



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—conditions and duration

34 Limitations on police detention

- (1) A person arrested for an offence shall not be kept in police detention except in accordance with the provisions of this Part of this Act.
- (2) Subject to subsection (3) below, if at any time a custody officer—
 - (a) becomes aware, in relation to any person in police detention, that the grounds for the detention of that person have ceased to apply; and
 - (b) is not aware of any other grounds on which the continued detention of that person could be justified under the provisions of this Part of this Act,it shall be the duty of the custody officer, subject to subsection (4) below, to order his immediate release from custody.
- (3) No person in police detention shall be released except on the authority of a custody officer at the police station where his detention was authorised or, if it was authorised at more than one station, a custody officer at the station where it was last authorised.
- (4) A person who appears to the custody officer to have been unlawfully at large when he was arrested is not to be released under subsection (2) above.
- (5) A person whose release is ordered under subsection (2) above shall be released without bail unless it appears to the custody officer—
 - (a) that there is need for further investigation of any matter in connection with which he was detained at any time during the period of his detention ; or
 - (b) that proceedings may be taken against him in respect of any such matter,and, if it so appears, he shall be released on bail.

- (6) For the purposes of this Part of this Act a person arrested under section 7(5) of the Road Traffic Act 1972 is arrested for an offence.

35 Designated police stations

- (1) The chief officer of police for each police area shall designate the police stations in his area which, subject to section 30(3) and (5) above, are to be the stations in that area to be used for the purpose of detaining arrested persons.
- (2) A chief officer's duty under subsection (1) above is to designate police stations appearing to him to provide enough accommodation for that purpose.
- (3) Without prejudice to section 12 of the Interpretation Act 1978 (continuity of duties) a chief officer—
- (a) may designate a station which was not previously designated; and
 - (b) may direct that a designation of a station previously made shall cease to operate.
- (4) In this Act " designated police station " means a police station for the time being designated under this section.

36 Custody officers at police stations

- (1) One or more custody officers shall be appointed for each designated police station.
- (2) A custody officer for a designated police station shall be appointed—
- (a) by the chief officer of police for the area in which the designated police station is situated ; or
 - (b) by such other police officer as the chief officer of police for that area may direct.
- (3) No officer may be appointed a custody officer unless he is of at least the rank of sergeant.
- (4) An officer of any rank may perform the functions of a custody officer at a designated police station if a custody officer is not readily available to perform them.
- (5) Subject to the following provisions of this section and to section 39(2) below, none of the functions of a custody officer in relation to a person shall be performed by an officer who at the time when the function falls to be performed is involved in the investigation of an offence for which that person is in police detention at that time.
- (6) Nothing in subsection (5) above is to be taken to prevent a custody officer—
- (a) performing any function assigned to custody officers—
 - (i) by this Act; or
 - (ii) by a code of practice issued under this Act;
 - (b) carrying out the duty imposed on custody officers by section 39 below;
 - (c) doing anything in connection with the identification of a suspect; or
 - (d) doing anything under section 8 of the Road Traffic Act 1972.
- (7) Where an arrested person is taken to a police station which is not a designated police station, the functions in relation to him which at a designated police station would be the functions of a custody officer shall be performed—

- (a) by an officer who is not involved in the investigation of an offence for which he is in police detention, if such an officer is readily available ; and
 - (b) if no such officer is readily available, by the officer who took him to the station or any other officer.
- (8) References to a custody officer in the following provisions of this Act include references to an officer other than a custody officer who is performing the functions of a custody officer by virtue of subsection (4) or (7) above.
- (9) Where by virtue of subsection (7) above an officer of a force maintained by a police authority who took an arrested person to a police station is to perform the functions of a custody officer in relation to him, the officer shall inform an officer who—
 - (a) is attached to a designated police station; and
 - (b) is of at least the rank of inspector,that he is to do so.
- (10) The duty imposed by subsection (9) above shall be performed as soon as it is practicable to perform it.

