

# Police and Criminal Evidence Act 1984

## CHAPTER 60

# POLICE AND CRIMINAL EVIDENCE ACT 1984

## PART I

## POWERS TO STOP AND SEARCH

- 1 Power of constable to stop and search persons, vehicles etc.
- 2 Provisions relating to search under section 1 and other powers.
- 3 Duty to make records concerning searches.
- 4 Road checks.
- 5 Reports of recorded searches and of road checks.
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- 7 Part I—supplementary

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- 10 Meaning of "items subject to legal privilege".
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- 12 Meaning of "personal records".
- 13 Meaning of "journalistic material".
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  - 28 Information to be given on arrest.
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- 631 Retention of material: persons convicted of a recordable offence
- 63J Retention of material: persons convicted of an offence outside England and Wales
- 63K Retention of section 63D material: exception for persons under 18 convicted of first minor offence
- 63L Retention of section 63D material: persons given a penalty notice
- 63M Retention of section 63D material for purposes of national security
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- 63Q Destruction of copies of section 63D material
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- 63S Destruction of impressions of footwear
- 63T Use of retained material
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- 64 Destruction of fingerprints and samples.
- 64ZA Destruction of samples
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  - 120 Extent.
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#### Making of orders by judge

- 1 If on an application made by a constable a judge...
- 2 The first set of access conditions is fulfilled if—
- 3 The second set of access conditions is fulfilled if—
- 4 An order under this paragraph is an order that the...
- 5 Where the material consists of information stored in any electronic...
- 6 For the purposes of sections 21 and 22 above material...

#### Notices of applications for orders

- 7 An application for an order under paragraph 4 above that...
- 8 Notice of an application for an order under paragraph 4...

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- 9 Notice of an application for an order under paragraph 4...
- 10 For the purposes of paragraph 8, and of section...
- 11 Where notice of an application for an order under paragraph...

#### Issue of warrants by judge

- 12 If on an application made by a constable a judge—...
- 12A The judge may not issue an all premises warrant unless...
  - 13 A constable may seize and retain anything for which a...
  - 14 The further conditions mentioned in paragraph 12 (a)(ii) above are ....
  - 15 (1) If a person fails to comply with an order...

## Procedural rules

15A Criminal Procedure Rules may make provision about proceedings under this...

#### Costs

16 The costs of any application under this Schedule and of...

#### SCHEDULE 1A — Specific offences which are arrestable offences

- 1 Customs and Excise Acts
- 2 Official Secrets Act 1920
- 2ZA Criminal Justice Act 1925
  - 2A Wireless Telegraphy Act 1949
    - 3 Prevention of Crime Act 1953
    - 4 Sexual Offences Act 1956
  - 5 Obscene Publications Act 1959
  - 5A Firearms Act 1968
  - 6 Theft Act 1968
  - 6A Misuse of Drugs Act 1971
  - 7 Theft Act 1978
  - 8 Protection of Children Act 1978
  - 9 Wildlife and Countryside Act 1981
  - 10 An offence under—(a) section 1(5) of the Wildlife and...
  - 11 Civil Aviation Act 1982
- 11A An offence of contravening a provision of an Order in...
  - 12 Aviation Security Act 1982
  - 13 Sexual Offences Act 1985
  - 14 Public Order Act 1986
  - 15 Criminal Justice Act 1988
  - 16 Road Traffic Act 1988
  - 17 An offence under subsection (4) of section 170 of the...
- 17A An offence under section 174 of the Road Traffic Act...
  - 18 Official Secrets Act 1989
  - 19 Football Spectators Act 1989
  - 20 Football (Offences) Act 1991
  - 21 Criminal Justice and Public Order Act 1994
  - 22 Police Act 1996
  - 23 Protection from Harassment Act 1997
  - 24 Crime and Disorder Act 1998
  - 25 Criminal Justice and Police Act 2001
  - 26 Licensing Act 2003

27 Sexual Offences Act 200327A Prevention of Terrorism Act 2005

SCHEDULE 2 —

SCHEDULE 2A — Fingerprinting and samples: power to require attendance at police station Part 1 — FINGERPRINTING

Persons arrested and released

1 (1) A constable may require a person to attend a...

Persons charged etc

2 (1) A constable may require a person to attend a...

Persons convicted etc of an offence in England and Wales

3 (1) A constable may require a person to attend a...

Persons subject to a control order

Persons convicted etc of an offence outside England and Wales

5 A constable may require a person to attend a police...

## Multiple attendance

6 (1) Where a person's fingerprints have been taken under section... Part 2 — INTIMATE SAMPLES

Persons suspected to be involved in an offence

7 A constable may require a person to attend a police...

Persons convicted etc of an offence outside England and Wales

8 A constable may require a person to attend a police... Part 3 — NON-INTIMATE SAMPLES

#### Persons arrested and released

9 (1) A constable may require a person to attend a...

#### Persons charged etc

10 (1) A constable may require a person to attend a...

#### Persons convicted etc of an offence in England and Wales

11 (1) A constable may require a person to attend a...

