



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 2

PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

CHAPTER 3

EXTRACTION OF INFORMATION FROM ELECTRONIC DEVICES

42 Code of practice about the extraction of information

- (1) The Secretary of State must prepare a code of practice containing guidance about the exercise of the powers in sections 37(1) and 41(1).
- (2) The code may make different provision for different purposes or areas.
- (3) In preparing the code, the Secretary of State must consult—
 - (a) the Information Commissioner,
 - (b) the Scottish Ministers,
 - (c) the Department of Justice in Northern Ireland,
 - (d) the Commissioner for Victims and Witnesses,
 - (e) the Domestic Abuse Commissioner,
 - (f) the Commission for Victims and Survivors for Northern Ireland, and
 - (g) such other persons as the Secretary of State considers appropriate.
- (4) Subsection (3)(f) does not apply on or after the day appointed under Article 4(4) of the Victims and Survivors (Northern Ireland) Order 2006 ([S.I. 2006/2953 \(N.I. 17\)](#)) (power to revoke Article 4).
- (5) After preparing the code, the Secretary of State must lay it before Parliament and publish it.

Status: This is the original version (as it was originally enacted).

- (6) The code is to be brought into force by regulations made by statutory instrument.
- (7) A statutory instrument containing regulations under subsection (6) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) After the code has come into force the Secretary of State may from time to time revise it.
- (9) A failure on the part of an authorised person to act in accordance with the code does not of itself render the person liable to any criminal or civil proceedings.
- (10) But the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to act in accordance with it in determining a question in the proceedings.
- (11) References in subsections (2) to (10) to the code include a revised code, subject to subsection (12).
- (12) The duty to consult in subsection (3) does not apply in relation to the preparation of a revised code if the Secretary of State considers that the proposed revisions are insubstantial.