



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART VI

#### CODES OF PRACTICE—GENERAL

#### 66 Codes of practice.

The Secretary of State shall issue codes of practice in connection with—

- (a) the exercise by police officers of statutory powers—
  - (i) to search a person without first arresting him; <sup>F1</sup> . . .
  - (ii) to search a vehicle without making an arrest; [<sup>F2</sup> or
  - (iii) to arrest a person;]
- (b) the detention, treatment, questioning and identification of persons by police officers;
- (c) searches of premises by police officers; and
- (d) the seizure of property found by police officers on persons or premises.

[<sup>F3</sup>(2) Codes shall (in particular) include provision in connection with the exercise by police officers of powers under section 63B above.]

[<sup>F4</sup>(3) Nothing in this section requires the Secretary of State to issue a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).]

#### Textual Amendments

**F1** S. 66: "in subsection (1)(a)" word at the end of sub-paragraph (i) repealed (1.1.2006) by virtue of Serious Organised Crime and Police Act 2005 (c. 15), ss. 110(3)(a), 178, **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(m)(t)(u)(xxiv)**

**F2** S. 66: "in subsection (1)(a)" sub-paragraph (ii) and word inserted (1.1.2006) by virtue of Serious Organised Crime and Police Act 2005 (c. 15), **ss. 110(3)(b)**, 178; S.I. 2005/3495, **art. 2(1)(m)**

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- F3** S. 66(2) inserted "at the end of s. 66" (for certain purposes on 20.6.2001, 2.7.2001, 20.5.2002, 2.9.2002, 1.4.2003, 1.4.2004, 1.4.2005 and otherwise 1.12.2005) by virtue of 2000 c. 43, ss. 57(3)(a), 80(1); S.I. 2001/2232, art. 2(f); S.I. 2002/1149, art. 2; S.I. 2002/1862, art. 2; S.I. 2003/709, art. 2; S.I. 2004/780, art. 2; S.I. 2005/596, art. 2; S.I. 2005/3054, art. 2
- F4** S. 66(3) inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 21 (with s. 97); S.I. 2012/1205, art. 4(k)

**Modifications etc. (not altering text)**

- C1** S. 66 modified (18.3.2011) by Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631), art. 1, Sch. 2 paras. 1, 2 (with art. 6)

**67 Codes of practice—supplementary.**

- [<sup>F5</sup>(1) In this section, “ code ” means a code of practice under section 60, 60A or 66.
- (2) The Secretary of State may at any time revise the whole or any part of a code.
- (3) A code may be made, or revised, so as to—
- (a) apply only in relation to one or more specified areas,
  - (b) have effect only for a specified period,
  - (c) apply only in relation to specified offences or descriptions of offender.
- (4) Before issuing a code, or any revision of a code, the Secretary of State must consult—
- (a) [<sup>F6</sup>such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
  - (aa) the Mayor's Office for Policing and Crime,
  - (ab) the Common Council of the City of London,]
  - (b) the Association of Chief Police Officers of England, Wales and Northern Ireland,
  - (c) the General Council of the Bar,
  - (d) the Law Society of England and Wales,
  - (e) the Institute of Legal Executives, and
  - (f) such other persons as he thinks fit.
- (5) A code, or a revision of a code, does not come into operation until the Secretary of State by order so provides.
- (6) The power conferred by subsection (5) is exercisable by statutory instrument.
- (7) An order bringing a code into operation may not be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (7A) An order bringing a revision of a code into operation must be laid before Parliament if the order has been made without a draft having been so laid and approved by a resolution of each House.
- (7B) When an order or draft of an order is laid, the code or revision of a code to which it relates must also be laid.
- (7C) No order or draft of an order may be laid until the consultation required by subsection (4) has taken place.
- (7D) An order bringing a code, or a revision of a code, into operation may include transitional or saving provisions.]

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<sup>F7</sup>(8) . . . . .

(9) Persons other than police officers who are charged with the duty of investigating offences or charging offenders shall in the discharge of that duty have regard to any relevant provision of <sup>F8</sup> . . . a code.

