

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

DRAFT STATUTORY INSTRUMENTS

2022 No. 0000

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Code A) Order 2022

Made - - - - *****
Coming into force - - *17th January 2023*

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(1).

The Secretary of State has consulted in accordance with section 67(4)(2) of that Act.

The revised code to which this Order relates has been laid before Parliament in accordance with section 67(7B) of that Act.

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

Citation, commencement and extent

1.—(1) This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Code A) Order 2022 and comes into force on 17th January 2023.

(2) This Order extends to England and Wales.

Revisions of code of practice

2. The revised code of practice laid before Parliament together with this Order in connection with the matters referred to in section 66(1)(a)(i) and (ii) of the Police and Criminal Evidence Act 1984 (exercise by police officers of statutory powers to search persons and vehicles without making an arrest – Code A)(3) comes into operation on the day on which this Order comes into force.

(1) 1984 c. 60. Section 67(1) to (7D) was substituted by section 11(1) of the Criminal Justice Act 2003 (c. 44).
(2) 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, 163(1) and (2) of Schedule 16 to the Police and Social Responsibility Act 2011 (c. 13). Section 67(4)(b) was amended by paragraphs 4 and 5(a) of Schedule 14 of the Policing and Crime Act 2017 (c. 3).
(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)(i) was amended by section 110(3)(a) of, and Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15) (“the 2005 Act”). Section 66(1)(a)(ii) was amended by section 110(3)(b) of the 2005 Act.

Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force a revised code of practice, Code A, under section 66(1)(a)(i) and (ii) of the Police and Criminal Evidence Act 1984 (c. 60), which will supersede the existing code of practice issued under that subsection.

The amendments made by the revised code of practice bring searches made under section 342E (relating to individuals subject to a Serious Violence Reduction Order) of the Sentencing Act 2020 (c. 17) (“the Sentencing Code”) within the scope of Code A for the period specified in new Annex G of the Code. Serious Violence Reduction Orders, provision for which was inserted into the Sentencing Code by the Police, Crime, Sentencing and Courts Act 2022 (c. 32) (“the 2022 Act”), are civil orders which confer power on the police to stop and search individuals convicted of an offence where a knife or offensive weapon was used or was present, without requiring prior reasonable grounds for suspicion. In accordance with the 2022 Act, these Orders will be subject to a pilot before a decision is taken as to whether to commence the provisions relating to such Orders in full for the whole of England and Wales. The revisions to Code A made by Annex G will therefore apply for a specified period of 30 months. This covers a 24-month pilot plus an additional 6-month transitional period.

The revised code of practice is published by the Stationery Office and copies may be obtained from its bookshops. The revised code of practice will also be available on the Police and Criminal Evidence Act 1984 code of practice pages on the gov.uk website. The revised code is laid before Parliament with this Order. An impact assessment has been prepared in relation to the 2022 Act. A copy of the impact assessment is available on [Police, Crime, Sentencing and Courts Act 2022: overarching documents - GOV.UK \(www.gov.uk\)](#). A hard copy can be obtained by writing to the Home Office at 2 Marsham Street, London, SW1P 4DF.