Persons subject to a control order

12 A constable may require a person to attend a police...

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Persons convicted etc of an offence outside England and Wales

13 A constable may require a person to attend a police...

#### Multiple exercise of power

14 (1) Where a non-intimate sample has been taken from a... Part 4 — GENERAL AND SUPPLEMENTARY

## Requirement to have power to take fingerprints or sample

15 A power conferred by this Schedule to require a person...

## Date and time of attendance

16 (1) A requirement under this Schedule— (a) must direct the...

## Enforcement

17 A constable may arrest without warrant a person who has...

## SCHEDULE 3 —

1 - 7

## Part I — PROVISIONS SUPPLEMENTARY TO SECTION 68

- Part II PROVISIONS SUPPLEMENTARY TO SECTION 69
- 8 In any proceedings where it is desired to give a...
- 9 Notwithstanding paragraph 8 above, a court may require oral evidence...
- 10 Any person who in a certificate tendered under paragraph 8...
- 11 In estimating the weight, if any, to be attached to...
- 12 For the purposes of paragraph 11 above information shall be...
  - Part III PROVISIONS SUPPLEMENTARY TO SECTIONS 68 AND 69
- 13
- 14 For the purpose of deciding whether or not a statement...
- 15 Provision may be made by rules of court for supplementing...

SCHEDULE 4 —

Part I — GENERAL

## Constitution of Authority

1 (1) The Police Complaints Authority shall consist of a chairman...

## Incorporation and status of Authority

2 (1) The Authority shall be a body corporate.

## Members

- 3 (1) Subject to the following provisions of this Schedule, a...
- 4 The Secretary of State may pay, or make such payments...
- 5 Where a person ceases to hold such an office otherwise...

## Staff

- 6 The Authority may, after consultation with the Secretary of State,...
- 7 (1) Employment by the Authority shall be included among the...

8 The Employers' Liability (Compulsory Insurance) Act 1969 shall not require...

#### *Power of Authority to set up regional offices*

9 (1) If it appears to the Authority that it is...

#### Proceedings

- 10 (1) Subject to the provisions of this Act, the arrangements...
- 11 The validity of any proceedings of the Authority shall not...

#### Finance

- 12 The Secretary of State shall pay to the Authority expenses...
- 13 (1) It shall be the duty of the Authority— Part II — TRANSITIONAL

## Information received by Police Complaints Board

14 (1) No information received by the Police Complaints Board in...

#### Property, rights and liabilities

15 (1) On the day on which section 83 above comes...

#### Proceedings

16 Proceedings in any court to which the Police Complaints Board...

## Payments to former members of Police Complaints Board

17 Where a person— (a) ceases to be a member of...

#### General

18 Paragraphs 14 to 17 above are without prejudice to the...

## SCHEDULE 5 —

- Part I OFFENCES MENTIONED IN SECTION 116(2)(A)
- 1 Treason.
- 2 Murder.
- 3 Manslaughter.
- 4 Rape.
- 5 Kidnapping.
- 6 Incest with a girl under the age of 13.
- 7 Buggery with a person under the age of 16.
- 8 Indecent assault which constitutes an act of gross indecency.
- 9 An offence under section 170 of the Customs and Excise...
  Part II OFFENCES MENTIONED IN SECTION 116(2)(B)

## Explosive Substances Act 1883 (c. 3)

- 1 Section 2 (causing explosion likely to endanger life or property)....
- 2 Section 5 (intercourse with a girl under the age of...

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#### *Firearms Act 1968 (c. 27)*

- 3 Section 16 (possession of firearms with intent to injure).
- 4 Section 17(1) (use of firearms and imitation firearms to resist...
- 5 Section 18 (carrying firearms with criminal intent).
- 6 .....

Taking of Hostages Act 1982 (c. 28)

7 Section 1 (hostage-taking).

Aviation Security Act 1982 (c. 36)

8 Section 1 (hi-jacking).

Criminal Justice Act 1988 (c. 33)

9 Section 134 (Torture).

The Road Traffic Act 1988 (c. 52)

Section 1 (causing death by dangerous driving). Section 3A (causing...

#### Aviation and Maritime Security Act 1990 (c. 31)

- 11 Section 1 (endangering safety at aerodromes).
- 12 Section 9 (hijacking of ships).
- 13 Section 10 (seizing or exercising control of fixed platforms).

#### Channel Tunnel (Security) Order 1994 No.

- 14 Article 4 (hijacking of Channel Tunnel trains).
- 15 Article 5 (seizing or exercising control of the tunnel system)....

#### Protection of Children Act 1978 (c. 37.)

16 Section 1 (indecent photographs and pseudo-photographs of children).

#### Obscene Publications Act 1959 (c.66.)

17 Section 2 (publication of obscene matter).

#### Sexual Offences Act 2003

- 18 Section 1 (rape).
- 19 Section 2 (assault by penetration).
- 20 Section 4 (causing a person to engage in sexual activity...
- 21 Section 5 (rape of a child under 13).
- 22 Section 6 (assault of a child under 13 by penetration)....
- 23 Section 8 (causing or inciting a child under 13 to...
- 25 Section 31 (causing or inciting a person, with a mental...

