
STATUTORY INSTRUMENTS

2019 No. 1157

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes C and H) Order 2019

<i>Made</i>	- - - -	<i>22nd July 2019</i>
<i>Laid before Parliament</i>		<i>23rd July 2019</i>
<i>Coming into force</i>	- -	<i>21st August 2019</i>

The Secretary of State, in exercise of the powers conferred by section 67(5) of the Police and Criminal Evidence Act 1984(1), makes the following Order.

The Secretary of State has consulted in accordance with section 67(4)(2) of that Act.

Citation and commencement

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes C and H) Order 2019 and comes into force on 21st August 2019.

Revisions of codes of practice

2. The revised codes of practice to be laid before Parliament together with this Order in connection with the matters referred to in section 66(1)(b) of the Police and Criminal Evidence Act 1984 (the detention, treatment, and questioning of persons by police officers – Codes C and H) come into operation on the day this Order comes into force.

22nd July 2019

Nick Hurd
Minister of State
Home Office

(1) 1984 c. 60; section 67(5) was substituted by section 11(1) of the Criminal Justice Act 2003 (c. 44).
(2) Section 67(4) was substituted by section 11(1) of the Criminal Justice Act 2003. Section 67(4)(a), (aa) and (ab) was substituted for section 67(4)(a) by paragraphs 160 and 163(1) and (2) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13). Section 67(4)(b) was amended by paragraphs 4 and 5(a) of Schedule 14 to the Policing and Crime Act 2017 (c. 3).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force two revised codes of practice under section 66(1)(b) of the Police and Criminal Evidence Act 1984 (c. 60). These revised codes of practice supersede the corresponding existing codes of practice. The revised codes C and H relate to the detention, treatment and questioning of persons in police custody.

The amendments to codes C and H require all detainees to be given an opportunity to speak to a member of custody staff in private regarding their health, hygiene and personal needs, with necessary arrangements made to accommodate such needs as soon as practicable. The amendments specifically require the provision of menstrual hygiene products free of charge to detainees where requested. The amendments make clear that there should be privacy for detainees in the toilet area of their cells.

The amendments require officers to have regard to the dignity of a detainee when conducting an intimate search or a strip search and extend the obligation to have regard to the dignity of a detainee when determining their gender for the purpose of a search. The requirement to speak to a staff member of the same sex may be modified in respect of a transgender detainee to ensure their needs are accommodated. An impact assessment has not been produced for this instrument as no, impact on the private, voluntary or public sector is foreseen.