



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART XI

#### MISCELLANEOUS AND SUPPLEMENTARY

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

- C1 Pt. XI incorporated (E.W.S.) (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\)](#), [art. 52](#)

#### 113 Application of Act to Armed Forces.

[<sup>F1</sup>(1) The Secretary of State may by order make provision in relation to—

- (a) investigations of service offences,
- (b) persons arrested under a power conferred by or under the Armed Forces Act 2006,
- (c) persons charged under that Act with service offences,
- (d) persons in service custody, or
- (e) persons convicted of service offences,

which is equivalent to that made by any provision of Part 5 of this Act (or this Part of this Act so far as relating to that Part), subject to such modifications as the Secretary of State considers appropriate.]

(2) Section 67(9) above shall not have effect in relation to investigations of [<sup>F2</sup>service offences].

(3) The Secretary of State shall issue a code of practice, or a number of such codes, for persons other than police officers who are [<sup>F3</sup>concerned with—

- (a) the exercise of powers conferred by or under Part 3 of the Armed Forces Act 2006; or
- (b) investigations of service offences.]

[<sup>F4</sup>(3A) In subsections (4) to (10), “code” means a code of practice under subsection (3).]

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) <sup>F5</sup>Without prejudice to the generality of subsection (3) above, a code . . . may contain provisions, in connection with [<sup>F6</sup>the powers mentioned in subsection (3)(a) above or the [<sup>F7</sup>investigations] mentioned in subsection (3)(b) above], as to the following matters—
  - (a) the [<sup>F8</sup>audio recording] of interviews;
  - (b) searches of persons and premises; and
  - (c) the seizure of things found on searches.

[<sup>F9</sup>(5) The Secretary of State may at any time revise the whole or any part of a code.

- (6) 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.

(7) The Secretary of State must lay a code, or any revision of a code, before Parliament.]

(8) A failure on the part of any person to comply with any provision of a code <sup>F10</sup>. . . shall not of itself render him liable to any criminal or civil proceedings except those to which this subsection applies.

[<sup>F11</sup>(9) Subsection (8) above applies to proceedings in respect of an offence under a provision of Part 1 of the Armed Forces Act 2006 other than section 42 (criminal conduct).]

(10) In all criminal and civil proceedings any <sup>F12</sup>. . . code shall be admissible in evidence and if any provision of <sup>F12</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.

(11) <sup>F13</sup> . . . . .

(12) Parts VII and VIII of this Act have effect for the purposes of [<sup>F14</sup> service proceedings] subject to any modifications which the Secretary of State may by order specify.

[<sup>F15</sup>(12A) In this section—

“service offence” has the meaning given by section 50 of the Armed Forces Act 2006;

“criminal proceedings” includes service proceedings;

“service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and

“civilian court” has the meaning given by section 374 of the Armed Forces Act 2006;

and section 376(1) and (2) of that Act (meaning of “convicted” in relation to summary hearings and the SAC) apply for the purposes of subsection (1)(e) above as they apply for the purposes of that Act.]

(13) An order under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F16</sup>(14) Section 373(5) and (6) of the Armed Forces Act 2006 (supplementary provisions) apply in relation to an order under this section as they apply in relation to an order under that Act.]

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F1** S. 113(1) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 105\(2\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F2** Words in s. 113(2) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 105\(3\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F3** Words in s. 113(3) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 105\(4\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F4** S. 113(3A) inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 11(3), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F5** Words in s. 113(4) repealed (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336, [Sch. 37 Pt. 1](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(g\)\(i\)](#)
- F6** Words in s. 113(4) substituted (30.9.2003) by 2001 c. 19, ss. 13(1)(4), 39(2) (with s. 16(7)); S.I. 2003/2268, [art. 2](#)
- F7** Word in s. 113(4) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 105\(5\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F8** Words in s. 113(4)(a) substituted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. 76(3), 183(5)(e)(6)(a)
- F9** S. 113(5)-(7) substituted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 11(4), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F10** Words in s. 113(8) repealed (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336, [Sch. 37 Pt. 1](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(g\)\(i\)](#)
- F11** S. 113(9) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 105\(6\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F12** Word in s. 113(10) 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. 113(11) repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 105\(7\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059)
- F14** Words in s. 113(12) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 105\(8\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F15** S. 113(12A) inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 105\(9\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F16** S. 113(14) added (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 105\(10\)](#); 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. 113(1) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 28\(2\)](#)
- C3** S. 113(2)(3)(b) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 28\(3\)](#)
- C4** S. 113(12) applied (with modifications) (2.10.2000) by S.I. 2000/2370, [rule 27\(1\)\(e\)\(2\)](#)  
S. 113(12) applied (with modifications) (2.10.2000) by S.I. 2000/2371, [rule 27\(1\)\(d\)\(2\)](#)

