

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 4

CODES OF PRACTICE

- 56 (1) The Secretary of State must issue codes of practice about—
- (a) training to be undertaken by constables, immigration officers and customs officers who are to act as examining officers or exercise other functions under this Schedule,
 - (b) the exercise by such persons of functions conferred on them by virtue of this Schedule,
 - (c) the video recording (with sound) of interviews by constables of persons detained under Part 1 of this Schedule at a police station, and
 - (d) reviews under Part 3 of this Schedule.
- (2) An examining officer must perform the functions conferred by virtue of this Schedule in accordance with any relevant code of practice in operation under sub-paragraph (1)(b).
- (3) A code of the kind mentioned in sub-paragraph (1)(c)—
- (a) may make different provision in relation to a particular part of the United Kingdom;
 - (b) may make different provision for different parts of the United Kingdom.
- (4) A code of the kind mentioned in sub-paragraph (1)(d) must include provision about training to be undertaken by persons who are to act as review officers.
- (5) The failure of an examining officer to observe a provision of a code does not of itself make the officer liable to criminal or civil proceedings.
- (6) A code—
- (a) is admissible in evidence in criminal and civil proceedings, and
 - (b) is to be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (7) The Secretary of State may revise a code and issue the revised code.
- 57 (1) Before issuing a code under paragraph 56 the Secretary of State must—
- (a) publish a draft code,
 - (b) consider any representations made about the draft, and
 - (c) if the Secretary of State thinks it appropriate, modify the draft in the light of any such representations.

Status: This is the original version (as it was originally enacted).

- (2) The Secretary of State must lay a draft of the code before Parliament.
- (3) After the code has been laid before Parliament the Secretary of State may bring it into operation by regulations.
- (4) Sub-paragraphs (1) to (3) apply to the issue of a revised code as they apply to the first issue of the code.
- (5) Regulations under sub-paragraph (3) must be made by statutory instrument.
- (6) A statutory instrument containing regulations under sub-paragraph (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.