37 Duties of custody officer before charge.

- (1) Where—
 - (a) a person is arrested for an offence—
 - (i) without a warrant ; or
 - (ii) under a warrant not endorsed for bail, or
 - (b) a person returns to a police station to answer to bail,the custody officer at each police station where he is detained after his arrest shall determine whether he has before him sufficient evidence to charge that person with the offence for which he was arrested and may detain him at the police station for such period as is necessary to enable him to do so.
- (2) If the custody officer determines that he does not have such evidence before him, the person arrested shall be released either on bail or without bail, unless the custody officer has reasonable grounds for believing that his detention without being charged is necessary to secure or preserve evidence relating to an offence for which he is under arrest or to obtain such evidence by questioning him.
- (3) If the custody officer has reasonable grounds for so believing, he may authorise the person arrested to be kept in police detention.
- (4) Where a custody officer authorises a person who has not been charged to be kept in police detention, he shall, as soon as is practicable, make a written record of the grounds for the detention.
- (5) Subject to subsection (6) below, the written record shall be made in the presence of the person arrested who shall at that time be informed by the custody officer of the grounds for his detention.
- (6) Subsection (5) above shall not apply where the person arrested is, at the time when the written record is made—
 - (a) incapable of understanding what is said to him ;
 - (b) violent or likely to become violent ; or
 - (c) in urgent need of medical attention.

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- (7) Subject to section 41(7) below, if the custody officer determines that he has before him sufficient evidence to charge the person arrested with the offence for which he was arrested, the person arrested—
- (a) shall be charged ; or
 - (b) shall be released without charge, either on bail or without bail.
- (8) Where—
- (a) a person is released under subsection (7)(b) above ; and
 - (b) at the time of his release a decision whether he should be prosecuted for the offence for which he was arrested has not been taken,
- it shall be the duty of the custody officer so to inform him.
- (9) If the person arrested is not in a fit state to be dealt with under subsection (7) above, he may be kept in police detention until he is.
- (10) The duty imposed on the custody officer under subsection (1) above shall be carried out by him as soon as practicable after the person arrested arrives at the police station or, in the case of a person arrested at the police station, as soon as practicable after the arrest.
- (11) Where—
- (a) an arrested juvenile who was arrested without a warrant is not released under subsection (2) above ; and
 - (b) it appears to the custody officer that a decision falls to be taken in pursuance of section 5(2) of the Children and Young Persons Act 1969 whether to lay an information in respect of an offence alleged to have been committed by the arrested juvenile,
- it shall be the duty of the custody officer to inform him that such a decision falls to be taken and to specify the offence.
- (12) It shall also be the duty of the custody officer—
- (a) to take such steps as are practicable to ascertain the identity of a person responsible for the welfare of the arrested juvenile ; and
 - (b) if—
 - (i) he ascertains the identity of any such person ; and
 - (ii) it is practicable to give that person the information which subsection (11) above requires the custody officer to give to the arrested juvenile,to give that person the information as soon as it is practicable to do so.
- (13) For the purposes of subsection (12) above the persons who may be responsible for the welfare of an arrested juvenile are—
- (a) his parent or guardian ; and
 - (b) any other person who has for the time being assumed responsibility for his welfare.
- (14) If it appears to the custody officer that a supervision order, as defined in section 11 of the Children and Young Persons Act 1969, is in force in respect of the arrested juvenile, the custody officer shall also give the information to the person responsible for the arrested juvenile's supervision, as soon as it is practicable to do so.
- (15) In this Part of this Act—

"arrested juvenile" means a person arrested with or without a warrant who appears to be under the age of 17 and is not excluded from this Part of this Act by section 52 below ;

"endorsed for bail" means endorsed with a direction for bail in accordance with section 117(2) of the Magistrates' Courts Act 1980.

38 Duties of custody officer after charge

- (1) Where a person arrested for an offence otherwise than under a warrant endorsed for bail is charged with an offence, the custody officer shall order his release from police detention, either on bail or without bail, unless—
 - (a) if the person arrested is not an arrested juvenile—
 - (i) his name or address cannot be ascertained or the custody officer has reasonable grounds for doubting whether a name or address furnished by him as his name or address is his real name or address ;
 - (ii) the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary for his own protection or to prevent him from causing physical injury to any other person or from causing loss of or damage to property; or
 - (iii) the custody officer has reasonable grounds for believing that the person arrested will fail to appear in court to answer to bail or that his detention is necessary to prevent him from interfering with the administration of justice or with the investigation of offences or of a particular offence ;
 - (b) if he is an arrested juvenile—
 - (i) any of the requirements of paragraph (a) above is satisfied; or
 - (ii) the custody officer has reasonable grounds for believing that he ought to be detained in his own interests.
- (2) If the release of a person arrested is not required by subsection (1) above, the custody officer may authorise him to be kept in police detention.
- (3) Where a custody officer authorises a person who has been charged to be kept in police detention, he shall, as soon as practicable, make a written record of the grounds for the detention.
- (4) Subject to subsection (5) below, the written record shall be made in the presence of the person charged who shall at that time be informed by the custody officer of the grounds for his detention.
- (5) Subsection (4) above shall not apply where the person charged is, at the time when the written record is made—
 - (a) incapable of understanding what is said to him ;
 - (b) violent or likely to become violent; or
 - (c) in urgent need of medical attention.
- (6) Where a custody officer authorises an arrested juvenile to be kept in police detention under subsection (1) above, the custody officer shall, unless he certifies that it is impracticable to do so, make arrangements for the arrested juvenile to be taken into the care of a local authority and detained by the authority ; and it shall be lawful to detain him in pursuance of the arrangements.

