



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART VI

#### CODES OF PRACTICE—GENERAL

#### 66 Codes of practice.

The Secretary of State shall issue codes of practice in connection with—

- (a) the exercise by police officers of statutory powers—
  - (i) to search a person without first arresting him; or
  - (ii) to search a vehicle without making an arrest;
- (b) the detention, treatment, questioning and identification of persons by police officers;
- (c) searches of premises by police officers; and
- (d) the seizure of property found by police officers on persons or premises.

[<sup>F1</sup>(2) Codes shall (in particular) include provision in connection with the exercise by police officers of powers under section 63B above.]

#### Textual Amendments

- F1** S. 66(2) inserted "at the end of s. 66" (for certain purposes on 20.6.2001, 2.7.2001, 20.5.2002, 2.9.2002, 1.4.2003, 1.4.2004, 1.4.2005 and otherwise 1.12.2005) by virtue of 2000 c. 43, ss. 57(3)(a), 80(1); S.I. 2001/2232, art. 2(f); S.I. 2002/1149, art. 2; S.I. 2002/1862, art. 2; S.I. 2003/709, art. 2; S.I. 2004/780, art. 2; S.I. 2005/596, art. 2; S.I. 2005/3054, art. 2

#### 67 Codes of practice—supplementary.

- (1) When the Secretary of State proposes to issue a code of practice to which this section applies, he shall prepare and publish a draft of that code, shall consider any representations made to him about the draft and may modify the draft accordingly.
- (2) This section applies to a code of practice under section 60 [<sup>F2</sup>, 60A] or 66 above.

*Status: Point in time view as at 01/04/2003.*

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- (3) The Secretary of State shall lay before both Houses of Parliament a draft of any code of practice prepared by him under this section.
- (4) When the Secretary of State has laid the draft of a code before Parliament, he may bring the code into operation by order made by statutory instrument.
- (5) No order under subsection (4) above shall have effect until approved by a resolution of each House of Parliament.
- (6) An order bringing a code of practice into operation may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the code of practice thereby brought into operation.
- (7) The Secretary of State may from time to time revise the whole or any part of a code of practice to which this section applies and issue that revised code; and the foregoing provisions of this section shall apply (with appropriate modifications) to such a revised code as they apply to the first issue of a code.
- [<sup>F3</sup>(7A) Subject to subsection (7B) below, the Secretary of State may by order provide that a code of practice for the time being in force is to be treated as having effect with such modifications as may be set out in the order.
- (7B) The effect of the modifications made by an order under subsection (7A) above must be confined to one or more of the following—
  - (a) the effect of the code in relation to such area of England and Wales as may be specified in the order;
  - (b) the effect of the code during such period, not exceeding two years, as may be so specified;
  - (c) the effect of the [<sup>F4</sup>code] in relation to such offences or descriptions of offender as may be so specified.
- (7C) An order under subsection (7A) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- [<sup>F5</sup>(8) .....
- (9) Persons other than police officers who are charged with the duty of investigating offences or charging offenders shall in the discharge of that duty have regard to any relevant provision of such a code.
- [<sup>F6</sup>(9A) Persons on whom powers are conferred by—
  - (a) any designation under section 38 or 39 of the Police Reform Act 2002 (c. 30) (police powers for police authority employees), or
  - (b) any accreditation under section 41 of that Act (accreditation under community safety accreditation schemes),
 shall have regard to any relevant provision of a code of practice to which this section applies in the exercise or performance of the powers and duties conferred or imposed on them by that designation or accreditation.]
- (10) A failure on the part—
  - (a) of a police officer to comply with any provision of such a code; <sup>F7</sup> . . .
  - (b) of any person other than a police officer who is charged with the duty of investigating offences or charging offenders to have regard to any relevant provision of such a code in the discharge of that duty, [<sup>F8</sup>, or

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- (c) of a person designated under section 38 or 39 or accredited under section 41 of the Police Reform Act 2002 (c. 30) to have regard to any relevant provision of such a code in the exercise or performance of the powers and duties conferred or imposed on him by that designation or accreditation,]

shall not of itself render him liable to any criminal or civil proceedings.

- (11) In all criminal and civil proceedings any such code shall be admissible in evidence; and if any provision of such a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

- (12) In this section “criminal proceedings” includes—

- (a) proceedings in the United Kingdom or elsewhere before a court-martial constituted under the <sup>M1</sup>Army Act 1955, the <sup>M2</sup>Air Force Act 1955 or the <sup>M3</sup>Naval Discipline Act 1957<sup>F9</sup> . . . ;
- (b) proceedings before the Courts-Martial Appeal Court; and
- (c) proceedings before a Standing Civilian Court.

#### Textual Amendments

- F2** Words in s. 67(2) inserted (19.6.2001) by 2001 c. 16, s. 76(2); S.I. 2001/2223, art. 2(1)(a)
- F3** S. 67(7A)-(7C) inserted (19.6.2001) by 2001 c. 16, s. 77; S.I. 2001/2223, art. 2(1)(a)
- F4** Word in s. 67(7B)(c) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), s. 107, Sch. 7 para. 9(6); S.I. 2002/2750, art. 2(b)(ii)
- F5** S. 67(8) repealed (1.4.1999) by 1996 c. 16, s. 103(3), Sch. 9 Pt. II; S.I. 1999/533, art. 2(a)
- F6** S. 67(9A) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), s. 107, Sch. 7 para. 9(7); S.I. 2002/2750, art. 2(b)(ii)
- F7** S. 67(10): the word "or" after paragraph (a) repealed (2.12.2002) by Police Reform Act 2002 (c. 30), s. 107, Sch. 8; S.I. 2002/2750, art. 2(b)(iii)(b)
- F8** S. 67(10)(c) and preceding word "or" inserted (2.12.2002) by Police Reform Act 2002 (c. 30), s. 107, Sch. 7 para. 9(8); S.I. 2002/2750, art. 2(b)(ii)
- F9** Words in s. 67(12)(a) repealed (28.2.2002) by 2001 c. 19, s. 38, Sch. 7 Pt. 1; S.I. 2002/345, art. 2 (subject to art. 3)

#### Modifications etc. (not altering text)

- C1** S. 67(9) excluded (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 377(9)(a), 458; S.I. 2003/120, art. 2, Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended by S.I. 2003/333, art. 14 which in turn is amended by S.I. 2003/531, arts. 3 and 4))

#### Marginal Citations

- M1** 1955 c. 18.
- M2** 1955 c. 19.
- M3** 1957 c. 53.

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