



## Bar Council response to the Home Office Consultations on Proposed Amendments to PACE Codes of Practice A, C, H and I

1. This is the response of the General Council of the Bar of England and Wales (the Bar Council) to Home Office consultations on proposed amendments to Codes A, C, H & I of the Police and Criminal Evidence Act 1984 (“the PACE Codes”).<sup>1</sup> The PACE Codes in question govern the use of police powers of search and the treatment of detainees.
2. The Bar Council represents approximately 18,000 barristers in England and Wales. It promotes the Bar’s high quality specialist advocacy and advisory services; fair access to justice for all; the highest standards of ethics, equality and diversity across the profession; and the development of business opportunities for barristers at home and abroad.
3. A strong and independent Bar exists to serve the public and is crucial to the administration of justice. As specialist, independent advocates, barristers enable people to uphold their legal rights and duties, often acting on behalf of the most vulnerable members of society.
4. According to the Home Office, the proposals are intended “to strengthen the safeguards for children and vulnerable persons who are subject to searches involving the exposure of intimate parts without hindering the police’s ability to keep the public safe”. In our view, they seek to achieve this objective in an appropriate and practical manner.
5. The amendments to the PACE Codes are in part technical, in that certain existing safeguards are moved from the annex to the body of the Codes themselves. That in itself is likely to assist police officers in appreciating the significance of intimate searches. More fundamentally, the range of substantive protections for those in respect of whom such searches are contemplated will be expanded by the proposed amendments.

---

<sup>1</sup> <https://www.gov.uk/government/consultations/proposed-amendments-to-pace-codes-of-practice-a-and-c-strip-searches>; <https://www.gov.uk/government/publications/pace-codes-h-and-i-2024>

6. The substantive proposals include, *inter alia*, (a) widening the definition of strip search (to include the removal of anything more than outer clothing), (b) introducing a duty to have regard to the impact of such a search on the child or vulnerable adult in question, (c) practical provisions relating to the location of any intimate search, and the individuals who can be present (including the requirement to notify and secure the presence of an appropriate adult, save in cases of urgency), (d) the need for authorisation at inspector level (save in cases of urgency), and (e) a provision that requires officers to treat anyone they have reason to suspect is under 18 as a juvenile in the absence of clear evidence that they are not.

7. The proposed amendments seem appropriately tailored to the concerns that intimate searches of children and vulnerable adults are likely to give rise to, and we consider that they are capable of achieving the purpose which they set out to meet.

**Bar Council<sup>2</sup>**

**7<sup>th</sup> June 2024**

*For further information please contact:*

*Eleanore Lamarque, Policy Manager, Regulatory Issues, Law Reform and Ethics*

*The General Council of the Bar of England and Wales*

*289-293 High Holborn, London WC1V 7HZ*

*Email: [ELamarque@barcouncil.org.uk](mailto:ELamarque@barcouncil.org.uk)*

---

<sup>2</sup> Prepared by members of the Law Reform Committee