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

S. 113(12) applied (with modifications) (2.10.2000) by S.I. 2000/2372, rule 27(1)(d)(2)

## 114 [F17] **Application of Act to Revenue and Customs**

- (1) “Arrested”, “arresting”, “arrest” and “to arrest” shall respectively be substituted for “detained”, “detaining”, “detention” and “to detain” wherever in the customs and excise Acts, as defined in section 1(1) of the <sup>M1</sup>Customs and Excise Management Act 1979, those words are used in relation to persons.
- (2) The Treasury may by order direct—
  - (a) that any provision of this Act which relates to investigations of offences conducted by police officers or to persons detained by the police shall apply, subject to such modifications as the order may specify, to [F18]investigations conducted by officers of Revenue and Customs] or to [F19]persons detained by officers of Revenue and Customs;] and
  - (b) that, in relation to [F20]investigations of offences conducted by officers of Revenue and Customs]—
    - (i) this Act shall have effect as if the following [F21]sections] were inserted after section 14—

### “14A Exception for [F22]Revenue and Customs].

Material in the possession of a person who acquired or created it in the course of any trade, business, profession or other occupation or for the purpose of any paid or unpaid office [F23]and which relates to a matter in relation to which Her Majesty's Revenue and Customs have functions,] is neither excluded material nor special procedure material for the purposes of any enactment such as is mentioned in section 9(2) above.

### **Revenue and Customs: restriction on other powers to apply for production of documents**

- (1) An officer of Revenue and Customs may make an application for the delivery of, or access to, documents under a provision specified in subsection (3) only if the condition in subsection (2) is satisfied.
- (2) The condition is that the officer thinks that an application under Schedule 1 would not succeed because the material required does not consist of or include special procedure material.
- (3) The provisions are—
  - (a) section 20BA of, and Schedule 1AA to, the Taxes Management Act 1970 (serious tax fraud);
  - (b) paragraph 11 of Schedule 11 to the Value Added Tax Act 1994 (VAT);
  - (c) paragraph 4A of Schedule 7 to the Finance Act 1994 (insurance premium tax);

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (d) paragraph 7 of Schedule 5 to the Finance Act 1996 (landfill tax);
- (e) paragraph 131 of Schedule 6 to the Finance Act 2000 (climate change levy);
- (f) paragraph 8 of Schedule 7 to the Finance Act 2001 (aggregates levy);
- (g) Part 6 of Schedule 13 to the Finance Act 2003 (stamp duty land tax).”;

(ii) section 55 above shall have effect as if it related only to things such as are mentioned in subsection (1)(a) of that section.

[<sup>F25</sup>(d) that where an officer of Revenue and Customs searches premises in reliance on a warrant under section 8 of, or paragraph 12 of Schedule 1 to, this Act (as applied by an order under this subsection) the officer shall have the power to search persons found on the premises—

- (i) in such cases and circumstances as are specified in the order, and
- (ii) subject to any conditions specified in the order; and

(e) that powers and functions conferred by a provision of this Act (as applied by an order under this subsection) may be exercised only by officers of Revenue and Customs acting with the authority (which may be general or specific) of the Commissioners for Her Majesty's Revenue and Customs.]

[ A certificate of the Commissioners that an officer of Revenue and Customs had <sup>F26</sup>(2A) authority under subsection (2)(e) to exercise a power or function conferred by a provision of this Act shall be conclusive evidence of that fact.]

[<sup>F27</sup>(3) An order under subsection (2)—

- (a) may make provision that applies generally or only in specified cases or circumstances,
- (b) may make different provision for different cases or circumstances,
- (c) may, in modifying a provision, in particular impose conditions on the exercise of a function, and
- (d) shall not be taken to limit a power under section 164 of the Customs and Excise Management Act 1979.]

(4) <sup>F28</sup> .....

