

2003 No. 703

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) (Codes B to E) (No. 2) Order 2003

Approved in both Houses of Parliament

Made - - - - - 26th February 2003

Laid before Parliament 27th February 2003

Coming into force - - - 1st April 2003

Whereas the Secretary of State:

(1) has, in pursuance of section 60(1)(a) and 66(1)(b), (c) and (d) of the Police and Criminal Evidence Act 1984(a) (“the Act”), issued codes of practice(b) in connection with the:

- (a) searching of premises by police officers and the seizure of property found by police officers on persons or premises;
- (b) detention, treatment and questioning of persons by police officers;
- (c) identification of persons by police officers; and
- (d) tape recording of interviews with suspects;

(2) may, under section 67(7) of the Act, revise the whole or any part of the code and issue a revised code, and has done so on previous occasions;

(3) has, in accordance with section 67(1) of the Act, prepared and published in draft revised codes of practice in connection with these matters and has considered representations made to him thereon and modified those drafts accordingly;

(4) has, in pursuance of section 67(3) of the Act, 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(4) and (6) of the Act, hereby makes the following Order:

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Codes B to E) (No. 2) Order 2003 and shall come into force on 1st April 2003.

2. Subject to article 3 of this Order, the revised codes of practice laid in draft before Parliament on 26th February 2003 in connection with the matters referred to in section 60(1)(a) and 66(1)(b), (c) and (d) of the Act shall come into operation on 1st April 2003.

3.—(1) 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 31st March 2003, and

(a) 1984 c. 60; subsection (1) of section 66 was numbered as such by virtue of the Criminal Justice and Court Services Act 2000 (c. 43), section 57(1) and (4) which is in force in certain police areas only.

(b) The codes of practice were brought into force by S.I. 1995/450.

(b) to any search of premises or seizure of property taking place after midnight on 31st March 2003, notwithstanding that the search or seizure in question may have taken place in pursuance of a warrant granted or applied for before that time.

(2) 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 31st March 2003, notwithstanding that their period of detention may have commenced before that time.

(3) 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 31st March 2003.

(4) 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 31st March 2003, notwithstanding that such a procedure may have commenced before that time.

4. The following Orders are revoked—

- (a) the Police and Criminal Evidence Act 1984 (Codes of Practice) (No. 3) Order 1995(a);
- (b) the Police and Criminal Evidence Act 1984 (Codes of Practice) (No. 5) Order 1999(b); and
- (c) the Police and Criminal Evidence Act 1984 (Codes of Practice) (Codes B to E) Order 2003(c).

Home Office
26th February 2003

John Denham
Minister of State

(a) S.I. 1995/450.
(b) S.I. 1999/291.
(c) This Statutory Instrument is unnumbered.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st April 2003 as the date on which revised codes of practice under section 60(1)(a) and 66(1)(b), (c) and (d) of the Police and Criminal Evidence Act 1984 (“the Act”) will come into operation, superseding codes of practice which have been in operation since 10th April 1995.

The revised codes of practice are—

- (a) Code of Practice for the searching of premises by police officers and the seizure of property found by police officers on persons or premises;
- (b) Code of Practice for the detention, treatment and questioning of persons by police officers;
- (c) Code of Practice for the identification of persons by police officers; and
- (d) Code of Practice on tape recording of interviews with suspects.

This Order also revokes the Orders set out in paragraphs (a) and (b) of article 4 which, together, brought the current codes of practice under section 60(1)(a) and 66(1)(a), (b), (c) and (d) of the Act into operation. A revised code of practice under section 66(1)(a) of the Act (Code of Practice for the exercise by police officers of statutory powers of stop and search) comes into operation on 1st April 2003 (S.I. 2002/3075).

This Order also revokes the Order set out in paragraph (c) of article 4. This is in consequence of a defect in the draft Code D laid before each House of Parliament on 28th January 2003. The draft codes laid before each House of Parliament on 28th January 2003 are superseded by the draft codes laid on 26th February 2003.

The codes of practice will be published by The Stationery Office: copies may be obtained from its bookshops.

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Practice) (Codes B to E) (No. 2) Order 2003**

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