

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

2016 No.

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes C, D and H) Order 2016

Made - - - -

Coming into force in accordance with article 1

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(1).

The Secretary of State has consulted in accordance with section 67(4)(2) of that Act.

The revised Codes have been laid before Parliament in accordance with section 67(7B) of that Act.

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.

Citation and commencement

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes C, D and H) Order 2016, and comes into force on the twenty-first day after the day on which it is made.

Revision of codes of practice

2. The revised codes of practice laid before Parliament on 22nd November 2016 in connection with the matters referred to in section 66(1)(b) of the Police and Criminal Evidence Act 1984 (detention, treatment, questioning and identification of persons by police officers – Codes C, D and H) come into operation on the day on which this Order comes into force.

(1) 1984 c. 60; section 67(1) to (7D) was substituted by section 11(1) of the Criminal Justice Act 2003 (c. 44).
(2) Section 67(4)(a) and (b) was substituted by paragraph 1 of Schedule 4 to the Police and Justice Act 2006 (c. 48). Subsequently, section 67(4)(a), (aa) and (ab) was substituted for section 67(4)(a) by paragraphs 160 and 163(1) and (2) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).

Date

Name
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force three revised codes of practice under the Police and Criminal Evidence Act 1984 (c. 60), which will supersede the corresponding existing codes of practice. The revised codes C, D and H, which concern the detention, treatment, questioning and identification of persons by police officers, will be brought into operation on the day on which this Order comes into force.

The revisions to Code C enable interpretation services for persons who are suspected of a criminal offence to be provided by interpreters who are not physically present in the suspect's location, by way of a "live-link" electronic communication system. The revisions to Code C also implement amendments to the Police and Criminal Evidence Act 1984 made by the Criminal Justice and Courts Act 2015 (c. 2), which define a "juvenile" for the purpose of detention as a person who is under the age of 18, rather than under the age of 17. The revisions also reflect other minor changes in legislation and practice. The revisions to Code H follow the changes which are being made to Code C.

The revisions to Code D update the eye-witness identification provisions to take account of changes and developments in recent case law and police practice and to address operational concerns raised by the police. The revisions to Code D also reflect amendments to the Police and Criminal Evidence Act 1984 concerning the retention of fingerprints, footwear impressions and DNA profiles and samples, made by the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12). The revisions 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 revised codes of practice will also be available on the Police and Criminal Evidence Act 1984 codes of practice pages of the gov.uk website. The revised codes are laid before Parliament with this Order.