of senior executive officer";

(b) in subsection (5)(a)—

(i) before the words "taken to a police station" there were inserted "delivered into the custody of a constable under section 30(1A) or";

(ii) after the words "under section 30A" there were inserted "by a constable"; and

(c) in subsection (8), before the words "shall make the record" there were inserted "shall provide the record to the custody officer, who".

17. Section 21 (access and copying) is to be read as if—

(a) in subsection (3)(b), the reference to the police were a reference to an enforcement officer; and

(b) in subsection (8)(b), the reference to an offence were a reference to a labour market offence or any other offence.

18. Section 22 (retention) is to be read as if—

(a) for subsection (1), there were substituted—

"(1) Subject to subsection (4) below, anything which has been—

(a) seized by an enforcement officer;

(b) taken away by an enforcement officer following a requirement made by virtue of section 19 or 20 above, or

(c) seized or taken away by another person under any enactment and accepted by an enforcement officer,

may be retained so long as is necessary in all the circumstances.";

(b) after subsection (2), there were inserted—

"(2A) Nothing in subsections (1) or (2) prevents anything lawfully seized by an enforcement officer from being accepted and retained by a constable.";

(c) in subsection (3), for the words from "no longer in police detention" to the end there were substituted "delivered into the custody of a constable under section 30(1A)"; and

(d) after subsection (3), there were inserted—

"(3A) Where an enforcement officer delivers into the custody of a constable a person from whom an item was seized on one of the grounds mentioned in subsection (3), the enforcement officer shall give the seized item to the constable or, if that is not practicable, to the custody officer at the police station at which the person is detained.

(3B) The item mentioned in subsection (3A) is to be treated as if it had been seized by the constable under subsection (3) on one of the grounds mentioned in that subsection.

(3C) No such item may be retained by a constable when the person from whom it was seized is no longer in police detention or the custody of a court or is in the custody of a court but has been released on bail.".

19. Section 29 (voluntary attendance at police station etc) is to be read as if—

(a) in the heading, for the words "at police station" there were substituted "with an enforcement officer"; and

(b) for the words "a police station or at any other place where a constable is present or accompanies a constable to a police station or any such other place" there were substituted "any place where an enforcement officer is present, including a police station, or accompanies an enforcement officer to such a place".

20. Section 30 (arrest elsewhere than at a police station) is to be read as if—

(a) in subsection (1A), for the words "taken by a constable to a police station" there were substituted "delivered into the custody of a constable";

(b) in subsection (1B), the words "section 30A (release of a person arrested elsewhere than at police station) and" were omitted;

(c) in subsection (7A) for the words "reaches a police station" there were substituted "is delivered into the custody of a constable";

(d) in subsection (10)—

(i) the words "or in section 30A" were omitted; and

(ii) for the words "taking a person to a police station or releasing him under section 30A" there were substituted "delivering a person into the custody of a constable";

(e) in subsection (11), for the words from "first arrives at the police station" to the end there were substituted "is delivered into the custody of a constable"; and

(f) after subsection (11), there were inserted—

"(11A) Where a person who is delivered into the custody of a constable is taken by the constable to a police station, an enforcement officer shall provide any record made under subsection (11) to the custody officer for the police station.".

21. Section 43 (warrants of further detention) is to be read as if—

(a) in subsection (1), after the words "the further detention" there were inserted "by the police";

(b) in subsection (4), after the words "further detention" there were inserted "by the police";

(c) in subsection (7)(b), after the words "the police" there were inserted "or an enforcement officer"; and

(d) in subsection (14)(c), after the words "the police" there were inserted "or an enforcement officer".

22. Section 77(3) (confessions by mentally handicapped persons) is to be read as if in the definition of "independent person", after "police officer" there were inserted ", an enforcement officer".

23. Section 117 (power of constable to use reasonable force) is to be read as if—

(a) the word "and" after paragraph (a) were omitted; and

(b) paragraph (b) were omitted.

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 enforcement officers into labour market offences. Enforcement officers are officers who are appointed by the Secretary of State under section 90 of the Employment Rights Act 2025 (c. 36). "Labour market offence" has the same meaning as in Part 5 of the Employment Rights Act 2025.

