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

DRAFT STATUTORY INSTRUMENTS

2004 No.

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) Order 2004

Made - - - -	*2004*
Coming into force - -	*1st August 2004*

Whereas the Secretary of State:

(1) has, in pursuance of sections 60(1)(a), 60A(1)(a) and 66(1)(a) 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 consulted in accordance with section 67(4) of the Act; and

(4) has, in accordance with section 67(7B) of the Act, laid each revised code of practice before Parliament;

And whereas a draft of this Order has been laid before Parliament and has been approved by 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).

Citation and commencement

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) Order 2004 and shall come into force on 1st August 2004.

Revision of codes of practice

2. Subject to article 3, the revised codes of practice laid before Parliament on 27th May 2004 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) 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) (detention, treatment and questioning of persons by police officers – Code C); and

(ii) (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 August 2004.

Transitional provisions

3.—(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 July 2004, 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 July 2004, 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 July 2004.

(4) The revised code of practice referred to in article 2(d)(i) shall apply to persons in police detention after midnight on 31st July 2004, 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 July 2004.

(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 July 2004; and

(b) to any search of premises or seizure of property taking place after midnight on 31st July 2004, notwithstanding that the search or seizure in question may have taken place in pursuance of a warrant granted or applied for before that time.

Revocations

4. The following Orders are hereby revoked–