- (7) A certificate made under subsection (6) above in respect of an arrested juvenile shall be produced to the court before which he is first brought thereafter.
- (8) In this Part of this Act " local authority " has the same meaning as in the Children and Young Persons Act 1969.

39 Responsibilities in relation to persons detained

- (1) Subject to subsections (2) and (4) below, it shall be the duty of the custody officer at a police station to ensure—
 - (a) that all persons in police detention at that station are treated in accordance with this Act and any code of practice issued under it and relating to the treatment of persons in police detention ; and
 - (b) that all matters relating to such persons which are required by this Act or by such codes of practice to be recorded are recorded in the custody records relating to such persons.
- (2) If the custody officer, in accordance with any code of practice issued under this Act, transfers or permits the transfer of a person in police detention—
 - (a) to the custody of a police officer investigating an offence for which that person is in police detention; or
 - (b) to the custody of an officer who has charge of that person outside the police station,

the custody officer shall cease in relation to that person to be subject to the duty imposed on him by subsection (1)(a) above; and it shall be the duty of the officer to whom the transfer is made to ensure that he is treated in accordance with the provisions of this Act and of any such codes of practice as are mentioned in subsection (1) above.
- (3) If the person detained is subsequently returned to the custody of the custody officer, it shall be the duty of the officer investigating the offence to report to the custody officer as to the manner in which this section and the codes of practice have been complied with while that person was in his custody.
- (4) If an arrested juvenile is transferred to the care of a local authority in pursuance of arrangements made under section 38(6) above, the custody officer shall cease in relation to that person to be subject to the duty imposed on him by subsection (1) above.
- (5) It shall be the duty of a local authority to make available to an arrested juvenile who is in the authority's care in pursuance of such arrangements such advice and assistance as may be appropriate in the circumstances.
- (6) Where—
 - (a) an officer of higher rank than the custody officer gives directions relating to a person in police detention ; and
 - (b) the directions are at variance—
 - (i) with any decision made or action taken by the custody officer in the performance of a duty imposed on him under this Part of this Act; or
 - (ii) with any decision or action which would but for the directions have been made or taken by him in the performance of such a duty,

the custody officer shall refer the matter at once to an officer of the rank of superintendent or above who is responsible for the police station for which the custody officer is acting as custody officer.

40 Review of police detention

- (1) Reviews of the detention of each person in police detention in connection with the investigation of an offence shall be carried out periodically in accordance with the following provisions of this section—
 - (a) in the case of a person who has been arrested and charged, by the custody officer; and
 - (b) in the case of a person who has been arrested but not charged, by an officer of at least the rank of inspector who has not been directly involved in the investigation.
- (2) The officer to whom it falls to carry out a review is referred to in this section as a "review officer".
- (3) Subject to subsection (4) below—
 - (a) the first review shall be not later than six hours after the detention was first authorised ;
 - (b) the second review shall be not later than nine hours after the first;
 - (c) subsequent reviews shall be at intervals of not more than nine hours.
- (4) A review may be postponed—
 - (a) if, having regard to all the circumstances prevailing at the latest time for it specified in subsection (3) above, it is not practicable to carry out the review at that time;
 - (b) without prejudice to the generality of paragraph (a) above—
 - (i) if at that time the person in detention is being questioned by a police officer and the review officer is satisfied that an interruption of the questioning for the purpose of carrying out the review would prejudice the investigation in connection with which he is being questioned ; or
 - (ii) if at that time no review officer is readily available.
- (5) If a review is postponed under subsection (4) above it shall be carried out as soon as practicable after the latest time specified for it in subsection (3) above.
- (6) If a review is carried out after postponement under subsection (4) above, the fact that it was so carried out shall not affect any requirement of this section as to the time at which any subsequent review is to be carried out.
- (7) The review officer shall record the reasons for any postponement of a review in the custody record.
- (8) Subject to subsection (9) below, where the person whose detention is under review has not been charged before the time of the review, section 37(1) to (6) above shall have effect in relation to him, but with the substitution—
 - (a) of references to the person whose detention is under review for references to the person arrested ; and
 - (b) of references to the review officer for references to the custody officer.

