
STATUTORY INSTRUMENTS

1995 No. 450

POLICE

**The Police and Criminal Evidence Act 1984
(Codes of Practice) (No. 3) Order 1995**

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>27th January 1995</i>
<i>Laid before Parliament</i>		<i>30th January 1995</i>
<i>Coming into force</i>	- -	<i>10th April 1995</i>

Whereas:

(1) In pursuance of section 60(1)(a) and section 66 of the Police and Criminal Evidence Act 1984⁽¹⁾ the Secretary of State issued codes of practice⁽²⁾ in connection with the following matters—

- (a) the exercise by police officers of statutory powers of stop and search;
- (b) the searching of premises by police officers and the seizure of property found by police officers on persons or premises;
- (c) the detention, treatment and questioning of persons by police officers;
- (d) the identification of persons by police officers; and
- (e) the tape recording of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations,

and may in pursuance of section 67(7) of that Act revise the whole or part of such a code of practice and issue a revised code:

(2) in pursuance of section 67(1) of that Act the Secretary of State has prepared and published draft revised codes of practice in connection with the said matters and has considered representations made to him thereon and modified the draft revised codes of practice accordingly:

(3) in pursuance of section 67(3) of that Act the Secretary of State has laid a draft of each revised code of practice before both Houses of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 67 of the said Act of 1984, hereby orders as follows:

1.—(1) This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (No. 3) Order 1995 and shall come into force on 10th April 1995.

(1) 1984 c. 60.

(2) The codes of practice were brought into operation by S.I. 1985/1937, revoked by S.I. 1990/2580, and S.I. 1988/1200.

2. Subject to article 3 of this Order, the revised codes of practice laid in draft before Parliament on 30th January 1995 in connection with the matters referred to in section 60(1)(a) and section 66 of the Police and Criminal Evidence Act 1984 shall come into operation on 10th April 1995.

3.—(1) The revised code of practice for the exercise by police officers of statutory powers of stop and search shall apply to any search by a police officer which commences after midnight on 9th April 1995, notwithstanding that the person or vehicle in question may be detained by him in that behalf before that time.

(2) The revised code of practice for the searching of premises by police officers and the seizure of property found by police officers on persons or premises shall apply—

(a) to any application for a warrant to search premises made after 9th April 1995, and

(b) to any search of premises or seizure of property taking place after midnight on 9th April 1995, notwithstanding that the search or seizure in question may have taken place in pursuance of a warrant granted or applied for before that time.

(3) The revised code of practice for the detention, treatment and questioning of persons by police officers shall apply to persons in police detention after midnight on 9th April 1995, notwithstanding that their period of detention may have commenced before that time.

(4) The revised code of practice for the identification of persons by police officers shall apply to any procedures to which the code relates which are carried out after midnight on 9th April 1995.

(5) The revised code of practice for the tape recording of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations shall apply to any procedures to which the code relates which are carried out after midnight on 9th April 1995, notwithstanding that such a procedure may have commenced before that time.

4. The Police and Criminal Evidence Act 1984 (Codes of Practice) (No. 2) Order 1990(3) and the Police and Criminal Evidence Act 1984 (Codes of Practice) Order 1988(4) are hereby revoked.

Home Office

Mishael Howard
One of Her Majesty's Principal Secretaries of
State

27th January 1995

(3) S.I. 1990/2580.

(4) S.I. 1988/1200.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 10th April 1995 as the date on which revised codes of practice under section 60(1) and section 66 of the Police and Criminal Evidence Act 1984 will come into operation, superseding codes of practice which have been in operation since 29th July 1988 in the case of the code in connection with tape-recording, and 1st April 1990 in the case of the codes in connection with the matters referred to at (a) to (d) in the list below.

The revised codes of practice are—

- (a) Code of Practice for the Exercise by Police Officers of statutory Powers of stop and Search;
- (b) Code of Practice for the Searching of Premises by Police Officers and the Seizure of Property found by Police Officers on Persons or Premises;
- (c) Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers;
- (d) Code of Practice for the Identification of Persons by Police Officers;
- (e) Code of Practice on Tape Recording.

The codes of practice will be published by Her Majesty's Stationery Office: copies may be obtained from Government bookshops.