

Draft Order laid before Parliament under section 77(5) of the Criminal Procedure and Investigations Act 1996, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

CRIMINAL LAW, ENGLAND AND WALES

**Criminal Procedure and Investigations
Act 1996 (Code of Practice) Order 2005**

Made - - - - 2005
Coming into force - - 4th April 2005

Whereas:

(1) in pursuance of section 23 of the Criminal Procedure and Investigations Act 1996⁽¹⁾ (“the Act”) the Secretary of State must prepare a code of practice containing provisions designed to secure the matters referred to in subsection (1) of that section;

(2) in pursuance of section 25(4) of the Act the Secretary of State may from time to time revise a code of practice previously brought into operation and subsections (1) to (3) of section 25 apply to such a revised code;

(3) in pursuance of section 25(1) of the Act the Secretary of State published a draft revised code of practice to replace the code brought into operation on 1st April 1997⁽²⁾, considered representations made to him about the draft and modified the draft accordingly;

(4) in pursuance of section 25(2) of the Act the Secretary of State has laid the revised code of practice before each House of Parliament;

(5) a draft of this Order has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 25(2) of the Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Criminal Procedure and Investigations Act 1996 (Code of Practice) 2005 Order and shall come into force on 4th April 2005.

(1) 1996 c. 25.

(2) By the Criminal Procedure and Investigations Act 1996 (Code of Practice) (No. 2) Order 1997, [S.I. 1997/1033](#).

Appointed day

2. The day hereby appointed for the purpose of section 25(2) of the Criminal Procedure and Investigations Act 1996 is 4th April 2005 and the code of practice laid before each House of Parliament on 21st February 2005 containing the provisions referred to in section 23 of that Act shall come into operation accordingly on that day.

Revocation

3. The Criminal Procedure and Investigations Act 1996 (Code of Practice) (No.2) Order 1997(3) is hereby revoked.

Home Office
2005

Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 4th April 2005 as the day on which the revised code of practice prepared under section 23 of the Criminal Procedure and Investigations Act 1996 (“the Act”) and laid before each House of Parliament on 21st February 2005 is brought into operation in England and Wales.

The code of practice, which contains provisions relating to the conduct of criminal investigations, applies by virtue of section 25(3) of the Act in relation to suspected or alleged offences into which no criminal investigation has begun before the day on which the code comes into operation.

The code brought into operation by this Order replaces the one brought into operation by the Criminal Procedure and Investigations Act 1996 (Code of Practice) (No. 2) Order 1997 ([S.I. 1997/1033](#)).