Regulation 3 applies the provisions of PACE set out in regulation 4 to enforcement officers, subject to the modifications specified in the Schedule. Paragraphs 2 to 10 of the Schedule make general modifications to the provisions of PACE so that they operate effectively in respect of enforcement officers, whereas paragraphs 11 to 23 make specific modifications to the provisions of PACE for the same purpose.

Regulation 4(a) to (c) applies, and paragraphs 11 to 13 of the Schedule modify, sections 1 to 3 of PACE so that when an enforcement officer searches premises in reliance on a search warrant, an enforcement officer may search persons found on the premises only if the enforcement officer has reasonable grounds for suspecting that the person may have concealed on him material which might be evidence in relation to a labour market offence. Safeguards on this power include requirements to inform the person of the grounds for the search and to make and keep records.

Regulation 4(d) to (g) applies sections 8(1) to (5), 9(1), 15 and 16 of, and Schedule 1 to, PACE, which enable applications to a court for search warrants and production orders and the execution of warrants. Paragraph 14 of the Schedule modifies section 16 of PACE.

Regulation 4(h) and (i) applies sections 17(1)(a)(i), (1)(b), (2) and (4) and 18 of PACE, enabling enforcement officers to enter and search property for the purpose of executing an arrest warrant or arresting a person for an indictable offence and to enter and search the property of an arrested person for evidence. Paragraphs 15 and 16 of the Schedule modify those sections.

Regulation 4(j) to (m) applies sections 19 to 21 and 22(1), (2)(a), (3), (4) and (7) of PACE, enabling the seizure and retention of material by enforcement officers. Paragraph 17 of the Schedule modifies section 21 of PACE, including by providing that access and copying of material may be refused if it would prejudice the investigation of any offence, not only a labour market offence.

Paragraph 18 of the Schedule modifies section 22 of PACE. The modifications provide that material seized or taken away by an enforcement officer, or seized or taken away by another person such as a police officer and passed to an enforcement officer, may be retained by an enforcement officer so long as is necessary in all the circumstances. Items that an enforcement officer has seized from a person on arrest on the grounds that, for example, it may be used to cause physical injury to another person must be passed to the police once the arrested person is handed over to a constable.

Regulation 4(n) to (r) applies sections 24(1)(b) and (d), (2) to (4), (5)(a), (b), (c)(i) to (iii), (d), (e) and (f), 28, 29, 30(1)(a), (1A), (1B), (7) to (11) and 32(1) to (9) of PACE, in relation to arrest of suspects by enforcement officers. Paragraphs 19 and 20 of the Schedule modify sections 29 and 30 of PACE. In particular, paragraph 20 modifies section 30 so that an enforcement officer who arrests a person elsewhere than at a police station is under a duty to deliver the person into the custody of a constable as soon as practicable after the arrest. Once a constable has taken a

person into custody, the constable will then be under a duty to take the person to a police station as soon as practicable.

Regulation 4(s) and (t) applies sections 43 and 44 of PACE, to enable enforcement officers to make an application for the further detention of a person by the police in relation to a labour market offence. Paragraph 21 of the Schedule modifies section 43 of PACE. The modifications provide that a court must consider whether it would have been reasonable for either the police or an enforcement officer to make the application earlier and that a court must consider what inquiries relating to the offence have been made either by the police or by an enforcement officer.

Regulation 4(u) applies, and paragraph 22 of the Schedule modifies, section 77(3) of PACE, so that when a jury is considering the confession of a mentally handicapped person, an enforcement officer is not considered to be an "independent person" who is present in relation to that confession.

Regulation 4(v) applies section 117 of PACE, enabling enforcement officers to use reasonable force, if necessary, in the exercise of powers conferred by PACE. Paragraph 23 of the Schedule modifies section 117 of PACE to reflect that none of the powers conferred on enforcement officers are exercisable only with the consent of a person other than another enforcement officer.

Regulation 4(w) applies the relevant interpretation provisions in PACE to those PACE provisions applied by these regulations.

Regulation 5 makes transitional provision for the period until relevant provisions of the Policing and Crime Act 2017 (c. 3) come into force.

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

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