



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART XI

#### MISCELLANEOUS AND SUPPLEMENTARY

#### **113 Application of Act to Armed Forces**

- (1) The Secretary of State may by order direct that any provision of this Act which relates to investigations of offences conducted by police officers or to persons detained by the police shall apply, subject to such modifications as he may specify, to investigations of offences conducted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or to persons under arrest under any of those Acts.
- (2) Section 67(9) above shall not have effect in relation to investigations of offences conducted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.
- (3) The Secretary of State shall issue a code of practice, or a number of such codes, for persons other than police officers who are concerned with enquiries into offences under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.
- (4) Without prejudice to the generality of subsection (3) above, a code issued under that subsection may contain provisions, in connection with enquiries into such offences, as to the following matters—
  - (a) the tape-recording of interviews ;
  - (b) searches of persons and premises ; and
  - (c) the seizure of things found on searches.
- (5) If the Secretary of State lays before both Houses of Parliament a draft of a code of practice under this section, he may by order bring the code into operation.
- (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.

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*Status: This is the original version (as it was originally enacted).*

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- (7) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section 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.
- (8) A failure on the part of any person to comply with any provision of a code of practice issued under this section shall not of itself render him liable to any criminal or civil proceedings except those to which this subsection applies.
- (9) Subsection (8) above applies—
- (a) to proceedings under any provision of the Army Act 1955 or the Air Force Act 1955 other than section 70; and
  - (b) to proceedings under any provision of the Naval Discipline Act 1957 other than section 42.
- (10) 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.
- (11) In subsection (10) above " criminal proceedings" includes—
- (a) proceedings in the United Kingdom or elsewhere before a court-martial constituted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or a disciplinary court constituted under section 50 of the said Act of 1957;
  - (b) proceedings before the Courts-Martial Appeal Court; and
  - (c) proceedings before a Standing Civilian Court.
- (12) Parts VII and VIII of this Act have effect for the purposes of proceedings—
- (a) before a court-martial constituted under the Army Act 1955 or the Air Force Act 1955 ;
  - (b) before the Courts-Martial Appeal Court; and
  - (c) before a Standing Civilian Court,
- subject to any modifications which the Secretary of State may by order specify.
- (13) An order under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.