

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

2023 No.

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes
of Practice) (Revision of Code H) Order 2023

Made - - - -

Coming into force - -

The Secretary of State makes this Order in exercise of the powers conferred by section 67(5) of the Police and Criminal Evidence Act 1984(1).

The Secretary of State—

- (a) has made revisions to the relevant code of practice,
- (b) considers, in accordance with section 67(4A)(2) of that Act, that the revisions are a necessary consequence of legislation and that there is no discretion as to the nature of the revisions,
- (c) has, in accordance with section 67(4B) of that Act, published a statement, and
- (d) has, in accordance with section 67(7B) of that Act, laid the revised code before Parliament.

In accordance with section 67(7A) of that Act, a draft of this Order was laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Code H) Order 2023 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales.

Revision of Police and Criminal Evidence Act 1984 Code H

2. The revised code of practice in connection with matters referred to in section 66(1)(b) of the Police and Criminal Evidence Act 1984 (The detention, treatment and questioning by Police Officers of persons in police detention under section 41 of, and Schedule 8 to, the Terrorism Act 2000. The

(1) 1984 c. 60. Section 67(1) to (7D) substituted for section 67(1) to (7C) by section 11(1) of the Criminal Justice Act 2003 (c. 44).
(2) Section 67(4A) to (4C) were inserted by section 78 of the Policing and Crime Act 2017 (c. 3).

detention and treatment by Police Officers of persons in police detention under section 43B of, and Schedule 8 to, the Terrorism Act 2000. The treatment and questioning by Police Officers of detained persons in respect of whom an authorisation to question after charge has been given under Section 22 of the Counter-Terrorism Act 2008 (Code H)⁽³⁾ that was laid before Parliament on 12 December 2022 comes into operation on the day on which this Order comes into force.

Date

Name
Minister of State
Home Office

(3) An existing version of Police and Criminal Evidence Act 1984 Code H was brought into force by [S.I. 2019/1157](#). An earlier version of the code of practice was brought into force by [S.I. 2006/1938](#).

EXPLANATORY NOTE

(This note is not part of the Order)

The Secretary of State has revised the Police and Criminal Evidence Act 1984 Code of Practice H, which is the code of practice dealing with the detention, treatment and questioning by police officers of persons under certain terrorism powers. This Order brings into force the revised code of practice.

The changes to PACE Code H primarily reflect the creation of the new power of urgent arrest (section 43B of the Terrorism Act 2000 (c. 11) by the Police, Crime, Sentencing and Courts Act 2022 (c. 32). Additional updates reflect changes made to primary legislation by the Counter-Terrorism and Border Security Act 2019 (c. 3), and other minor legislative updates.

A copy of the revised code of practice referred to in this instrument is available publicly online at www.gov.uk and hard copies can be obtained by writing to the Home Office, 2 Marsham Street, London, SW1P 4DF.

A full impact assessment has not been produced for this Order as no, or no significant, impact on the private, voluntary or public sector is foreseen.