

2002 No. 2326

CRIMINAL LAW, ENGLAND AND WALES

**The Police and Criminal Evidence Act 1984 (Department
of Trade and Industry Investigations) Order 2002**

Made - - - - - 10th September 2002

Laid before Parliament 11th September 2002

Coming into force - - - 14th October 2002

The Secretary of State for Trade and Industry in exercise of the powers conferred on her by section 114A of the Police and Criminal Evidence Act 1984(a) hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Department of Trade and Industry Investigations) Order 2002 and shall come into force on 14th October 2002.

Definitions

2. In this Order—

“the Act” means the Police and Criminal Evidence Act 1984;

“DTI investigator” means an officer of the department of the Secretary of State for Trade and Industry or any other person acting on that Secretary of State’s behalf; and

“DTI investigation” means an investigation which relates to a serious arrestable offence or to anything which there are reasonable grounds for suspecting has involved the commission of a serious arrestable offence, conducted by a DTI investigator in the discharge of a duty to investigate offences.

Application of certain provisions of the Act to DTI investigations

3.—(1) Subject to the modifications set out in article 4—

(a) the provisions of Schedule 1 to the Act so far as they relate to special procedure material, and

(b) the other provisions of the Act so far as they relate to the provisions falling within subparagraph (a) of this paragraph, shall apply for the purposes of DTI investigations as they apply for the purposes of investigations of offences conducted by police officers.

(2) The investigations for the purpose of which the provisions of the Act referred to in paragraph (1) are applied by this Order include investigations of offences committed, or suspected of having been committed, before the coming into force of this Order or of section 114A of the Act.

(a) 1984 c. 60; section 114A was inserted by section 85 of the Criminal Justice and Police Act 2001 (c. 16).

Modifications

- 4.—(1) For the purposes of article 3, the modifications are as follows.
- (2) Section 9 shall have effect as if the word “constable” in section 9(1) were omitted and replaced by the words “DTI investigator”.
- (3) Section 15 of the Act shall have effect as if the word “DTI investigator or” were inserted before the word “constable” where it appears in section 15(2) and (4).
- (4) Section 20 shall have effect as if after the word “constable” were inserted the words “or a DTI investigator”.
- (5) Section 21 shall have effect as if—
- (a) the words “or DTI investigator” were inserted after the word “constable” wherever it appears;
 - (b) in section 21(3) the word “police” was omitted and replaced by the words “department of the Secretary of State for Trade and Industry”;
 - (c) the words “or DTI investigator” were inserted after the word “officer” where it appears in section 21(2) and where it appears for the second time in both section 21(3) and section 21(4) was omitted and replaced by the words “department of the Secretary of State for Trade and Industry”;
 - (d) the words “officer in charge of an investigation” were omitted and replaced by the words “department of the Secretary of State for Trade and Industry”;
 - (e) in section 21(8) the words “lawfully seized by a constable or a DTI investigator” were inserted between the words “anything” and “if” and the words “for the purposes of which it was seized” were omitted;
 - (f) in section 21(8)(a) the words “that investigation” were omitted and replaced by the words “the investigation of the offence for the purposes of which the warrant was granted”; and
 - (g) in section 21(8)(a)(i) the words “of which he is in charge” were omitted and replaced by the words “mentioned in paragraph (a) above”.
- (6) Section 22(1) shall have effect as if the words “or a DTI investigator” were inserted after the word “constable” wherever it appears.
- (7) Schedule 1 shall have effect as if—
- (a) in paragraphs 1, 4, 5, 11 whenever it appears and where it appears for the first time in paragraph 12 the word “constable” was omitted and replaced by the words “DTI investigator”;
 - (b) in paragraph 1 the words “one or other of the sets of access conditions is” were omitted and replaced by the words “the access conditions are”;
 - (c) in paragraph 2 the words “first set of access conditions is” were omitted and replaced by the words “access conditions are”;
 - (d) paragraph 3 were omitted ;
 - (e) in paragraph 6 the words “or a DTI investigator” were inserted after the word “constable”;
 - (f) in paragraph 12(a)(i) the words “either set of” were omitted and replaced by the word “the” and the word “is” was omitted and replaced by the word “are”;
 - (g) the word “or” in paragraph 12(a)(ii) was omitted;
 - (h) paragraph 12(b) were omitted;
 - (i) after the word “constable” where it appears for the second time in paragraph 12, the words “together with any other person named in it and any other constables” were inserted; and
 - (j) in paragraph 13 the words “or a DTI investigator named in the warrant” were inserted after the word “constable”.

Melanie Johnson,
Parliamentary Under Secretary of State for
Competition, Consumers and Markets,
Department of Trade and Industry

10th September 2002

EXPLANATORY NOTE

(This note is not part of the Order)

This Order vests in an investigator appointed by the Secretary of State for Trade and Industry, when investigating a serious arrestable offence or anything which there are reasonable grounds for suspecting has involved the commission of a serious arrestable offence, the powers set out in the Police and Criminal Evidence Act 1984 ("the Act") for a constable to apply to a circuit judge for (i) an order requiring production of or access to "special procedure material" or (ii) a warrant for one or more constables together with one or more DTI investigators to search for and seize such material. "Special procedure material" is defined in section 14 of the Act and "serious arrestable offence" is defined in section 116 of the Act. Article 4 of the Order makes consequential amendments.

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