

2006 No. 1938

POLICE, ENGLAND AND WALES

**The Police and Criminal Evidence Act 1984 (Code of Practice C
and Code of Practice H) Order 2006**

Made - - - - - *17th July 2006*

Coming into force - - - - - *25th July 2006*

This Order is made in exercise of the powers conferred by section 67(5) and (7D) of the Police and Criminal Evidence Act 1984(a) (“the Act”).

The Secretary of State:

(1) has, in accordance with section 67(7B) of the Act, laid a code of practice in connection with the detention, treatment and questioning by police officers of persons under section 41 of, and Schedule 8 to, the Terrorism Act 2000(b) (Code H), and a revised code of practice in connection with the detention, treatment and questioning of persons by police officers (Code C), before Parliament; and

(2) has consulted on those codes in accordance with section 67(4) of the Act.

A draft of this instrument has been approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order:—

Citation and commencement

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Code of Practice C and Code of Practice H) Order 2006 and shall come into force on 25th July 2006.

Code of practice C

2. Subject to article 4, the revised code of practice in connection with the detention, treatment and questioning of persons by police officers (Code C) laid before Parliament on 14th June 2006 shall come into operation on 25th July 2006.

(a) 1984 c. 60. Subsections (1) to (7C) were substituted by section 11(1) of the Criminal Justice Act 2003 (c. 44). Subsections (7A) to (7C) were originally inserted by section 77 of the Criminal Justice and Police Act 2001 (c. 16). Subsection (7D) was inserted by section 11(1) of the Criminal Justice Act 2003. There have been other amendments to section 67 which are not relevant to this Order.

(b) 2000 c. 11.

Code of practice H

3. Subject to article 4, the code of practice in connection with the detention, treatment and questioning by police officers of persons under section 41 of, and Schedule 8 to, the Terrorism Act 2000 (Code H) laid before Parliament on 14th June 2006 shall come into operation on 25th July 2006.

Transitional provisions

4.—(1) The revised code of practice referred to in article 2 shall apply to any person in police detention, other than someone in police detention following arrest under section 41 of the Terrorism Act 2000, after midnight on 24th July 2006, notwithstanding that his period of detention may have commenced before that time.

(2) The code of practice referred to in article 3 shall apply to any person arrested under section 41 of the Terrorism Act 2000 and who is in police detention after midnight on 24th July 2006, notwithstanding that he may have been arrested before that time.

Home Office
17th July 2006

Tony McNulty
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order appoints 25th July 2006 as the date on which a new code of practice pursuant to section 66(1)(b) of the Police and Criminal Evidence Act 1984 will come into operation. The new code of practice (Code H) makes specific provision for the detention, treatment and questioning by police officers of persons arrested under section 41 of the Terrorism Act 2000. Article 2 of this Order appoints 25th July 2006 as the date on which the revised code of practice for the detention, treatment and questioning of persons by police officers (Code C) will come into operation. The revised code is also issued pursuant to section 66(1)(b) of the Police and Criminal Evidence Act 1984. Whereas the current Code C covers those arrested under section 41 of the Terrorism Act 2000 as well as other persons who are in police detention, the new Code H will cover those arrested under section 41 and the revised Code C will cover those who have not been arrested under section 41.

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