
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force two revised codes of practice under section 66(1)(b) of the Police and Criminal Evidence Act 1984 (c. 60). These revised codes of practice supersede the corresponding existing codes of practice. The revised codes C and H relate to the detention, treatment and questioning of persons in police custody.

The amendments to codes C and H require all detainees to be given an opportunity to speak to a member of custody staff in private regarding their health, hygiene and personal needs, with necessary arrangements made to accommodate such needs as soon as practicable. The amendments specifically require the provision of menstrual hygiene products free of charge to detainees where requested. The amendments make clear that there should be privacy for detainees in the toilet area of their cells.

The amendments require officers to have regard to the dignity of a detainee when conducting an intimate search or a strip search and extend the obligation to have regard to the dignity of a detainee when determining their gender for the purpose of a search. The requirement to speak to a staff member of the same sex may be modified in respect of a transgender detainee to ensure their needs are accommodated. An impact assessment has not been produced for this instrument as no, impact on the private, voluntary or public sector is foreseen.