- (9) Where a person has been kept in police detention by virtue of section 37(9) above, section 37(1) to (6) shall not have effect in relation to him but it shall be the duty of the review officer to determine whether he is yet in a fit state.
- (10) Where the person whose detention is under review has been charged before the time of the review, section 38(1) to (6) above shall have effect in relation to him, but with the substitution of references to the person whose detention is under review for references to the person arrested.
- (11) Where—
 - (a) an officer of higher rank than the review officer gives directions relating to a person in police detention; and
 - (b) the directions are at variance—
 - (i) with any decision made or action taken by the review officer in the performance of a duty imposed on him under this Part of this Act; or
 - (ii) with any decision or action which would but for the directions have been made or taken by him in the performance of such a duty,

the review officer shall refer the matter at once to an officer of the rank of superintendent or above who is responsible for the police station for which the review officer is acting as review officer in connection with the detention.

- (12) Before determining whether to authorise a person's continued detention the review officer shall give—
 - (a) that person (unless he is asleep); or
 - (b) any solicitor representing him who is available at the time of the review,

an opportunity to make representations to him about the detention.

- (13) Subject to subsection (14) below, the person whose detention is under review or his solicitor may make representations under subsection (12) above either orally or in writing.
- (14) The review officer may refuse to hear oral representations from the person whose detention is under review if he considers that he is unfit to make such representations by reason of his condition or behaviour.

41 Limits on period of detention without charge

- (1) Subject to the following provisions of this section and to sections 42 and 43 below, a person shall not be kept in police detention for more than 24 hours without being charged.
- (2) The time from which the period of detention of a person is to be calculated (in this Act referred to as "the relevant time")—
 - (a) in the case of a person to whom this paragraph applies, shall be—
 - (i) the time at which that person arrives at the relevant police station ; or
 - (ii) the time 24 hours after the time of that person's arrest,

whichever is the earlier;
 - (b) in the case of a person arrested outside England and Wales, shall be—
 - (i) the time at which that person arrives at the first police station to which he is taken in the police area in England or Wales in which the offence for which he was arrested is being investigated ; or

- (ii) the time 24 hours after the time of that person's entry into England and Wales,
whichever is the earlier ;
 - (c) in the case of a person who—
 - (i) attends voluntarily at a police station; or
 - (ii) accompanies a constable to a police station without having been arrested,
and is arrested at the police station, the time of his arrest;
 - (d) in any other case, except where subsection (5) below applies, shall be the time at which the person arrested arrives at the first police station to which he is taken after his arrest.
- (3) Subsection (2)(a) above applies to a person if—
 - (a) his arrest is sought in one police area in England and Wales;
 - (b) he is arrested in another police area ; and
 - (c) he is not questioned in the area in which he is arrested in order to obtain evidence in relation to an offence for which he is arrested;and in sub-paragraph (i) of that paragraph " the relevant police station " means the first police station to which he is taken in the police area in which his arrest was sought.
- (4) Subsection (2) above shall have effect in relation to a person arrested under section 31 above as if every reference in it to his arrest or his being arrested were a reference to his arrest or his being arrested for the offence for which he was originally arrested.
- (5) If—
 - (a) a person is in police detention in a police area in England and Wales (" the first area "); and
 - (b) his arrest for an offence is sought in some other police area in England and Wales (" the second area "); and
 - (c) he is taken to the second area for the purposes of investigating that offence, without being questioned in the first area in order to obtain evidence in relation to it,the relevant time shall be—
 - (i) the time 24 hours after he leaves the place where he is detained in the first area ; or
 - (ii) the time at which he arrives at the first police station to which he is taken in the second area,whichever is the earlier.
- (6) When a person who is in police detention is removed to hospital because he is in need of medical treatment, any time during which he is being questioned in hospital or on the way there or back by a police officer for the purpose of obtaining evidence relating to an offence shall be included in any period which falls to be calculated for the purposes of this Part of this Act, but any other time while he is in hospital or on his way there or back shall not be so included.
- (7) Subject to subsection (8) below, a person who at the expiry of 24 hours after the relevant time is in police detention and has not been charged shall be released at that time either on bail or without bail.

