Draft Order laid before Parliament under section 67(7) and (7A) of the Police and Criminal Evidence Act 1984 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) Order 2005

Made - - - -	*2005*
Coming into force - -	*1st January 2006*

As the Secretary of State:

(1) has, in pursuance of sections 60(1)(a), 60A(1)(a) and 66(1)(a)(i) and (ii) and (b) to (d) of the Police and Criminal Evidence Act 1984(**1**) ("the Act"), issued codes of practice in connection with the:

(a) exercise by police officers of statutory powers of stop and search;

(b) searching of premises by police officers and the seizure of property found by police officers on persons or premises;

(c) detention, treatment and questioning of persons by police officers;

(d) identification of persons by police officers;

(e) tape recording of interviews with suspects; and

(f) visual recording with sound of interviews with suspects;

(2) may, under section 67(2)(**2**) of the Act, revise the whole or any part of a code;

(3) has, in pursuance of section 66(1)(a)(iii)(**3**) of the Act, issued a code of practice in connection with the exercise by police officers of statutory powers to arrest a person

(4) has consulted in accordance with section 67(4) of the Act; and

(5) has, in accordance with section 67(7B) of the Act, laid the code of practice in connection with the exercise by police officers of statutory powers to arrest a person and each revised code of practice before Parliament;

And as a draft of this Order has been laid before Parliament and has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 67(5) and (7D) of the Act, hereby makes the following Order:

(**1**) 1984 c. 60; section 60A was inserted by section 76(1) of the Criminal Justice and Police Act 2001 (c. 16)
(**2**) Section 67(1) to (7D) was substituted by section 11 of the Criminal Justice Act 2003 (c. 44).
(**3**) Section 66(1)(a)(iii) was inserted by section 110(3)(a) of the Serious Organised Crime and Police Act 2005 (c. 15). Section 66 was amended by section 57 of the Criminal Justice and Court Services Act 2000 (c. 43).

Citation and commencement

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) Order 2005 and shall come into force on 1st January 2006.

Revision of existing codes of practice

2. Subject to article 4, the revised codes of practice laid before Parliament on 8th November 2005 in connection with the matters referred to in—

(a) section 60(1)(a) of the Act (tape recording of interviews with suspects– Code E);

(b) section 60A(1)(a) of the Act (visual recording with sound of interviews with suspects – Code F);

(c) section 66(1)(a)(i) and (ii) of the Act (exercise by police officers of statutory powers of stop and search – Code A);

(d) section 66 (1)(b) of the Act—

(i) as respects the detention, treatment and questioning of persons by police officers (Code C); and

(ii) as respects the identification of persons by police officers (Code D);

(e) section 66(1)(c) and (d) of the Act (searching of premises by police officers and the seizure of property found by police officers on persons or premises - Code B);

shall come into operation on 1st January 2006.

Code of practice relating to powers of arrest

3. The code of practice laid before Parliament on 8th November 2005 in connection with the matters referred to in section 66(1)(a)(iii) of the Act (exercise by police officers of statutory powers to arrest a person – Code G) shall come into operation on 1st January 2006.

Transitional provisions

4.—(1) The revised code of practice referred to in article 2(a) shall apply to any procedures to which the code relates which are carried out after midnight on 31st December 2005, notwithstanding that such a procedure may have commenced before that time.

(2) The revised code of practice referred to in article 2(b) shall apply to any procedures to which the code relates which are carried out after midnight on 31st December 2005, notwithstanding that such a procedure may have commenced before that time.

(3) The revised code of practice referred to in article 2(c) shall apply to any procedures to which the code relates which are carried out after midnight on 31st December 2005.

(4) The revised code of practice referred to in article 2(d)(i) shall apply to persons in police detention after midnight on 31st December 2005, notwithstanding that their period of detention may have commenced before that time.

(5) The revised code of practice referred to in article 2(d)(ii) shall apply to any procedures to which the code relates which are carried out after midnight on 31st December 2005.

(6) The revised code of practice referred to in article 2(e) shall apply—

(a) to any application for a warrant to search premises made after 31st December 2005; and