



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

[^{F1}65A “Qualifying offence”

- (1) In this Part, “qualifying offence” means—
- (a) an offence specified in subsection (2) below, or
 - (b) an ancillary offence relating to such an offence.
- (2) The offences referred to in subsection (1)(a) above are—
- (a) murder;
 - (b) manslaughter;
 - (c) false imprisonment;
 - (d) kidnapping;
 - [an offence of indecent exposure;
- ^{F2}(da) an offence under section 4 of the Vagrancy Act 1824, committed by a person by wilfully, openly, lewdly, and obscenely exposing his person with intent to insult any female;
- (dc) an offence under section 28 of the Town Police Clauses Act 1847, committed by a person by wilfully and indecently exposing his person;]
 - (e) an offence under section 4, 16, 18, 20 to 24 or 47 of the Offences Against the Person Act 1861;
 - (f) an offence under section 2 or 3 of the Explosive Substances Act 1883;
 - [an offence under section 1 of the Infant Life (Preservation) Act 1929;]
- ^{F3}(fa) (g) an offence under section 1 of the Children and Young Persons Act 1933;
- [an offence under section 1 of the Infanticide Act 1938;
- ^{F4}(ga)

Status: Point in time view as at 20/12/2023. This version of this provision has been superseded.

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- (gb) an offence under section 12 or 13 of the Sexual Offences Act 1956, other than an offence committed by a person where the other person involved in the conduct constituting the offence consented to it and was aged 16 or over;
- (gc) an offence under any other section of that Act, other than sections 18 and 32;
- (gd) an offence under section 128 of the Mental Health Act 1959;
- (ge) an offence under section 1 of the Indecency with Children Act 1960;]
- (h) an offence under section 4(1) of the Criminal Law Act 1967 committed in relation to murder;
- ^{F5}(ha) [an offence under section 5 of the Sexual Offences Act 1967;]
- (i) an offence under sections 16 to 18 of the Firearms Act 1968;
- (j) an offence under [^{F6} section 8, 9] or 10 of the Theft Act 1968 or an offence under section 12A of that Act involving an accident which caused a person's death;
- ^{F7}(ja) [an offence under section 1(1) of the Genocide Act 1969;]
- (k) an offence under section 1 of the Criminal Damage Act 1971 required to be charged as arson;
- ^{F8}(ka) [an offence under section 54 of the Criminal Law Act 1977;]
- (l) an offence under section 1 of the Protection of Children Act 1978;
- (m) an offence under section 1 of the Aviation Security Act 1982;
- (n) an offence under section 2 of the Child Abduction Act 1984;
- ^{F9}(na) [an offence under section 1 of the Prohibition of Female Circumcision Act 1985;
- (nb) an offence under section 1 of the Public Order Act 1986;]
- (o) an offence under section 9 of the Aviation and Maritime Security Act 1990;
- ^{F10}(oa) [an offence under section 3 of the Sexual Offences (Amendment) Act 2000;
- (ob) an offence under section 51 of the International Criminal Court Act 2001;
- (oc) an offence under section 1, 2 or 3 of the Female Genital Mutilation Act 2003;]
- (p) an offence under any of sections 1 to 19, 25, 26, 30 to 41, 47 to 50, 52, 53, 57 to [^{F11} 59A] , 61 to 67, 69 and 70 of the Sexual Offences Act 2003;
- (q) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004;
- (r) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008;
- ^{F12}(ra) [an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation)];
- ^{F13}(s) [an offence under section 2 of the Modern Slavery Act 2015 (human trafficking)];
- ^{F14}(t) [an offence under paragraph 1 of Schedule 4 to the Space Industry Act 2018];
- ^{F15}(u) [an offence under any of sections 136 to 138 and 148 to 150 of the Health and Care Act 2022 (offences relating to virginity testing and hymenoplasty).]
- ^{F16}(v) [an offence under section 18 of the National Security Act 2023 or for the time being listed in section 33(3)(a) of that Act.]

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- (3) The Secretary of State may by order made by statutory instrument amend subsection (2) above.
- (4) A statutory instrument containing an order under subsection (3) above shall not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (5) In subsection (1)(b) above “ancillary offence”, in relation to an offence, means—
 - (a) aiding, abetting, counselling or procuring the commission of the offence;
 - (b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence (including, in relation to times before the commencement of that Part, an offence of incitement);
 - (c) attempting or conspiring to commit the offence.]

Textual Amendments

- F1** S. 65A inserted (7.3.2011) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 7, 59(1)**; S.I. 2011/414, art. 2(f)
- F2** Ss. 65A(2)(da)-(dc) inserted (11.11.2013) by [The Police and Criminal Evidence Act 1984 \(Amendment: Qualifying Offences\) Order 2013 \(S.I. 2013/2774\)](#), arts. 1, **2(2)**
- F3** S. 65A(2)(fa) inserted (11.11.2013) by [The Police and Criminal Evidence Act 1984 \(Amendment: Qualifying Offences\) Order 2013 \(S.I. 2013/2774\)](#), arts. 1, **2(3)**
- F4** Ss. 65A(2)(ga)-(ge) inserted (11.11.2013) by [The Police and Criminal Evidence Act 1984 \(Amendment: Qualifying Offences\) Order 2013 \(S.I. 2013/2774\)](#), arts. 1, **2(4)**
- F5** S. 65A(2)(ha) inserted (11.11.2013) by [The Police and Criminal Evidence Act 1984 \(Amendment: Qualifying Offences\) Order 2013 \(S.I. 2013/2774\)](#), arts. 1, **2(5)**
- F6** Words in s. 65A(2)(j) substituted (31.10.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 18(4), 120** (with s. 97); S.I. 2013/1814, art. 2(d)
- F7** S. 65A(2)(ja) inserted (11.11.2013) by [The Police and Criminal Evidence Act 1984 \(Amendment: Qualifying Offences\) Order 2013 \(S.I. 2013/2774\)](#), arts. 1, **2(6)**
- F8** S. 65A(2)(ka) inserted (11.11.2013) by [The Police and Criminal Evidence Act 1984 \(Amendment: Qualifying Offences\) Order 2013 \(S.I. 2013/2774\)](#), arts. 1, **2(7)**
- F9** S. 65A(2)(na)(nb) inserted (11.11.2013) by [The Police and Criminal Evidence Act 1984 \(Amendment: Qualifying Offences\) Order 2013 \(S.I. 2013/2774\)](#), arts. 1, **2(8)**
- F10** Ss. 65A(2)(oa)-(oc) inserted (11.11.2013) by [The Police and Criminal Evidence Act 1984 \(Amendment: Qualifying Offences\) Order 2013 \(S.I. 2013/2774\)](#), arts. 1, **2(9)**
- F11** Word in s. 65A(2)(p) substituted (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 137** (with s. 97); S.I. 2013/470, art. 2(d) (with arts. 5-8)
- F12** S. 65A(2)(ra) inserted (7.6.2022) by [Domestic Abuse Act 2021 \(c. 17\)](#), s. 90(6), **Sch. 2 para. 1**; S.I. 2022/553, regs. 1(2), 3(b)
- F13** S. 65A(2)(s) inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 3**; S.I. 2015/1476, reg. 2(j)
- F14** S. 65A(2)(t) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), **Sch. 12 para. 6**; S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F15** S. 65A(2)(u) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 16 para. 1**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F16** S. 65A(2)(v) inserted (20.12.2023) by [National Security Act 2023 \(c. 32\)](#), s. 100(1), **Sch. 18 para. 4(7)** (with s. 97); S.I. 2023/1272, reg. 2(f)

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