STATUTORY INSTRUMENTS

1990 No. 2580

POLICE

The Police and Criminal Evidence Act 1984 (Codes of Practice) (No. 2) Order 1990

Approved by both Houses of Parliament

Made - - - -	*8th November 1990*
Laid before Parliament	*19th November 1990*
Coming into force	*1st April 1991*

Whereas—

(1) In pursuance of section 66 of the Police and Criminal Evidence Act 1984(**a**) the Secretary of State issued codes of practice(**b**) in connection with the following matters:

(a) the exercise by police officers of statutory powers–

(i) to search a person without first arresting him; or

(ii) to search a vehicle without making an arrest;

(b) the detention, treatment, questioning and identification of persons by police officers;

(c) searches of premises by police officers; and

(d) the seizure of property found by police officers on persons or premises,

and may in pursuance of section 67(7) of that Act revise the whole or part of such a code of practice and issue a revised code:

(2) in pursuance of section 67(1) of that Act the Secretary of State has prepared and published draft revised codes of practice in connection with the said matters and has considered representations made to him thereon and modified the draft revised codes of practice accordingly:

(3) in pursuance of section 67(3) of that Act the Secretary of State has laid a draft of each revised code of practice before both Houses of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 67 of the said Act of 1984, hereby orders as follows:

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (No. 2) Order 1990 and shall come into force on 1st April 1991.

2. Subject to article 3 of this Order, the revised codes of practice laid in draft before Parliament on 8th November 1990 in connection with the matters referred to in section 66 of the Police and Criminal Evidence Act 1984 shall come into operation on 1st April 1991.

(**a**) 1984 c.60.

(**b**) The codes of practice were brought into operation by S.I. 1985/1937.

3.—(1) The revised code of practice for the exercise by police officers of statutory powers of stop and search shall apply to any search by a police officer which commences after midnight on 31st March 1991, notwithstanding that the person or vehicle in question may have been detained by him in that behalf before that time.

(2) The revised code of practice for the searching of premises by police officers and the seizure of property found by police officers on persons or premises shall apply–

(a) to any application for a warrant to search premises made after 31st March 1991; and

(b) to any search of premises or seizure of property taking place after midnight on 31st March 1991, notwithstanding that the search or seizure in question may have taken place in the pursuance of a warrant granted or applied for before that time.

(3) The revised code of practice for the detention, treatment and questioning of persons by police officers shall apply to persons in police detention after midnight on 31st March 1991, notwithstanding that their period of detention may have commenced before that time.

(4) The revised code of practice for the identification of persons by police officers shall apply to any procedures to which the code relates which are carried out after 31st March 1991.

4. The Police and Criminal Evidence Act 1984 (Codes of Practice) (No. 1) Order 1985(**a**) is hereby revoked.

Home Office
8th November 1990

David Waddington
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st April 1991 as the date on which revised codes of practice under section 66 of the Police and Criminal Evidence Act 1984 will come into operation, superseding codes of practice which have been in operation since 1st January 1986.

The revised codes of practice are–

(a) Code of Practice for the Exercise by Police Officers of Statutory Powers of Stop and Search;

(b) Code of Practice for the Searching of Premises by Police Officers and the Seizure of Property found by Police Officers on Persons or Premises;

(c) Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers;

(d) Code of Practice for Identification of Persons by Police Officers.

The codes of practice will be published by Her Majesty's Stationery Office: copies may be obtained from Government bookshops.

(**a**) S.I. 1985/1937.