[<sup>F9</sup>(9A) Persons on whom powers are conferred by—

- (a) any designation under section 38 or 39 of the Police Reform Act 2002 (c. 30) (police powers for [<sup>F10</sup>civilian staff]), or
- (b) any accreditation under section 41 of that Act (accreditation under community safety accreditation schemes),

shall have regard to any relevant provision of a code <sup>F11</sup> . . . in the exercise or performance of the powers and duties conferred or imposed on them by that designation or accreditation.]

(10) A failure on the part—

- (a) of a police officer to comply with any provision of <sup>F12</sup> . . . a code; <sup>F13</sup> . . .
- (b) of any person other than a police officer who is charged with the duty of investigating offences or charging offenders to have regard to any relevant provision of <sup>F14</sup> . . . a code in the discharge of that duty, [<sup>F15</sup>, or
- (c) of a person designated under section 38 or 39 or accredited under section 41 of the Police Reform Act 2002 (c. 30) to have regard to any relevant provision of <sup>F16</sup> . . . a code in the exercise or performance of the powers and duties conferred or imposed on him by that designation or accreditation,]

shall not of itself render him liable to any criminal or civil proceedings.

(11) In all criminal and civil proceedings any <sup>F17</sup> . . . code shall be admissible in evidence; and if any provision of <sup>F17</sup> . . . a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

[<sup>F18</sup>(12) In subsection (11) “criminal proceedings” includes service proceedings.

(13) In this section “service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and “service offence” and “civilian court” here have the same meanings as in the Armed Forces Act 2006. ]

#### Textual Amendments

- F5** S. 67(1)-(7D) substituted (20.1.2004) for s. 67(1)-(7C) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 11(1), 336**; [S.I. 2004/81](#), **art. 2(1)(2)(a)**
- F6** S. 67(4)(a)-(ab) substituted for s. 67(4)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 163(2)**; [S.I. 2011/3019](#), art. 3, Sch. 1 (with Sch. 2 para. 47)
- F7** S. 67(8) repealed (1.4.1999) by [1996 c. 16](#), s. 103(3), **Sch. 9 Pt. II**; [S.I. 1999/533](#), **art. 2(a)**
- F8** Word in s. 67(9) repealed (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336, **Sch. 37 Pt. 1**; [S.I. 2004/81](#), **art. 2(1)(2)(g)(i)**
- F9** S. 67(9A) inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 107, **Sch. 7 para. 9(7)**; [S.I. 2002/2750](#), **art. 2(b)(ii)**
- F10** Words in s. 67(9A)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 163(3)**; [S.I. 2011/3019](#), art. 3, Sch. 1
- F11** Words in s. 67(9A) repealed (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336, **Sch. 37 Pt. 1**; [S.I. 2004/81](#), **art. 2(1)(2)(g)(i)**

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- F12** Word in s. 67(10)(a) repealed (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 1**; S.I. 2004/81, **art. 2(1)(2)(g)(i)**
- F13** S. 67(10): the word "or" after paragraph (a) repealed (2.12.2002) by Police Reform Act 2002 (c. 30), s. 107, **Sch. 8**; S.I. 2002/2750, **art. 2(b)(iii)(b)**
- F14** Word in s. 67(10)(b) repealed (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 1**; S.I. 2004/81, **art. 2(1)(2)(g)(i)**
- F15** S. 67(10)(c) and preceding word "or" inserted (2.12.2002) by Police Reform Act 2002 (c. 30), s. 107, **Sch. 7 para. 9(8)**; S.I. 2002/2750, **art. 2(b)(ii)**
- F16** Word in s. 67(10)(c) repealed (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 1**; S.I. 2004/81, **art. 2(1)(2)(g)(i)**
- F17** Word in s. 67(11) repealed (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 1**; S.I. 2004/81, **art. 2(1)(2)(g)(i)**
- F18** S. 67(12)(13) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) for s. 67(12) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 101**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

**Modifications etc. (not altering text)**

- C2** S. 67(9) excluded (12.4.2010) by 2002 c. 29 s. 377ZB (as inserted by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010) (S.I. 2010/976), arts. 1(2), 12, {Sch. 14 para. 68}; S.I. 2010/977, **art. 1(2)**
- C3** S. 67(9) excluded (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), **ss. 377(9)(a)**, 458; S.I. 2003/120, **art. 2, Sch.** (subject to transitional provisions and savings in arts. 3-7 (as amended by S.I. 2003/333, art. 14 which in turn is amended by S.I. 2003/531, arts. 3 and 4))

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