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STATUTORY INSTRUMENTS

2008 No. 3146

POLICE, ENGLAND AND WALES

**The Police and Criminal Evidence Act 1984 (Codes of Practice)
(Revisions to Code A) (No. 2) Order 2008**

<i>Made</i>	- - - -	<i>8th December 2008</i>
<i>Laid before Parliament</i>		<i>10th December 2008</i>
<i>Coming into force</i>	- -	<i>1st January 2009</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 67(5) of the Police and Criminal Evidence Act 1984(a).

The Secretary of State has consulted in accordance with section 67(4) of that Act.

Citation, commencement and interpretation

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revisions to Code A) (No.2) Order 2008 and shall come into force on 1st January 2009.

2. In this Order “PACE Code A” means the Police and Criminal Evidence Act 1984 Code of Practice for the exercise by: police officers of statutory powers of stop and search; police officers and police staff of requirements to record public encounters.

Revision of PACE Code A

3. The revision of PACE Code A which is to be laid before Parliament on 10 December 2008 and which contains amendments to paragraphs 2.2, 2.3, 4 and the Notes for Guidance and the deletion of Annexes D and E of that Code shall come into operation on 1 January 2009.

Home Office
8th December 2008

Vernon Coaker
Minister of State

(a) 1984 c.60; section 67(4) and (5) were substituted by section 11(1) of the Criminal Justice Act 2003 (c.44).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 1 January 2009 the revision of paragraph 4 of the Police and Criminal Evidence Act 1984 Code of Practice for the exercise by: police officers of statutory powers of stop and search; police officers and police staff of requirements to record public encounters (“PACE Code A”) which is to be laid before Parliament on 10 December 2008. The Order also brings into operation the clarification in paragraphs 2.2 and 2.3 of Code A regarding reasonable suspicion not being based on single factors alone. Paragraphs 4.10A and 4.10B of PACE Code A are also amended to clarify the position on providing receipts for stops and searches.

The revision of paragraph 4 of PACE Code A (recording requirements including recording of encounters not governed by statutory powers), together with the consequential deletion of Annexes D and E will mean that constables will no longer be required to record all encounters not governed by statutory powers. The constables will only need to record information on the ethnicity of a person who is the subject of such an encounter. A receipt will also be made available to the person.

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