(5) An order under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F17** S. 114 heading substituted (8.11.2007) by virtue of [Finance Act 2007 \(c. 11\)](#), **ss. 82(11)**, 84(5); S.I. 2007/3166, **art. 2**
- F18** Words in s. 114(2)(a) substituted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), **ss. 82(2)(a)**, 84(5); S.I. 2007/3166, **art. 2**
- F19** Words in s. 114(2)(a) substituted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), **ss. 82(2)(b)**, 84(5); S.I. 2007/3166, **art. 2**
- F20** Words in s. 114(2)(b) substituted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), **ss. 82(3)**, 84(5); S.I. 2007/3166, **art. 2**
- F21** Words in s. 114(2)(b)(i) substituted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), **ss. 82(4)**, 84(5); S.I. 2007/3166, **art. 2**

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F22** Words in s. 114(2)(b)(i) substituted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), **ss. 82(5)(b)**, 84(5); S.I. 2007/3166, **art. 2**
- F23** Words in s. 114(2)(b)(i) substituted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), ), {**ss. 82(5)(a)**}, 84(5); S.I. 2007/3166, **art. 2**
- F24** Words in s. 114(2)(b)(i) inserted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), **ss. 82(6)**, 84(5); S.I. 2007/3166, **art. 2**
- F25** S. 114(2)(d)(e) inserted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), **ss. 82(8)**, 84(5); S.I. 2007/3166, **art. 2**
- F26** S. 114(2A) inserted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), **ss. 82(9)**, 84(5); S.I. 2007/3166, **art. 2**
- F27** S. 114(3) substituted (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), **ss. 82(10)**, 84(5); S.I. 2007/3166, **art. 2**
- F28** S. 114(4) repealed (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), ss. 50, 52, 53(1), **Sch. 4 para. 31**, **Sch. 5**; S.I. 2005/1126, **art. 2(2)(h)(i)**

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

- C5** S. 114 excluded (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), ss. 16, 53(1), **Sch. 2 Pt. 1 para. 7**; S.I. 2005/1126, **art. 2(2)(d)**
- C6** S. 114(2) extended (1.4.2003) by [2001 c. 16](#), ss. 67, 138(2); S.I. 2003/708, **art. 2(c)**

#### Marginal Citations

- M1** 1979 c. 2.

### [<sup>F29</sup>114ZA] **Application of Act to Welsh Revenue Authority**

- (1) The Welsh Ministers may by regulations—
- (a) direct that any provision of this Act which relates to investigations of offences conducted by police officers or to the detention of persons by the police is to apply, subject to such modifications as the regulations may specify, to investigations of offences conducted by the Welsh Revenue Authority (“WRA”) or to the detention of persons by WRA in connection with such investigations;
  - (b) make provision permitting a person exercising a function conferred on WRA by the regulations to use reasonable force in the exercise of such a function;
  - (c) specify that where premises are searched by WRA in reliance on a warrant under section 8 of, or paragraph 12 of Schedule 1 to, this Act (as applied by regulations under paragraph (a)) persons found on the premises may be searched—
    - (i) in such cases and circumstances as are specified in the regulations, and
    - (ii) subject to any conditions specified in the regulations.
- (2) Regulations under subsection (1) may—
- (a) make provision that applies generally or only in specified cases,
  - (b) make different provision for different cases or circumstances, and
  - (c) may, in modifying a provision, in particular impose conditions on the exercise of a function.
- (3) The power to make regulations under subsection (1) is exercisable by statutory instrument.
- (4) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.]

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F29** S. 114ZA inserted (25.1.2018) by [Tax Collection and Management \(Wales\) Act 2016 \(anaw 6\)](#), ss. [185\(1\)](#), [194\(2\)](#); S.I. 2018/33, art. 2(j)

#### [<sup>F30</sup> 114A Power to apply Act to officers of the Secretary of State etc.

- (1) The Secretary of State may by order direct that—
  - (a) the provisions of Schedule 1 to this Act so far as they relate to special procedure material, and
  - (b) the other provisions of this Act so far as they relate to the provisions falling within paragraph (a) above,shall apply, with such modifications as may be specified in the order, for the purposes of investigations falling within subsection (2) as they apply for the purposes of investigations of offences conducted by police officers.
- (2) An investigation falls within this subsection if—
  - (a) it is conducted by an officer of the department of [<sup>F31</sup>the Secretary of State for Business, Energy and Industrial Strategy] or by another person acting on that Secretary of State's behalf;
  - (b) it is conducted by that officer or other person in the discharge of a duty to investigate offences; and
  - (c) the investigation relates to [<sup>F32</sup>an indictable offence] or to anything which there are reasonable grounds for suspecting has involved the commission of [<sup>F32</sup>an indictable offence] .
- (3) The investigations for the purposes of which provisions of this Act may be applied with modifications by an order under this section include investigations of offences committed, or suspected of having been committed, before the coming into force of the order or of this section.
- (4) An order under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F30** S. 114A inserted (11.7.2001) by 2001 c 16, ss. 85, 138(4)

