

Draft Order laid before Parliament under section 67(7) of the Police and Criminal Evidence Act 1984 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No. 0000

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984
(Codes of Practice) (Revision of Codes A,
B, C, D and H and New Code I) Order 2023

Made - - - - ***
Coming into force - - 20th December 2023

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

The Secretary of State has consulted in accordance with section 67(4)(2) of that Act.

The revised codes and new code to which this Order relates have been laid before Parliament in accordance with section 67(7B) of that Act.

A draft of this Order has been laid before Parliament and has been approved by each House of Parliament in accordance with section 67(7) of that Act.

Citation, commencement and extent

1.—(1) This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes A, B, C, D and H and New Code I) Order 2023.

(2) This Order comes into force on 20th December 2023.

(3) This Order extends to England and Wales.

Codes A, B, C, D, H and I

2.—(1) The following revised codes and new code laid before Parliament together with this Order on 16th October 2023 come into operation on the date on which this Order comes into force—

(1) 1984 c. 60. Section 67(1) to (7D) was substituted by section 11(1) of the Criminal Justice Act 2003 (c. 44).
(2) Subsections (a) and (b) of section 67(4) were substituted by paragraph 1 of Schedule 4 to the Police and Justice Act 2006 (c. 48). Subsequently, subsections (a), (aa) and (ab) of section 67(4) were substituted for subsection (a) by paragraphs 160, 163(1) and (2) of Schedule 16 to the Police and Social Responsibility Act 2011 (c. 13). Section 67(4)(b) was amended by paragraphs 4 and 5(a) of Schedule 14 to the Policing and Crime Act 2017 (c. 3).

- (a) the revised code in connection with the matters referred to in section 66(1)(a)(i) and (ii) of the Police and Criminal Evidence Act 1984 (“PACE 1984”)(3) (exercise by police officers of statutory powers of stop and search; police officers and police staff of requirements to record public encounters– Code A)(4);
- (b) the revised code in connection with the matters referred to in section 66(1)(c) and (d) of PACE 1984 (searches of premises by police officers and the seizure of property found by police officers on persons or premises – Code B)(5);
- (c) the revised code in connection with matters referred to in section 66(1)(b) of PACE 1984 (detention, treatment and questioning of persons by police officers – Code C)(6);
- (d) the revised code in connection with matters referred to in section 66(1)(b) of PACE 1984 (identification of persons by police officers – Code D)(7);
- (e) the revised code in connection with matters referred to in section 66(1)(b) of PACE 1984 (detention, treatment and questioning by police officers of persons in police detention under section 41 of, and Schedule 8 to, the Terrorism Act 2000; detention and treatment by police officers of persons in police detention under section 43B of, and Schedule 8 to, the Terrorism Act 2000; 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)(8);
- (f) the code in connection with matters referred to in section 66(1)(b) of PACE 1984 (detention, treatment and questioning by police of persons in detention under section 27 of, and Schedule 6 to, the National Security Act 2023 – Code I).

Date

Name
Minister of State
Home Office

(3) Section 66(1) is numbered as such by virtue of section 57(1) and (4) of the Criminal Justice and Court Services Act 2000 (c. 43). Section 66(1)(a)(i) was amended by section 110(3)(a) of, and Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15) (“the 2005 Act”). Section 66(1)(a)(ii) was amended by section 110(3)(b) of the 2005 Act.

(4) An earlier version of Code A was brought into operation on 17th January 2023 by [S.I. 2023/20](#).

(5) An earlier version of Code B was brought into operation on 27th October 2013 by [S.I. 2013/2685](#).

(6) An earlier version of Code C was brought into operation on 21st August 2019 by [S.I. 2019/1157](#).

(7) An earlier version of Code D was brought into operation on 23rd February 2017 by [S.I. 2017/103](#).

(8) An earlier version of Code H was brought into operation on 10th February 2023 by [S.I. 2023/141](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation various revised codes of practice, Codes A, B, C, D and H, under section 66(1) of the Police and Criminal Evidence Act 1984 (c. 60) (“PACE 1984”). The revised codes will supersede the existing codes issued under that subsection.

The Order also brings into operation a new code of practice, Code I, which relates to the detention, treatment and questioning by police of persons in detention under section 27 of, and Schedule 6 to, the National Security Act 2023 (c. 32) (“NS Act 2023”).

Code A has been revised further to the introduction of new stop and search powers in the Public Order Act 2023 (c. 15) (“PO Act 2023”); changes to police powers made by the NS Act 2023; changes to communication and data collection requirements; and amendments to the Serious Violence Reduction Order pilot scheme.

Codes B, C, D and H have been revised to reflect other changes to police powers made by the NS Act 2023.

The revised codes, along with new Code I, are laid before Parliament with this Order and will also be available on the PACE code of practice pages on the [gov.uk](https://www.gov.uk) website. Impact assessments have been prepared in relation to the PO Act 2023 and the NS Act 2023 respectively.

Copies of the impact assessments are available on www.legislation.gov.uk. Hard copies of the various codes and the impact assessments can be obtained by writing to the relevant team at the Home Office, 2 Marsham Street, London, SW1P 4DF: for Codes A to D or the PO Act 2023 impact assessment – the Power Powers Unit, Public Safety Group; for Code H – the Counter-Terrorism Pursue Unit, Homeland Security Group; for Code I or the NS Act 2023 impact assessment – the State Threats Unit, Homeland Security Group.