- (8) Subsection (7) above does not apply to a person whose detention for more than 24 hours after the relevant time has been authorised or is otherwise permitted in accordance with section 42 or 43 below.
- (9) A person released under subsection (7) above shall not be re-arrested without a warrant for the offence for which he was previously arrested unless new evidence justifying a further arrest has come to light since his release.

42 Authorisation of continued detention

- (1) Where a police officer of the rank of superintendent or above who is responsible for the police station at which a person is detained has reasonable grounds for believing that—
 - (a) the detention of that person without charge is necessary to secure or preserve evidence relating to an offence for which he is under arrest or to obtain such evidence by questioning him;
 - (b) an offence for which he is under arrest is a serious arrestable offence; and
 - (c) the investigation is being conducted diligently and expeditiously,he may authorise the keeping of that person in police detention for a period expiring at or before 36 hours after the relevant time.
- (2) Where an officer such as is mentioned in subsection (1) above has authorised the keeping of a person in police detention for a period expiring less than 36 hours after the relevant time, such an officer may authorise the keeping of that person in police detention for a further period expiring not more than 36 hours after that time if the conditions specified in subsection (1) above are still satisfied when he gives the authorisation.
- (3) If it is proposed to transfer a person in police detention to another police area, the officer determining whether or not to authorise keeping him in detention under subsection (1) above shall have regard to the distance and the time the journey would take.
- (4) No authorisation under subsection (1) above shall be given in respect of any person—
 - (a) more than 24 hours after the relevant time ; or
 - (b) before the second review of his detention under section 40 above has been carried out.
- (5) Where an officer authorises the keeping of a person in police detention under subsection (1) above, it shall be his duty—
 - (a) to inform that person of the grounds for his continued detention; and
 - (b) to record the grounds in that person's custody record.
- (6) Before determining whether to authorise the keeping of a person in detention under subsection (1) or (2) above, an officer shall give—
 - (a) that person ; or
 - (b) any solicitor representing him who is available at the time when it falls to the officer to determine whether to give the authorisation,an opportunity to make representations to him about the detention.
- (7) Subject to subsection (8) below, the person in detention or his solicitor may make representations under subsection (6) above either orally or in writing.

- (8) The officer to whom it falls to determine whether to give the authorisation may refuse to hear oral representations from the person in detention if he considers that he is unfit to make such representations by reason of his condition or behaviour.
- (9) Where—
- (a) an officer authorises the keeping of a person in detention under subsection (1) above ; and
 - (b) at the time of the authorisation he has not yet exercised a right conferred on him by section 56 or 58 below,
- the officer—
- (i) shall inform him of that right;
 - (ii) shall decide whether he should be permitted to exercise it;
 - (iii) shall record the decision in his custody record ; and
 - (iv) if the decision is to refuse to permit the exercise of the right, shall also record the grounds for the decision in that record.
- (10) Where an officer has authorised the keeping of a person who has not been charged in detention under subsection (1) or (2) above, he shall be released from detention, either on bail or without bail, not later than 36 hours after the relevant time, unless—
- (a) he has been charged with an offence ; or
 - (b) his continued detention is authorised or otherwise permitted in accordance with section 43 below.
- (11) A person released under subsection (10) above shall not be re-arrested without a warrant for the offence for which he was previously arrested unless new evidence justifying a further arrest has come to light since his release.

43 Warrants of further detention

- (1) Where, on an application on oath made by a constable and supported by an information, a magistrates' court is satisfied that there are reasonable grounds for believing that the further detention of the person to whom the application relates is justified, it may issue a warrant of further detention authorising the keeping of that person in police detention.
- (2) A court may not hear an application for a warrant of further detention unless the person to whom the application relates—
- (a) has been furnished with a copy of the information; and
 - (b) has been brought before the court for the hearing.
- (3) The person to whom the application relates shall be entitled to be legally represented at the hearing and, if he is not so represented but wishes to be so represented—
- (a) the court shall adjourn the hearing to enable him to obtain representation; and
 - (b) he may be kept in police detention during the adjournment.
- (4) A person's further detention is only justified for the purposes of this section or section 44 below if—
- (a) his detention without charge is necessary to secure or preserve evidence relating to an offence for which he is under arrest or to obtain such evidence by questioning him;
 - (b) an offence for which he is under arrest is a serious arrestable offence; and