**F31** Words in s. 114A(2)(a) substituted (9.11.2016) by [The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions \(Education and Skills\) Order 2016 \(S.I. 2016/992\)](#), art. 1(2), [Sch. para. 4](#) (with art. 13)

**F32** Words in s. 114A(2)(c) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 Pt. 3 para. 43\(11\)](#); S.I. 2005/3495, art. 2(1)(m)

#### [<sup>F33</sup> 114B Application of Act to labour abuse prevention officers

- (1) The Secretary of State may by regulations apply any provision of this Act which relates to investigations of offences conducted by police officers to investigations of labour market offences conducted by labour abuse prevention officers.
- (2) The regulations may apply provisions of this Act with any modifications specified in the regulations.

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) In this section “labour abuse prevention officer” means an officer of the Gangmasters and Labour Abuse Authority who—
- (a) falls within subsection (4), and
  - (b) is authorised (whether generally or specifically) by the Secretary of State for the purposes of this section.
- (4) An officer of the Gangmasters and Labour Abuse Authority falls within this subsection if he or she is—
- (a) acting for the purposes of the Employment Agencies Act 1973 (see section 8A of that Act),
  - (b) acting for the purposes of the National Minimum Wage Act 1998 (see section 13 of that Act),
  - (c) acting for the purposes of the Gangmasters (Licensing) Act 2004 as an enforcement officer within the meaning of section 15 of that Act,
  - (d) acting for the purposes of Part 1 or 2 of the Modern Slavery Act 2015 (see sections 11A and 30A of that Act), or
  - (e) acting for any other purpose prescribed in regulations made by the Secretary of State.
- (5) The investigations for the purposes of which provisions of this Act may be applied by regulations under this section include investigations of offences committed, or suspected of having been committed, before the coming into force of the regulations or of this section.
- (6) Regulations under this section are to be made by statutory instrument.
- (7) Regulations under this section may make—
- (a) different provision for different purposes;
  - (b) provision which applies generally or for particular purposes;
  - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
- (8) Regulations under subsection (4)(e) may, in particular, make such provision amending, repealing or revoking any enactment as the Secretary of State considers appropriate in consequence of any provision made by the regulations.
- (9) A statutory instrument containing regulations under subsection (4)(e) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section—
- “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- “labour market offence” has the meaning given in section 3 of the Immigration Act 2016.]

#### Textual Amendments

**F33** S. 114B inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 12(1), 94(1)**; [S.I. 2016/603](#), reg. 3(b)



*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 115 Expenses.

Any expenses of a Minister of the Crown incurred in consequence of the provisions of this Act, including any increase attributable to those provisions in sums payable under any other Act, shall be defrayed out of money provided by Parliament.

## 116 Meaning of “serious arrestable offence”.

F34  
.....

### Textual Amendments

F34 S. 116 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 174, 178, [Sch. 7 Pt. 3 para. 43\(12\)](#), [Sch. 17 Pt. 2](#); S.I. 2005/3495, [art. 2\(1\)\(m\)\(t\)\(u\)\(xxiv\)](#)

### Modifications etc. (not altering text)

C7 S. 116 applied (1.11.1999) by [1999 c. 8, s. 24\(10\)\(a\)](#); S.I. 1999/2793, [art. 2\(1\)\(b\)](#), [Sch. 2](#)

## 117 Power of constable to use reasonable force.

Where any provision of this Act—

- (a) confers a power on a constable; and
- (b) does not provide that the power may only be exercised with the consent of some person, other than a police officer,

the officer may use reasonable force, if necessary, in the exercise of the power.

### Modifications etc. (not altering text)

C8 S. 117 applied (with modifications) (1.1.1986) by [S.I. 1985/1882, art. 11](#);  
S. 117 applied (with modifications) (1.2.1997) by [S.I. 1997/15, art. 2\(1\)](#), [Sch.](#)  
S. 117 applied (with modifications) (31.12.2006) by [The Police and Criminal Evidence Act 1984 \(Application to the Armed Forces\) Order 2006 \(S.I. 2006/2015\)](#), arts. 2, 3, [Schs. 1-3](#)

C9 S. 117 applied (with modifications) (30.4.2017) by [The Police and Criminal Evidence Act 1984 \(Application to Labour Abuse Prevention Officers\) Regulations 2017 \(S.I. 2017/520\)](#), regs. 1, 2, 3(v), [Sch.](#)

## 118 General interpretation.

(1) In this Act—

F35  
.....

