
STATUTORY INSTRUMENTS

2013 No. 1542

**The Police and Criminal Evidence Act 1984
(Application to immigration officers and designated
customs officials in England and Wales) Order 2013**

PART 3

**INVESTIGATIONS CONDUCTED, AND PERSONS
DETAINED, BY DESIGNATED CUSTOMS OFFICIALS**

Application of the Police and Criminal Evidence Act 1984

12.—(1) This article applies in relation to England and Wales.

(2) Subject to the modifications in paragraphs (3) and (4) and articles 13 to 31, the provisions of the Act specified in Part 1 of Schedule 2 to this Order shall apply in relation to investigations conducted by designated customs officials and in relation to persons detained by designated customs officials.

(3) Those provisions shall apply in relation to investigations conducted by designated customs officials and to persons detained by designated customs officials as if the words and phrases that are contained in the provisions specified in Column 1 of Part 2 of Schedule 2 to this Order were replaced by the substitute words and phrases in Column 2 of that Part.

(4) Where in those provisions any thing is to be done by a constable of a rank specified in Column 1 of Part 3 of Schedule 2 to this Order, that thing shall be done by a designated customs official of at least the grade specified in the corresponding entry of Column 2 of that Part, and the Act shall be construed accordingly.

(5) Where a person is detained by the police under Part IV of the Act, in connection with an investigation conducted by designated customs officials, the provisions of the Act apply subject to paragraphs (6) to (8).

(6) The following references are to be treated as including references to a designated customs official—

- (a) in section 39(2) and (3), “a police officer”, “an officer” and “the officer”;
- (b) in sections 41(2)(c), 43(1), 44(1) and the first reference in section 118(2), “constable”.

(7) In the following provisions, the references to transferring a person to another police area are to be treated as including references to transferring the person to a customs office—

- (a) section 42(3);
- (b) section 43(13).

(8) The reference to “police detention” in section 38(2) and (3) is to be treated as including a reference to customs detention.

(9) In the Act as it applies by virtue of this article—

Status: This is the original version (as it was originally made).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

- (a) “designated customs official” has the same meaning as in section 38 of the Borders, Citizenship and Immigration Act 2009, and
- (b) an expression which is defined in this Order has the same meaning as in this Order.