

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

DRAFT STATUTORY INSTRUMENTS

2010 No.

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes A, B and D) Order 2010

Made - - - -

Coming into force in accordance with article 1(1)

The Secretary of State:

(1) has, in pursuance of section 66(1) of the Police and Criminal Evidence Act 1984⁽¹⁾, 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; and
- (d) identification of persons by police officers;

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

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

(4) has, in accordance with section 67(7B) of that Act, laid each revised code of practice before Parliament;

A draft of this Order has been laid before Parliament and has been approved by each House of Parliament in accordance with section 67(7A) of that Act;

The Secretary of State, in exercise of powers conferred upon her by section 67(5) of that Act, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes A, B and D) Order 2010 and shall come into force on the twenty first day after the day on which it is made.

(1) 1984 c.60.

(2) Section 67(1) to (7D) was substituted by section 11 of the Criminal Justice Act 2003 (c.44).

(2) In this Order “the Act” means the Police and Criminal Evidence Act 1984.

Revision of Codes of Practice

2. The revised codes of practice laid before Parliament on 17th November 2010 in connection with the matters referred to in—

- (a) section 66(1)(a) of the Act (exercise by police officers of statutory powers of stop and search – Code A)(3);
- (b) section 66(1)(b) of the Act (identification of persons by police officers – Code D);
- (c) section 66(1)(c) and (d) of the Act (searches 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 the day on which this Order comes into force.

Home Office

Minister of State

(3) Section 66(1) is numbered as such by virtue of section 57(1) and (4) of the Criminal Justice and Court Services Act 2000 (c.43). Section 66(1)(a)(i) was amended by sections 110(3)(a) and 174(2) of, and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c.15) and section 66(1)(a)(iii) was amended by section 110(3)(b) of the Serious Organised Crime and Police Act 2005.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force revised codes of practice under section 66(1) of the Police and Criminal Evidence Act 1984, which will supersede the existing codes of practice issued under that section.

The changes primarily implement a reduced level of recording of stop and search encounters, provide guidance on the roll-out and use of mobile fingerprinting technology, and provide guidance on new enhanced powers to take DNA and fingerprints. They also reflect other minor changes in legislation and practice.

The codes of practice are published by the Stationery Office and copies may be obtained from its bookshops. The changes contained in this Order will be notified to the Stationery Office. The revised codes of practice will also be available on the Home Office website.