



Policing and Crime Act 2017

2017 CHAPTER 3

PART 4

POLICE POWERS

CHAPTER 3

POWERS UNDER PACE: MISCELLANEOUS

78 PACE: consultation on codes of practice

In section 67 of the Police and Criminal Evidence Act 1984 (codes of practice: supplementary), after subsection (4) insert—

“(4A) The duty to consult under subsection (4) does not apply to a revision of a code where the Secretary of State considers that—

- (a) the revision is necessary in consequence of legislation, and
- (b) the Secretary of State has no discretion as to the nature of the revision.

(4B) Where, in consequence of subsection (4A), a revision of a code is issued without prior consultation with the persons mentioned in subsection (4), the Secretary of State must (at the same time as issuing the revision) publish a statement that, in his or her opinion, paragraphs (a) and (b) of subsection (4A) apply to the revision.

(4C) In subsection (4A), “legislation” means any provision of—

- (a) an Act,
- (b) subordinate legislation within the meaning of the Interpretation Act 1978.”