

2003 No. 705

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) (Code E) Order 2003

Made - - - - - 13th March 2003

Laid before Parliament 14th March 2003

Coming into force - - 1st April 2003

Whereas the Secretary of State, in pursuance of section 60(1)(a) of the Police and Criminal Evidence Act 1984(a), issued a code of practice in connection with the tape-recording of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations;

And whereas the Secretary of State, in pursuance of section 67(4) of that Act, by order(b) brought that code into operation on 29th July 1988 and has subsequently revised it;

And whereas the Secretary of State, in pursuance of section 60(1)(b) of that Act, by the Police and Criminal Evidence Act 1984 (Tape-recording of Interviews) (No. 1) Order 1991(c) and by the Police and Criminal Evidence Act 1984 (Tape-recording of Interviews) (No. 2) Order 1992(d) required the tape recording of interviews of persons specified in those Orders in accordance with the code;

Now, therefore, in pursuance of section 60(1)(b) of that Act, the Secretary of State hereby orders as follows:

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Code E) Order 2003 and shall come into force on 1st April 2003.

2. This Order shall apply to interviews of persons suspected of the commission of indictable offences which are held by police officers at police stations and which commence after midnight on 31st March 2003.

3.—(1) Subject to paragraph (2) below, interviews to which this Order applies shall be tape-recorded in accordance with the requirements of the code of practice on tape-recording which came into operation on 29th July 1988 as it has effect for the time being.

(2) The duty to tape-record interviews under paragraph (1) above shall not apply to interviews where the person is detained under Schedule 7 to, or section 41 of, the Terrorism Act 2000(e).

4. The following Orders are hereby revoked—

- (a) the Police and Criminal Evidence Act 1984 (Tape-recording of Interviews) (No. 1) Order 1991;
- (b) the Police and Criminal Evidence Act 1984 (Tape-recording of Interviews) (No. 2) Order 1992; and

(a) 1984 c. 60.

(b) S.I. 1988/1200.

(c) S.I. 1991/2687; relevant amendments were made by S.I. 2001/2480.

(d) S.I. 1992/2803; relevant amendments were made by S.I. 2001/2480.

(e) 2000 c. 11.

(c) the Police and Criminal Evidence Act 1984 (Tape-recording of Interviews)
(Amendment) Order 2001(a).

Home Office
13th March 2003

John Denham
Minister of State

(a) S.I. 2001/2480.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order requires police officers to carry out tape-recording of interviews at police stations in England and Wales for persons suspected of the commission of indictable offences subject to an exception in relation to those detained under Schedule 7 to, or section 41 of, the Terrorism Act 2000. Police officers are required to make a tape recording of interviews of those detained under Schedule 7 to, or section 41 of, the Terrorism Act 2000 by the Terrorism Act 2000 (Code of Practice on Audio Recording of Interviews) (No. 2) Order 2001 (S.I. 2001/189).

This Order revokes and consolidates the Orders listed in article 4 and updates the references to the terrorism legislation.

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