

SCHEDULES

SCHEDULE 6

DETENTION UNDER SECTION 27

PART 1

TREATMENT OF PERSONS DETAINED UNDER SECTION 27

Place of detention

- 1 (1) The Secretary of State may designate places at which persons may be detained under [section 27](#).
- (2) The power in sub-paragraph (1) may be exercised only in relation to land or a building in the United Kingdom which is owned or controlled by a police force.
- (3) In [this Schedule](#) a reference to a police station includes a reference to any place which the Secretary of State has designated under [sub-paragraph \(1\)](#) as a place where a person may be detained under [section 27](#).
- (4) A constable who arrests a person under [section 27](#) must take the person as soon as is reasonably practicable to the police station which the constable considers the most appropriate.
- (5) Where a person is arrested under [section 27](#) in one part of the United Kingdom and some or all of the person's detention under that section takes place in another part, the provisions of [this Schedule](#) which apply to detention in a particular part of the United Kingdom apply in relation to the person while detained in that part.
- (6) In this paragraph—
 - “building” includes any part of a building;
 - “police force” has the same meaning as in [paragraph 28](#).

Identification

- 2 (1) An authorised person may take any steps which are reasonably necessary for—
 - (a) photographing the detained person,
 - (b) measuring the detained person, or
 - (c) identifying the detained person.
- (2) In [sub-paragraph \(1\)](#) “authorised person” means any of the following—
 - (a) a constable;
 - (b) a prison officer;
 - (c) a person authorised by the Secretary of State.
- (3) [This paragraph](#) does not confer the power to take—

Status: This is the original version (as it was originally enacted).

- (a) fingerprints, non-intimate samples or intimate samples (see instead [paragraphs 10 to 14](#) below), or
- (b) relevant physical data or samples as mentioned in section 18 of the Criminal Procedure (Scotland) Act 1995, as applied by [paragraph 18](#) below.

Video recording of interviews

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- (1) [This paragraph](#) applies to any interview by a constable of a detained person that takes place in a police station.
 - (2) The Secretary of State must—
 - (a) issue a code of practice about the video recording of interviews to which [this paragraph](#) applies, and
 - (b) make regulations requiring the video recording of interviews to which [this paragraph](#) applies in accordance with any relevant code of practice under [paragraph \(a\)](#).
 - (3) Regulations under [sub-paragraph \(2\)](#) must state that the video recording is to be with sound.
 - (4) A code of practice under [this paragraph](#)—
 - (a) may make provision in relation to a particular part of the United Kingdom, and
 - (b) may make different provision for different parts of the United Kingdom.
 - (5) The failure by a constable to observe a provision of a code does not of itself make the constable liable to criminal or civil proceedings.
 - (6) A code—
 - (a) is admissible in evidence in criminal and civil proceedings, and
 - (b) is to be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
 - (7) The Secretary of State may revise a code and issue the revised code.
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- (1) Before issuing a code of practice under [paragraph 3](#), the Secretary of State must—
 - (a) publish a draft code,
 - (b) consider any representations made about the draft, and
 - (c) if the Secretary of State thinks it appropriate, modify the draft in the light of any such representations.
 - (2) The Secretary of State must lay a draft of the code before Parliament.
 - (3) After the code has been laid before Parliament the Secretary of State may bring it into operation by regulations.
 - (4) [Sub-paragraphs \(1\) to \(3\)](#) apply to the issue of a revised code as they apply to the first issue of the code.

Status

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- A detained person is to be treated as being in legal custody throughout the period of the person's detention.