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- (c) the investigation is being conducted diligently and expeditiously.
- (5) Subject to subsection (7) below, an application for a warrant of further detention may be made—
 - (a) at any time before the expiry of 36 hours after the relevant time; or
 - (b) in a case where—
 - (i) it is not practicable for the magistrates' court to which the application will be made to sit at the expiry of 36 hours after the relevant time ; but
 - (ii) the court will sit during the 6 hours following the end of that period, at any time before the expiry of the said 6 hours.
- (6) In a case to which subsection (5)(b) above applies—
 - (a) the person to whom the application relates may be kept in police detention until the application is heard ; and
 - (b) the custody officer shall make a note in that person's custody record—
 - (i) of the fact that he was kept in police detention for more than 36 hours after the relevant time ; and
 - (ii) of the reason why he was so kept.
- (7) If—
 - (a) an application for a warrant of further detention is made after the expiry of 36 hours after the relevant time; and
 - (b) it appears to the magistrates' court that it would have been reasonable for the police to make it before the expiry of that period,the court shall dismiss the application.
- (8) Where on an application such as is mentioned in subsection (1) above a magistrates' court is not satisfied that there are reasonable grounds for believing that the further detention of the person to whom the application relates is justified, it shall be its duty—
 - (a) to refuse the application; or
 - (b) to adjourn the hearing of it until a time not later than 36 hours after the relevant time.
- (9) The person to whom the application relates may be kept in police detention during the adjournment.
- (10) A warrant of further detention shall—
 - (a) state the time at which it is issued ;
 - (b) authorise the keeping in police detention of the person to whom it relates for the period stated in it.
- (11) Subject to subsection (12) below, the period stated in a warrant of further detention shall be such period as the magistrates' court thinks fit, having regard to the evidence before it.
- (12) The period shall not be longer than 36 hours.
- (13) If it is proposed to transfer a person in police detention to a police area other than that in which he is detained when the application for a warrant of further detention is made, the court hearing the application shall have regard to the distance and the time the journey would take.
- (14) Any information submitted in support of an application under this section shall state—

- (a) the nature of the offence for which the person to whom the application relates has been arrested ;
 - (b) the general nature of the evidence on which that person was arrested;
 - (c) what inquiries relating to the offence have been made by the police and what further inquiries are proposed by them;
 - (d) the reasons for believing the continued detention of that person to be necessary for the purposes of such further inquiries.
- (15) Where an application under this section is refused, the person to whom the application relates shall forthwith be charged or, subject to subsection (16) below, released, either on bail or without bail.
- (16) A person need not be released under subsection (15) above—
 - (a) before the expiry of 24 hours after the relevant time; or
 - (b) before the expiry of any longer period for which his continued detention is or has been authorised under section 42 above.
- (17) Where an application under this section is refused, no further application shall be made under this section in respect of the person to whom the refusal relates, unless supported by evidence which has come to light since the refusal.
- (18) Where a warrant of further detention is issued, the person to whom it relates shall be released from police detention, either on bail or without bail, upon or before the expiry of the warrant unless he is charged.
- (19) A person released under subsection (18) above shall not be re-arrested without a warrant for the offence for which he was previously arrested unless new evidence justifying a further arrest has come to light since his release.

44 Extension of warrants of further detention

- (1) On an application on oath made by a constable and supported by an information a magistrates' court may extend a warrant of further detention issued under section 43 above if it is satisfied that there are reasonable grounds for believing that the further detention of the person to whom the application relates is justified.
- (2) Subject to subsection (3) below, the period for which a warrant of further detention may be extended shall be such period as the court thinks fit, having regard to the evidence before it.
- (3) The period shall not—
 - (a) be longer than 36 hours ; or
 - (b) end later than 96 hours after the relevant time.
- (4) Where a warrant of further detention has been extended under subsection (1) above, or further extended under this subsection, for a period ending before 96 hours after the relevant time, on an application such as is mentioned in that subsection a magistrates' court may further extend the warrant if it is satisfied as there mentioned; and subsections (2) and (3) above apply to such further extensions as they apply to extensions under subsection (1) above.
- (5) A warrant of further detention shall, if extended or further extended under this section, be endorsed with a note of the period of the extension.

- (6) Subsections (2), (3) and (14) of section 43 above shall apply to an application made under this section as they apply to an application made under that section.
- (7) Where an application under this section is refused, the person to whom the application relates shall forthwith be charged or, subject to subsection (8) below, released, either on bail or without bail.
- (8) A person need not be released under subsection (7) above before the expiry of any period for which a warrant of further detention issued in relation to him has been extended or further extended on an earlier application made under this section.

