S T A T U T O R Y I N S T R U M E N T S

2013 No. 2685

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) (Revisions to Codes A, B, C, E, F and H) Order 2013

Made - - - -	*16th October 2013*
Laid before Parliament	*21st October 2013*
Coming into force - -	*27th October 2013*

The Secretary of State makes the following Order in exercise of the powers conferred by section 67(5) of the Police and Criminal Evidence Act 1984(**a**).

The Secretary of State has consulted in accordance with section 67(4) of that Act(**b**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revisions to Codes A, B, C, E, F and H) Order 2013, and shall come into force on 27th October 2013.

(2) In this Order "the Act" means the Police and Criminal Evidence Act 1984.

Revision of codes of practice

2. The revised codes of practice laid before Parliament in connection with the matters referred to in—

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

(b) section 60A(1)(a) of the Act (visual recording with sound interviews with suspects – Code F)(**c**);

(c) section 66(1)(a)(i) and (ii) of the Act (exercise by police officers of statutory powers to search persons and vehicles without making an arrest – Code A)(**d**);

(d) section 66(1)(b) of the Act (detention, treatment and questioning of persons by police officers – Codes C and H);

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

(**a**) 1984 c.60; subsections (1) to (7) of section 67 were substituted by section 11(1) of the Criminal Justice Act 2003 (c.44).
(**b**) Section 67(4)(a) and (b) was substituted by paragraph 1 of Schedule 4 to the Police and Justice Act 2006 (c.48.) Subsequently section 67(4)(a), (aa) and (ab) was substituted for section 67(4)(a) by paragraphs 160, and 163(1) and (2) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13.)
(**c**) Section 60A was inserted by section 76 of the Criminal Justice and Police Act 2001 (c. 16).
(**d**) Section 66(1) is numbered as such by virtue of section 57(1) and (4) of the Criminal Justice and Court Services Act 2000 (c.43). Section 66(1)(a)(i) was amended by sections 110(3)(a) and 174(2) of, and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c.15).

shall come into operation on 27th October 2013.

Home Office
16th October 2013

Damian Green
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force several revised codes of practice under the Police and Criminal Evidence Act 1984, which will supersede the corresponding existing codes of practice. The revised codes will be brought into operation on 27th October 2013.

The revisions to Code A remove the references to stop and search powers under the Terrorism Act 2000 (c.11). This follows an amendment to section 66 of the Police and Criminal Evidence Act 1984 made by the Protection of Freedoms Act 2012 (c.9), which removed the requirement for these powers to be included in Code A, and made them subject to a new Code of Practice issued under section 47AA of the Terrorism Act 2000. The revised code A also contains new provisions on the powers to search persons without them being arrested, which were introduced by the Terrorism Prevention and Investigation Measures Act 2011(c.23).

The revisions to Code B include new provisions on the powers to enter and search premises under the Terrorism Prevention and Investigation Measures Act 2011, for the purposes of serving, monitoring and enforcing notices under that Act. These notices replace the former control order provisions under the Prevention of Terrorism Act 2005(c.2).

The revisions to Codes C achieve two different purposes. The first purpose is to implement the judgment of the Divisional Court in R (On the Application of HC) v Secretary of State for the Home Department and the Commissioner of Police of the Metropolis [2013] EWHC 982 (Admin). This judgment relates to the entitlement of 17 year olds in police detention to have the assistance of an appropriate adult, and to have their parents informed of the fact of their detention.

The second purpose of the revisions to Code C is to implement obligations arising out of the EU Directive (2010/64/EU) on the right to interpretation and translation in criminal proceedings. In particular, Code C now contains provision concerning the right to a written translation of certain documentation for those in police detention. The revisions to Code H follow the changes which are being made to Code C for these purposes.

The revisions to Codes E and F include new and amended provision for the conduct and recording of voluntary interviews of suspects who are not under arrest. Under these changes, a sergeant will be responsible for voluntary interview cases, and for giving authority not to make an audio recording. These revised codes also contain amendments and new provision concerning the security of master recordings, in order to ensure consistency across the interview recording provisions in Codes E and F, and the corresponding terrorism provisions.

The codes of practice are published by the Stationery Office and copies may be obtained from its bookshops. The revised codes of practice will also be available on the Home Office website. The revised codes are laid before Parliament with this Order.

© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

UK201310185 10/2013 19585

http://www.legislation.gov.uk/id/uksi/2013/2685

ISBN 978-0-11-110499-6

9 780111 104996