#### Domestic Violence, Crime and Victims Act 2004

24 Section 5 (causing or allowing the death of a child...

SCHEDULE 6 — Minor and Consequential Amendments Part I — ENGLAND AND WALES

	Game Act 1831 (c. 32)
1	The following section shall be inserted after section 31 of
	Metropolitan Police Act 1839 (c. 47)
2	In section 39 of the Metropolitan Police Act 1839 (fairs
	Railway Regulation Act 1840 (c. 97)
3	In section 16 of the Railway Regulation Act 1840 (persons
	London Hackney Carriages Act 1843 (c. 86)
4	In section 27 of the London Hackney Carriages Act 1843
	Town Gardens Protection Act 1863 (c. 13)
5	In section 5 of the Town Gardens Protection Act 1863
	Parks Regulation Act 1872 (c. 15)
6	The following section shall be substituted for section 5 of
	Dogs (Protection of Livestock) Act 1953 (c. 28)
7	In the Dogs (Protection of Livestock) Act 1953 the following
	Army Act 1955 (c. 18)Air Force Act 1955 (c. 19)
8	The following subsection shall be substituted for section 195(3) of
	Sexual Offences Act 1956 (c. 69)
9	At the end of section 41 of the Sexual Offences
	Game Laws (Amendment) Act 1960 (c. 36)
10 11	In subsection (1) of section 2 of the Game Laws In subsection (1) of section 4 of that Act (enforcement
	Betting, Gaming and Lotteries Act 1963 (c. 2)
12	The following subsection shall be substituted for subsection (2) of
	Deer Act 1963 (c. 36)
13	Deer Act 1705 (C. 50)
	Police Act 1964 (c. 48)
14	<i>1 once Met 1904 (c. 40)</i>
15 16	
10	

## Criminal Law Act 1967 (c. 58)

17 The following subsection shall be inserted after section 4(1) of...

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Theatres Act 1968 (c. 54) 18 In section 15(1) of the Theatres Act 1968 (powers of... Children and Young Persons Act 1969 (c. 54) 19 In the Children and Young Persons Act 1969-Immigration Act 1971 (c. 77) 20 In section 25(3) of the Immigration Act 1971 for the... Criminal Justice Act 1972 (c. 71) 21 In subsection (1) of section 34 of the Criminal Justice... Child Care Act 1980 (c. 5) 22 Deer Act 1980 (c. 49) 23 Animal Health Act 1981 (c. 22) 24 In subsection (5) of section 60 of the Animal Health... Wildlife and Countryside Act 1981 (c. 69) In subsection (2) of section 19 of the Wildlife and... 25 Mental Health Act 1983 (c. 20) In section 135(4) of the Mental Health Act 1983 for... 26 27 . . . . . . . . . . . . . Part II — OTHER AMENDMENTS Army Act 1955 (c. 18) 28 (1) The Army Act 1955 shall be amended as follows.... Air Force Act 1955 (c. 19) 29 (1) The Air Force Act 1955 shall be amended as... Police (Scotland) Act 1967 (c. 77) In section 6(2) of the Police (Scotland) Act 1967 (constables... 30 31 In section 7(1) of that Act (ranks) after the words... 32 In section 26(7) of that Act (disciplinary authority) immediately before... In section 31(2) of that Act (compulsory retirement of chief... 33 Courts-Martial (Appeals) Act 1968 (c. 20)

34 .....

	House of Commons Disqualification Act 1975 (c. 24)Northern Ireland Assembly Disqualification Act 1975 (c. 25)
35	In Part II of Schedule 1 to the House of
	Armed Forces Act 1976 (c. 52)
36	
	Customs and Excise Management Act 1979 (c. 2)
37 38	The following subsection shall be substituted for section 138(4) of In section 161 of that Act— (a) in subsection (3),
	Betting and Gaming Duties Act 1981 (c. 63)
39	In the following provisions of the Betting and Gaming Duties
	Car Tax Act 1983 (c. 53)
40	In paragraph 7(3) of Schedule 1 to the Car Tax
	Value Added Tax Act 1983 (c. 55)
41	
SC	CHEDULE 7 — Repeals
	Part I — ENACTMENTS REPEALED IN CONSEQUENCE OF PARTS I TO V
	Part II — ENACTMENTS REPEALED IN RELATION TO CRIMINAL
	PROCEEDINGS IN CONSEQUENCE OF PART VII
	Part III — ENACTMENTS REPEALED GENERALLY IN CONSEQUENCE OF PART VII
	Part IV — ENACTMENTS REPEALED IN RELATION TO CRIMINAL
	PROCEEDINGS IN CONSEQUENCE OF PART VIII
	Part V — ENACTMENTS REPEALED GENERALLY IN CONSEQUENCE OF PART VIII

Part VI — MISCELLANEOUS REPEALS

## Status:

Point in time view as at 03/07/2016.

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