

Draft Order laid before Parliament under section 67(7A) of the Police and Criminal Evidence Act 1984, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes C, G and H) Order 2012

*Made - - - - - ****
Coming into force in accordance with article 1(1)

The Secretary of State:

(1) has, in pursuance of section 66(1) of the Police and Criminal Evidence Act 1984⁽¹⁾, issued codes of practice in connection with:

- (a) the detention, treatment and questioning of persons by police officers; and
 - (b) the exercise by police officers of statutory powers to arrest a person;
- (2) may, under section 67(2)⁽²⁾ of that Act, revise the whole or any part of a code;
- (3) has consulted in accordance with section 67(4) of that Act; and

(4) has, in accordance with section 67(7B) of that Act, laid each revised code of practice before Parliament.

A draft of this Order has been laid before Parliament and has been approved by each House of Parliament in accordance with section 67(7A) of that Act.

The Secretary of State, in exercise of powers conferred upon her by section 67(5) of that Act, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes C, G and H) Order 2012 and shall come into force on the day after the day on which it is made.

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

(1) 1984 c.60.
(2) Section 67(1) to (7D) was substituted by section 11 of the Criminal Justice Act 2003 (c.44). Section 67(4) was further amended by section 6(1) of and paragraph 1 of Schedule 4 to the Police and Justice Act 2006 (c.48) and section 99 of and paragraphs 160 and 163 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13).

Revision of Codes of Practice

2.—(1) The revised code of practice laid before Parliament on 10th May 2012 in connection with the matters referred to in section 66(1)(a)(iii) of the Act (exercise by police officers of statutory powers of arrest – Code G)(3) shall come into operation on 12th November 2012.

(2) The revised codes of practice laid before Parliament on 10th May 2012 in connection with the matters referred to in section 66(1)(b) of the Act (detention, treatment and questioning of persons by police officers – Codes C and H) shall come into operation on the day on which this Order comes into force.

Home Office
Date

Name
Parliamentary Under-Secretary of State

(3) 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)(iii) was amended by section 110(3)(b) of the Serious Organised Crime and Police Act 2005 (c.15).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force revised codes of practice under section 66(1) of the Police and Criminal Evidence Act 1984, which will supersede the corresponding existing codes of practice issued under that section.

The amendments to Code C implement improvements and safeguards concerning the care and treatment of detainees and the right to legal advice. These amendments are mirrored in the amendments to Code H. The revisions to Code H also implement post-charge questioning which may be authorised under the Counter-Terrorism Act 2008 and reflect changes to terrorism detention provisions.

The amendments to Code G update the provisions and guidance on the exercise by police of their statutory power under section 24 of the Police and Criminal Evidence Act 1984 to arrest any person without warrant for any offence. These amendments clarify and emphasise the application of the statutory necessity criteria in section 24(5) of the Act and reflect a number of court judgments.

The codes of practice are published by the Stationery Office and copies may be obtained from its bookshops. The changes contained in the Codes brought into operation by this Order will be notified to the Stationery Office. The revised codes of practice will also be available on the Home Office website.