[<sup>F36</sup>[<sup>F37</sup>“British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);]

“designated police station” has the meaning assigned to it by section 35 above;

“document” [<sup>F38</sup>means anything in which information of any description is recorded.];

F39  
.....

“item subject to legal privilege” has the meaning assigned to it by section 10 above;

“parent or guardian” means—

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in the case of a child or young person in the care of a local authority, that authority; <sup>F40</sup> . . .

(b) <sup>F40</sup> .....

“premises” has the meaning assigned to it by section 23 above;

“recordable offence” means any offence to which regulations under section 27 above apply;

“vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.

(2) [<sup>F41</sup>Subject to subsection (2A)] a person is in police detention for the purposes of this Act if—

[ he has been taken to a police station after being arrested for an offence or after <sup>F42</sup>(a) being arrested under section 41 of the Terrorism Act 2000, or]

(b) he is arrested at a police station after attending voluntarily at the station or accompanying a constable to it,

and is detained there or is detained elsewhere in the charge of a constable, except that a person who is at a court after being charged is not in police detention for those purposes.

[ Where a person is in another’s lawful custody by virtue of paragraph <sup>F44</sup>... 34(1) or <sup>F43</sup>(2A) 35(3) of Schedule 4 to the Police Reform Act 2002, he shall be treated as in police detention.]]

#### Extent Information

**E1** For the extent of this Act see s. 120(11)

#### Textual Amendments

- F35** S. 118(1): definition of "arrestable offence" repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 174(2), 178, Sch. 7 Pt. 1 para. 24(2), **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(m)(t)(u)(xxiv)**
- F36** S. 118(1): definition of "British Transport Police Force" ceased to have effect (1.7.2004) by virtue of [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 73, 120, **Sch. 5 para. 4(1)(b)(2)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**
- F37** Words in s. 118(1) inserted (14.12.2001) by 2001 c 24, s. 101, Sch. 7 para. 14
- F38** Words in definition of "document" in s. 118(1) substituted (31.1.1997) by 1995 c. 38, s. 15(1), **Sch. 1 para. 9(3)** (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**
- F39** Definition of "intimate search" in s. 118(1) repealed (10.4.1995) by 1994 c. 33, s. 168(3), **Sch. 11**; S.I. 1995/721, **art. 2, Sch. Appendix B**
- F40** In s. 118, paragraph (b) of definition and the word immediately preceding it repealed (E.W.) (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F41** Words in s. 118(2) inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 107, **Sch. 7 para. 9(9)**; S.I. 2002/2750, **art. 2(b)(ii)**
- F42** S. 118(2)(a) substituted (19.2.2001) by 2000 c. 11, s. 125(1), **Sch. 15 para. 5(12)**; S.I. 2001/421, **art. 2**
- F43** S. 118(2A) inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 107, **Sch. 7 para. 9(9)**; S.I. 2002/2750, **art. 2(b)(ii)**
- F44** Word in s. 118(2A) omitted (22.2.2018) by virtue of [The Policing and Crime Act 2017 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/226\)](#), regs. 1, **5(2)**

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

**C10** S. 118 applied with modifications by [S.I. 1985/1882](#), **arts. 3, 10**

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- C11** S. 118 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4(1)(a)(2)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**
- C12** S. 118 applied (with modifications) (30.4.2017) by The Police and Criminal Evidence Act 1984 (Application to Labour Abuse Prevention Officers) Regulations 2017 (S.I. 2017/520), regs. 1, 2, 3(w), **Sch.**

## 119 Amendments and repeals.

- (1) The enactments mentioned in Schedule 6 to this Act shall have effect with the amendments there specified.
- (2) The enactments mentioned in Schedule 7 to this Act (which include enactments already obsolete or unnecessary) are repealed to the extent specified in the third column of that Schedule.
- (3) The repeals in Parts II and IV of Schedule 7 to this Act have effect only in relation to criminal proceedings.