45 Detention before charge-supplementary

- (1) In sections 43 and 44 of this Act "magistrates' court" means a court consisting of two or more justices of the peace sitting otherwise than in open court.
- (2) Any reference in this Part of this Act to a period of time or a time of day is to be treated as approximate only.

Detention—miscellaneous

46 Detention after charge

- (1) Where a person—
 - (a) is charged with an offence; and
 - (b) after being charged—
 - (i) is kept in police detention ; or
 - (ii) is detained by a local authority in pursuance of arrangements made under section 38(6) above,
 he shall be brought before a magistrates' court in accordance with the provisions of this section.
- (2) If he is to be brought before a magistrates' court for the petty sessions area in which the police station at which he was charged is situated, he shall be brought before such a court as soon as is practicable and in any event not later than the first sitting after he is charged with the offence.
- (3) If no magistrates' court for that area is due to sit either on the day on which he is charged or on the next day, the custody officer for the police station at which he was charged shall inform the clerk to the justices for the area that there is a person in the area to whom subsection (2) above applies.
- (4) If the person charged is to be brought before a magistrates' court for a petty sessions area other than that in which the police station at which he was charged is situated, he shall be removed to that area as soon as is practicable and brought before such a court as soon as is practicable after his arrival in the area and in any event not later than the first sitting of a magistrates' court for that area after his arrival in the area.
- (5) If no magistrates' court for that area is due to sit either on the day on which he arrives in the area or on the next day—
 - (a) he shall be taken to a police station in the area; and

- (b) the custody officer at that station shall inform the clerk to the justices for the area that there is a person in the area to whom subsection (4) applies.
- (6) Subject to subsection (8) below, where a clerk to the justices for a petty sessions area has been informed—
 - (a) under subsection (3) above that there is a person in the area to whom subsection (2) above applies ; or
 - (b) under subsection (5) above that there is a person in the area to whom subsection (4) above applies,the clerk shall arrange for a magistrates' court to sit not later than the day next following the relevant day.
- (7) In this section " the relevant day "—
 - (a) in relation to a person who is to be brought before a magistrates' court for the petty sessions area in which the police station at which he was charged is situated, means the day on which he was charged; and
 - (b) in relation to a person who is to be brought before a magistrates' court for any other petty sessions area, means the day on which he arrives in the area.
- (8) Where the day next following the relevant day is Christmas Day, Good Friday or a Sunday, the duty of the clerk under subsection (6) above is a duty to arrange for a magistrates' court to sit not later than the first day after the relevant day which is not one of those days.
- (9) Nothing in this section requires a person who is in hospital to be brought before a court if he is not well enough.

47 Bail after arrest

- (1) Subject to subsection (2) below, a release on bail of a person under this Part of this Act shall be a release on bail granted in accordance with the Bail Act 1976.
- (2) Nothing in the Bail Act 1976 shall prevent the re-arrest without warrant of a person released on bail subject to a duty to attend at a police station if new evidence justifying a further arrest has come to light since his release.
- (3) Subject to subsection (4) below, in this Part of this Act references to " bail" are references to bail subject to a duty—
 - (a) to appear before a magistrates' court at such time and such place; or
 - (b) to attend at such police station at such time,as the custody officer may appoint.
- (4) Where a custody officer has granted bail to a person subject to a duty to appear at a police station, the custody officer may give notice in writing to that person that his attendance at the police station is not required.
- (5) Where a person arrested for an offence who was released on bail subject to a duty to attend at a police station so attends, he may be detained without charge in connection with that offence only if the custody officer at the police station has reasonable grounds for believing that his detention is necessary—
 - (a) to secure or preserve evidence relating to the offence; or
 - (b) to obtain such evidence by questioning him.

Status: This is the original version (as it was originally enacted).

- (6) Where a person is detained under subsection (5) above, any time during which he was in police detention prior to being granted bail shall be included as part of any period which falls to be calculated under this Part of this Act.
- (7) Where a person who was released on bail subject to a duty to attend at a police station is re-arrested, the provisions of this Part of this Act shall apply to him as they apply to a person arrested for the first time.
- (8) In the Magistrates' Courts Act 1980—
 - (a) the following section shall be substituted for section 43—

“43 Bail on arrest

- (1) Where a person has been granted bail under the Police and Criminal Evidence Act 1984 subject to a duty to appear before a magistrates' court, the court before which he is to appear may appoint a later time as the time at which he is to appear and may enlarge the recognizances of any sureties for him at that time.
- (2) The recognizance of any surety for any person granted bail subject to a duty to attend at a police station may be enforced as if it were conditioned for his appearance before a magistrates' court for the petty sessions area in which the police station named in the recognizance is situated.”; and
- (b) the following subsection shall be substituted for section 117(3)—
 - “(3) Where a warrant has been endorsed for bail under subsection (1) above—
 - (a) where the person arrested is to be released on bail on his entering into a recognizance without sureties, it shall not be necessary to take him to a police station, but if he is so taken, he shall be released from custody on his entering into the recognizance ; and
 - (b) where he is to be released on his entering into a recognizance with sureties, he shall be taken to a police station on his arrest, and the custody officer there shall (subject to his approving any surety tendered in compliance with the endorsement) release him from custody as directed in the endorsement”.

