



Home Office

**Police Powers Team,
Police Transparency Unit**
6th Floor NW, Fry Building,
Home Office
2 Marsham Street
London SW1P 4DF

Tel: 020 7035 4848
www.homeoffice.gov.uk

14 March 2013

CONSULTATION ON REVISED PACE CODES OF PRACTICE

Attached are draft revised versions of Codes of Practice A, B, E and F issued under the Police and Criminal Evidence Act 1984 (PACE) which concern stop and search, searching premises and the audio and visual recording of interviews.

2. The Minister of State for Policing & Criminal Justice has agreed that this will be an eight-week consultation and full details, including copies of the draft revised Codes of Practice will also be published on the Home Office website at <http://www.homeoffice.gov.uk/police/powers/pace-codes>.
3. Each draft has a covering note outlining the changes and their purpose with links to the paragraphs concerned.
4. The changes to the Codes are summarised below.

Code of Practice A (stop and search)

5. All references to stop and search powers under the Terrorism Act 2000 have removed. This is necessary following an amendment to PACE made by the Protection of Freedoms Act 2012 which removed the requirement for these powers to be included in PACE Code A and made them subject to a new [Code of Practice issued under the Terrorism Act 2000](#) which came into force on 10 July 2012.
6. New provisions outline the powers to search persons without them having to be arrested introduced by [Schedule 5](#) to the Terrorism Prevention and Investigation Measures Act 2011 (TPIMS). These are outside the scope of the new terrorism Code but within the statutory scope of sections 2 and 3 of PACE and Code A. The additions ensure that Code A applies to the conduct & recording of the exercise of these powers.
7. References to Annex L in Code C replace references to Annex F in Code A. This follows the introduction of [Annex L in Code C from 10 July 2012](#) to supersede Annex F.

Code of Practice B (Searching premises)

8. New provisions outline the powers to enter and search premises under [Schedule 5](#) to the Terrorism Prevention and Investigation Measures Act 2011 (TPIMs) for the purposes of serving, monitoring and enforcing TPIMs notices. These replace the repealed control order provisions in the Prevention of Terrorism Act 2005.

9. A new general reference to warrants where the issuing enactment specifies a period less than three calendar months within which it must be executed. One current example is [section 23 of the Misuse of Drugs Act 1971](#) where the period is one month.

Codes A and B – change common to both

10. The statutory threshold for exercising the power in [section 139B](#) of the Criminal Justice Act 1988 to search for weapons is amended from reasonable belief to reasonable suspicion to reflect the amendment to section 139B made by section 48 of the Violent Crime Reduction Act 2006 and reference to the new offence under section 139AA introduced by the [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) added.

Code E (audio recording of interviews)

11. New and amended provisions for the conduct and recording of voluntary interviews of suspects who are not under arrest. These take account of the recent revisions to [Code G \(Arrest\)](#) and changes to [Code C](#) 3.21 & C3.22 which support the use of voluntary interviews to ensure that voluntary interviews are subject to Code E & distinguish them from custody cases.

12. The changes recognise that the current provisions which focus on custody cases for which the custody officer is responsible are not practicable for voluntary interviews which need not take place at a police station with custody facilities. They provide for a sergeant to be responsible for voluntary, non-custodial cases and for giving authority not to make an audio recording similar to the arrangements in place for those in custody.

13. Other changes have been made for consistency between Codes E and F and the [Code of Practice for video recording interviews in terrorism cases](#) which applies to terrorism cases and came into force on 10 July 2012 and to distinguish the scope of each. Includes additions and amendments taken from Code F and the terrorism code which are equally applicable to Code E such as the security of master recordings well as clarification of the current provisions.

Code F (visual recording of interviews)

14. The changes mirror (with modifications as necessary) those in Code E (audio recording) described above.

Next steps

15. These drafts are being circulated for consultation in accordance with section 67(4) of PACE. All responses should be sent to pacereview@homeoffice.gsi.gov.uk to arrive no later than Friday 10 May 2013.

Science, Technology and Powers Team
Police Transparency Unit
Crime & Policing Group, Home Office