## 120 Extent.

- (1) Subject to the following provisions of this section, this Act extends to England and Wales only.
- (2) The following extend to Scotland only—  
F45 . . .  
F45 . . .  
section 111;  
section 112(1); and  
section 119(2), so far as it relates to the provisions of the <sup>M2</sup>Pedlars Act 1871 repealed by Part VI of Schedule 7.
- (3) The following extend to Northern Ireland only—  
section 6(4); and  
section 112(2).
- (4) The following extend to England and Wales and Scotland—  
section 6(1) and (2);  
section 7;  
F46 . . .  
F46 . . .  
F46 . . .  
section 119(2), so far as it relates to section 19 of the <sup>M3</sup>Pedlars Act 1871.
- (5) The following extend to England and Wales, Scotland and Northern Ireland—  
section 6(3);  
[<sup>F47</sup>section 9(2A);]  
F48 . . .  
section 114(1).
- [<sup>F49</sup>(6) Nothing in subsection (1) affects—  
(a) the extent of section 113(1) to (7) and (12) to (14);

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) the extent of the relevant provisions so far as they relate to service proceedings.]
- (8) In this section “the relevant provisions” means—
- [<sup>F50</sup>(a) section 67(11) to (13);]
  - (c) Parts VII and VIII of this Act, except paragraph 10 of Schedule 3;
  - [<sup>F51</sup>(d) section 113(8) to (10).]
- [<sup>F52</sup>(8A) 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.”
- (8B) Section 384 of the Armed Forces Act 2006 (Channel Islands, Isle of Man and British overseas territories) applies in relation to the provisions mentioned in subsection (6) (a) and (b) above as it applies in relation to that Act.]
- <sup>F53</sup>(9A) Section 119(1), so far as it relates to any provision amended by Part II of Schedule 6, extends to any place to which that provision extends.
- (10) Section 119(2), so far as it relates—
- (a) to any provision contained in—
    - the <sup>M4</sup>Army Act 1955;
    - the <sup>M5</sup>Air Force Act 1955;
    - the <sup>M6</sup>Armed Forces Act 1981; or
    - the <sup>M7</sup>Value Added Tax Act 1983;
  - (b) to any provision mentioned in Part VI of Schedule 7, other than section 18 of the <sup>M8</sup>Pedlars Act 1871,
- extends to any place to which that provision extends.
- (11) So far as any of the following—
- section 115;
  - in section 118, the definition of “document”;
  - this section;
  - section 121; and
  - section 122,
- has effect in relation to any other provision of this Act, it extends to any place to which that provision extends.

#### Textual Amendments

- F45** Words in s. 120(2) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 6**
- F46** Words in s. 120(4) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 6**
- F47** Words in s. 120(5) inserted (1.8.2001) by 2001 c. 16, s. 86(2); S.I. 2001/2223, art. 3(e)
- F48** Words in s. 120(5) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 6**
- F49** S. 120(6) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) for s. 120(6)(7) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 106(2)**; S.I. 2009/812, art. 3 (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F50** S. 120(8)(a) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) for s. 120(8)(a)(b) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 106\(3\)\(a\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- F51** S. 120(8)(d) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) for s. 120(8)(d)(e) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 106\(3\)\(b\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- F52** S. 120(8A)(8B) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) for s. 120(9) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 106\(4\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- F53** S. 120(9A) re-numbered from subsection (9) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(1), [Sch. 15 para. 101](#)

#### Marginal Citations

- M2** 1871 c. 96.  
**M3** 1871 c. 96.  
**M4** 1955 c. 18.  
**M5** 1955 c. 19.  
**M6** 1981 c. 55.  
**M7** 1983 c. 55.  
**M8** 1871 c. 96.

## 121 Commencement.

- (1) This Act, except section 120 above, this section and section 122 below, shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes.
- (2) Different days may be appointed under this section for the coming into force of section 60 above in different areas.
- (3) When an order under this section provides by virtue of subsection (2) above that section 60 above shall come into force in an area specified in the order, the duty imposed on the Secretary of State by that section shall be construed as a duty to make an order under it in relation to interviews in that area.
- (4) An order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into operation.

#### Subordinate Legislation Made

- P1** S. 121 power partly exercised by [S.I.1991/2686](#)  
S. 121 power partly exercised (8.11.1992); 9.11.1992 appointed for specified provision by [S.I. 1992/2802](#), [art.2](#).  
S. 121 power of appointment conferred by s. 121(1) previously exercised: [S.I. 1984/2002](#), 1985/623, 1934

## 122 Short title.

This Act may be cited as the Police and Criminal Evidence Act 1984.

**Status:**

Point in time view as at 24/07/2020.

**Changes to legislation:**

Police and Criminal Evidence Act 1984, Part XI is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.