



Policing and Crime Act 2017

2017 CHAPTER 3

PART 4

POLICE POWERS

CHAPTER 3

POWERS UNDER PACE: MISCELLANEOUS

78 PACE: consultation on codes of practice

In section 67 of the Police and Criminal Evidence Act 1984 (codes of practice: supplementary), after subsection (4) insert—

“(4A) The duty to consult under subsection (4) does not apply to a revision of a code where the Secretary of State considers that—

- (a) the revision is necessary in consequence of legislation, and
- (b) the Secretary of State has no discretion as to the nature of the revision.

(4B) Where, in consequence of subsection (4A), a revision of a code is issued without prior consultation with the persons mentioned in subsection (4), the Secretary of State must (at the same time as issuing the revision) publish a statement that, in his or her opinion, paragraphs (a) and (b) of subsection (4A) apply to the revision.

(4C) In subsection (4A), “legislation” means any provision of—

- (a) an Act,
- (b) subordinate legislation within the meaning of the Interpretation Act 1978.”

Changes to legislation: *Policing and Crime Act 2017, Section 78 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

II [S. 78](#) in force for specified purposes at Royal Assent, see [s. 183](#)

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)