

SCHEDULES

SCHEDULE 8

DETENTION

PART I

TREATMENT OF PERSONS DETAINED UNDER SECTION 41 OR SCHEDULE 7

Audio and video recording of interviews

- 3 (1) The Secretary of State shall—
- (a) issue a code of practice about the audio recording of interviews to which this paragraph applies, and
 - (b) make an order requiring the audio recording of interviews to which this paragraph applies in accordance with any relevant code of practice under paragraph (a).
- (2) The Secretary of State may make an order requiring the video recording of—
- (a) interviews to which this paragraph applies;
 - (b) interviews to which this paragraph applies which take place in a particular Part of the United Kingdom.
- (3) An order under sub-paragraph (2) shall specify whether the video recording which it requires is to be silent or with sound.
- (4) Where an order is made under sub-paragraph (2)—
- (a) the Secretary of State shall issue a code of practice about the video recording of interviews to which the order applies, and
 - (b) the order shall require the interviews to be video recorded in accordance with any relevant code of practice under paragraph (a).
- (5) Where the Secretary of State has made an order under sub-paragraph (2) requiring certain interviews to be video recorded with sound—
- (a) he need not make an order under sub-paragraph (1)(b) in relation to those interviews, but
 - (b) he may do so.
- (6) This paragraph applies to any interview by a constable of a person detained under Schedule 7 or section 41 if the interview takes place in a police station.
- (7) A code of practice under this paragraph—
- (a) may make provision in relation to a particular Part of the United Kingdom;
 - (b) may make different provision for different Parts of the United Kingdom.
- 4 (1) This paragraph applies to a code of practice under paragraph 3.

Status: This is the original version (as it was originally enacted).

- (2) Where the Secretary of State proposes to issue a code of practice he shall—
 - (a) publish a draft,
 - (b) consider any representations made to him about the draft, and
 - (c) if he thinks it appropriate, modify the draft in the light of any representations made to him.
- (3) The Secretary of State shall lay a draft of the code before Parliament.
- (4) When the Secretary of State has laid a draft code before Parliament he may bring it into operation by order.
- (5) The Secretary of State may revise a code and issue the revised code; and subparagraphs (2) to (4) shall apply to a revised code as they apply to an original code.
- (6) The failure by a constable to observe a provision of a code shall not of itself make him liable to criminal or civil proceedings.
- (7) A code—
 - (a) shall be admissible in evidence in criminal and civil proceedings, and
 - (b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.