

**EXPLANATORY MEMORANDUM TO  
THE POLICE AND CRIMINAL EVIDENCE ACT 1984(APPLICATION TO THE  
ARMED FORCES) ORDER 2006**

**2006 No. 2015**

**1.** This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This Order applies Part V and section 117 of the Police and Criminal Evidence Act 1984<sup>1</sup> (“the Act”), subject to the modifications set out in Schedule 1, to investigations of offences conducted by service policemen. The scheduled modifications are those which are necessary to take account of service requirements.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 Schedule 1 to the Order sets out the modifications to the text of Part V of the Act. Schedule 3, a Keeling Schedule, produces the text of Part V with the modifications incorporated.

**4. Legislative Background**

4.1 The most recent instrument applying Part V of the Act to service police investigations was the Police and Criminal Evidence Act (Application to the Armed Forces) Order 1997 (S.I.1997/15). Since the date of that Order there have been numerous amendments and additions to the civil police forensic investigation powers reflected in Part V of the Act. The applied sections include provision for photographing of detained persons, searches including intimate searches, x-ray and ultrasound scans for drugs, fingerprinting, footwear impressions and samples, legal advice for suspects and the suspect’s right to have someone informed of his arrest. This Order is now required to apply to service police investigations the current arrangements in Part V of the Act in modified form.

**5. Extent**

5.1 This instrument applies to service police investigations in the United Kingdom and overseas.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

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<sup>1</sup> 1984 c.60.

## **7. Policy background**

7.1 The policy objective in applying Part V of the Act to service police investigations is to permit service policemen to employ the full range of forensic detection methods to investigate offences while ensuring that suspects have similar protections to those applicable to civil police investigations.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

## **9. Contact**

Sue McIntosh at the Ministry of Defence can answer any queries regarding the instrument. Her contact details are:

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