



16 May 2022

CONSULTATION ON REVISED PACE CODES OF PRACTICE A

Attached is a draft revised version of Codes of Practice A issued under the Police and Criminal Evidence Act 1984 (PACE). Code A concerns the exercise by police officers of statutory powers to search a person or a vehicle without first making an arrest.

The Minister of State for Crime, Policing and Probation has agreed that this will be a six-week consultation beginning on Monday 16 May 2022 and ending on Monday 27 June 2022. Full details, including copies of the draft revised Code, will also be published on the Home Office website at: <https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice>

The draft revised Code A has a covering note outlining the changes and their purpose.

Purpose of the changes

The new revisions are necessary to bring the code in line with current legislation in the Police, Crime, Sentencing and Courts Act 2022 which introduced Serious Violence Reduction Orders (SVRO) into Part 11 of the Sentencing Code. SVROs are a new civil order which give the police powers to stop and search individuals convicted of an offence where a knife or offensive weapon was present. The order will be piloted in West Midlands, Merseyside, Thames Valley and Sussex Police forces before a decision is made on roll out across England and Wales. Full details on SVROs can be found [here](#).

Changes to Code A (Stop and Search)

The changes to Code A include a new temporary annex (Annex G) which would apply for a limited period as a result of the pilot of SVROs. This Annex outlines the powers under Section 324E of the Sentencing Code (in relation to individuals subject to an SVRO) and the considerations police officers should make when deciding to conduct a search on individuals subject to an SVRO. In particular:

- a) Highlights that the power does not require officers to have prior reasonable grounds but must not be based on prejudice;
- b) Highlights that searches can only be conducted on those with an SVRO and officers should seek to confirm the identity of the individual;
- c) Outlines that the use of the power like all other stop and search powers is discretionary, and officers will be expected to use their judgement when choosing to conduct searches;

- d) Outlines that the new Annex shall apply for the period of the pilot (24 months) plus an additional 6-month transitional period. The 6 month transitional period allows for SVROs which take effect before the end of the pilot period to remain “live” for 6 months after the end of the pilot, but it will not be possible to apply for new SVROs or renew existing SVROs once the pilot period ends. This allows courts to issue an SVRO on the last day of the pilot for the minimum duration of the order (6 months).
- e) Outlines the territorial extent of the use of the powers. This includes that SVROs will only be issued in the pilot police forces areas however the stop and search powers are enforceable across England and Wales. This is aimed at supporting an operational response across jurisdictions, allowing constables from non-pilot forces to stop and search individuals subject to SVROs if they travel outside of the pilot area.

For the avoidance of doubt, Annex G of the revised code does not affect any other provisions of PACE Code A which shall continue to apply. We, therefore, welcome any comments from consultees on the proposed revisions in Annex G only.

This draft is circulated for statutory consultation in accordance with section 67(4) of PACE. Responses should be sent to pacereview@homeoffice.gov.uk to arrive no later than 23:59 on Monday 27 June 2022.