48 Remands to police detention

In section 128 of the Magistrates' Courts Act 1980—

- (a) in subsection (7) for the words " the custody of a constable " there shall be substituted the words " detention at a police station " ;
- (b) after subsection (7) there shall be inserted the following subsection—
 - “(8) Where a person is committed to detention at a police station under subsection (7) above—
 - (a) he shall not be kept in such detention unless there is a need for him to be so detained for the purposes of inquiries into other offences;

- (b) if kept in such detention, he shall be brought back before the magistrates' court which committed him as soon as that need ceases ;
- (c) he shall be treated as a person in police detention to whom the duties under section 39 of the Police and Criminal Evidence Act 1984 (responsibilities in relation to persons detained) relate;
- (d) his detention shall be subject to periodic review at the times set out in section 40 of that Act (review of police detention).”.

49 Police detention to count towards custodial sentence

- (1) In subsection (1) of section 67 of the Criminal Justice Act 1967 (computation of custodial sentences) for the words from " period ", in the first place where it occurs, to " the offender " there shall be substituted the words " relevant period, but where he " .

- (2) The following subsection shall be inserted after that subsection—

“(1A) In subsection (1) above " relevant period " means—

- (a) any period during which the offender was in police detention in connection with the offence for which the sentence was passed; or
- (b) any period during which he was in custody—
 - (i) by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose ; or
 - (ii) by reason of his having been so committed and having been concurrently detained otherwise than by order of a court.”.

- (3) The following subsections shall be added after subsection (6) of that section—

“(7) A person is in police detention for the purposes of this section—

- (a) at any time when he is in police detention for the purposes of the Police and Criminal Evidence Act 1984; and
- (b) at any time when he is detained under section 12 of the Prevention of Terrorism (Temporary Provisions) Act 1984.

- (8) No period of police detention shall be taken into account under this section unless it falls after the coming into force of section 49 of the Police and Criminal Evidence Act 1984.”.

50 Records of detention

- (1) Each police force shall keep written records showing on an annual basis—

- (a) the number of persons kept in police detention for more than 24 hours and subsequently released without charge;
- (b) the number of applications for warrants of further detention and the results of the applications ; and
- (c) in relation to each warrant of further detention—
 - (i) the period of further detention authorised by it;
 - (ii) the period which the person named in it spent in police detention on its authority; and

(iii) whether he was charged or released without charge.

(2) Every annual report—

- (a) under section 12 of the Police Act 1964 ; or
- (b) made by the Commissioner of Police of the Metropolis,

shall contain information about the matters mentioned in subsection (1) above in respect of the period to which the report relates.

51 Savings

Nothing in this Part of this Act shall affect—

- (a) the powers conferred on immigration officers by section 4 of and Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc.);
- (b) the powers conferred by or by virtue of section 12 or 13 of the Prevention of Terrorism (Temporary Provisions) Act 1984 (powers of arrest and detention and control of entry and procedure for removal);
- (c) any duty of a police officer under—
 - (i) section 129, 190 or 202 of the Army Act 1955 (duties of governors of prisons and others to receive prisoners, deserters, absentees and persons under escort);
 - (ii) section 129, 190 or 202 of the Air Force Act 1955 (duties of governors of prisons and others to receive prisoners, deserters, absentees and persons under escort);
 - (iii) section 107 of the Naval Discipline Act 1957 (duties of governors of civil prisons etc.); or
 - (iv) paragraph 5 of Schedule 5 to the Reserve Forces Act 1980 (duties of governors of civil prisons); or
- (d) any right of a person in police detention to apply for a writ of habeas corpus or other prerogative remedy.

52 Children

This Part of this Act does not apply to a child (as for the time being defined for the purposes of the Children and Young Persons Act 1969) who is arrested without a warrant otherwise than for homicide and to whom section 28(4) and (5) of that Act accordingly apply.