

*Draft Order laid before Parliament under section 67(7) and (7A) of the Police and Criminal Evidence Act 1984 for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**POLICE, ENGLAND AND WALES**

**The Police and Criminal Evidence Act  
1984 (Codes of Practice) Order 2005**

*Made* - - - - 2005  
*Coming into force* - - 1st January 2006

As the Secretary of State:

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

- (a) exercise by police officers of statutory powers of stop and search;
- (b) searching of premises by police officers and the seizure of property found by police officers on persons or premises;
- (c) detention, treatment and questioning of persons by police officers;
- (d) identification of persons by police officers;
- (e) tape recording of interviews with suspects; and
- (f) visual recording with sound of interviews with suspects;

(2) may, under section 67(2)(2) of the Act, revise the whole or any part of a code;

(3) has, in pursuance of section 66(1)(a)(iii)(3) of the Act, issued a code of practice in connection with the exercise by police officers of statutory powers to arrest a person

(4) has consulted in accordance with section 67(4) of the Act; and

(5) has, in accordance with section 67(7B) of the Act, laid the code of practice in connection with the exercise by police officers of statutory powers to arrest a person and each revised code of practice before Parliament;

And as a draft of this Order has been laid before Parliament and 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 67(5) and (7D) of the Act, hereby makes the following Order:

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(1) 1984 c. 60; section 60A was inserted by section 76(1) of the Criminal Justice and Police Act 2001 (c. 16)  
(2) Section 67(1) to (7D) was substituted by section 11 of the Criminal Justice Act 2003 (c. 44).  
(3) Section 66(1)(a)(iii) was inserted by section 110(3)(a) of the Serious Organised Crime and Police Act 2005 (c. 15). Section 66 was amended by section 57 of the Criminal Justice and Court Services Act 2000 (c. 43).

### **Citation and commencement**

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) Order 2005 and shall come into force on 1st January 2006.

### **Revision of existing codes of practice**

2. Subject to article 4, the revised codes of practice laid before Parliament on 8th November 2005 in connection with the matters referred to in—

- (a) section 60(1)(a) of the Act (tape recording of interviews with suspects— Code E);
- (b) section 60A(1)(a) of the Act (visual recording with sound of interviews with suspects – Code F);
- (c) section 66(1)(a)(i) and (ii) of the Act (exercise by police officers of statutory powers of stop and search – Code A);
- (d) section 66 (1)(b) of the Act—
  - (i) as respects the detention, treatment and questioning of persons by police officers (Code C); and
  - (ii) as respects the identification of persons by police officers (Code D);
- (e) section 66(1)(c) and (d) of the Act (searching of premises by police officers and the seizure of property found by police officers on persons or premises - Code B);

shall come into operation on 1st January 2006.

### **Code of practice relating to powers of arrest**

3. The code of practice laid before Parliament on 8th November 2005 in connection with the matters referred to in section 66(1)(a)(iii) of the Act (exercise by police officers of statutory powers to arrest a person – Code G) shall come into operation on 1st January 2006.

### **Transitional provisions**

4.—(1) The revised code of practice referred to in article 2(a) shall apply to any procedures to which the code relates which are carried out after midnight on 31st December 2005, notwithstanding that such a procedure may have commenced before that time.

(2) The revised code of practice referred to in article 2(b) shall apply to any procedures to which the code relates which are carried out after midnight on 31st December 2005, notwithstanding that such a procedure may have commenced before that time.

(3) The revised code of practice referred to in article 2(c) shall apply to any procedures to which the code relates which are carried out after midnight on 31st December 2005.

(4) The revised code of practice referred to in article 2(d)(i) shall apply to persons in police detention after midnight on 31st December 2005, notwithstanding that their period of detention may have commenced before that time.

(5) The revised code of practice referred to in article 2(d)(ii) shall apply to any procedures to which the code relates which are carried out after midnight on 31st December 2005.

(6) The revised code of practice referred to in article 2(e) shall apply—

- (a) to any application for a warrant to search premises made after 31st December 2005; and

- (b) to any search of premises or seizure of property taking place after midnight on 31st December 2005, notwithstanding that the search or seizure in question may have taken place in pursuance of a warrant granted or applied for before that time.

### **Revocations**

5. The following Orders are hereby revoked—
- (a) the Police and Criminal Evidence Act 1984 (Codes of Practice) Order 2004(4); and
  - (b) the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revisions to Code C) Order 2005(5).

Home Office  
2005

Minister of State

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(4) S.I. 2004/1887.  
(5) S.I. 2005/602.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order appoints 1st January 2006 as the date on which revised codes of practice under sections 60(1)(a), 60A(1) and 66(1)(a)(i) and (ii) and (b) to (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 1st August 2004. These codes of practice relates to the exercise by police officers of statutory powers of stop and search (Code A), to search premises and property (Code B), to detain suspects (Code C), identification procedures (Code D), audio recording of interviews with suspects (Code E) and visual recording of interviews with suspects (Code F).

This Order also appoints 1st January 2006 as the date on which a new code of practice under section 66(1)(a)(iii) of the Act will come into operation. This code of practice relates to the exercise by police officers of statutory powers of arrest (Code G).

On 1st January 2006 the provisions of Part 2 of the Drugs Act 2005 relating to police powers to search for controlled drugs and to take X-rays and ultrasound scans of persons suspected of swallowing controlled drugs will be brought into force. A number of provisions of the Serious Organised Crime and Police Act 2005, notably those relating to the power of arrest, the power to search premises and the power to take footwear impressions from suspects, will also be brought into force on that date. The revised codes will reflect the changes necessitated by the amendments to primary legislation.

This Order revokes the Order set out in paragraph (a) of article 5 which brought the current versions of the codes of practice into operation.

This Order also revokes the Order set out in paragraph (b) of article 5 which made revisions to Code C.

The codes of practice will be published by the Stationery Office: copies may be obtained from its bookshops. The codes of practice will also be available on the Home Office website.