



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART IV

#### DETENTION

##### *Detention—conditions and duration*

#### **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 [<sup>F1</sup>a police station designated under section 35(1) above] 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.
- <sup>F2</sup>[(2A) A custody officer for a police station designated under section 35(2A) above shall be appointed—
  - (a) by the Chief Constable of the British Police Transport Force; or
  - (b) by such other member of that Force as that Chief Constable may direct.]
- <sup>F3</sup>(3) No officer may be appointed a custody officer unless the officer 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 [<sup>F4</sup>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—

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- (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 [<sup>F5</sup>sections 7 and 8 of the Road Traffic Act 1988].
- (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 <sup>F6</sup> . . . who is not involved in the investigation of an offence for which he is in police detention, if [<sup>F7</sup>such an officer] is readily available; and
  - (b) if no [<sup>F8</sup>such officer] is readily available, by the officer who took him to the station or any other officer.
- [<sup>F9</sup>(7A) Subject to subsection (7B), subsection (7) applies where a person attends a police station which is not a designated station to answer to bail granted under section 30A as it applies where a person is taken to such a station.
- (7B) Where subsection (7) applies because of subsection (7A), the reference in subsection (7)(b) to the officer who took him to the station is to be read as a reference to the officer who granted him bail.]
- [<sup>F10</sup>(7C) The reference to a custody officer in section 30A(1A)(b) includes a reference to an officer other than a custody officer who is performing the functions of a custody officer by virtue of subsection (4) above.]
- (8) References to a custody officer in [<sup>F11</sup>section 34 above or in] the following provisions of this Act include references to [<sup>F12</sup>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 [<sup>F13</sup>local policing body] 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.
  - (11) <sup>F14</sup> . . . . .

**Textual Amendments**

**F1** Words in s. 36(2) substituted (14.12.2001) by 2001 c. 24, s. 107, **Sch. 7 para. 13(2)**

**F2** S. 36(2A) inserted (14.12.2001) by 2001 c. 24, s. 107, **Sch. 7 para. 13(3)**

**F3** S. 36(3) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(a)**

**F4** Words in s. 36(5) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(b)**

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- F5** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c.54, SIF 107:1), s. 4, **Sch. 3 para. 27(3)**
- F6** Words in s. 36(7)(a) repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1)(2), 116(6), **Sch. 7 para. 123(3)(c)(i)**, **Sch. 8 Pt. 13**
- F7** Words in s. 36(7)(a) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(c)(i)**
- F8** Words in s. 36(7)(b) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(c)(ii)**
- F9** S. 36(7A)(7B) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 7; S.I. 2004/81, art. 2(1)(2)(a)**
- F10** S. 36(7C) inserted (28.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 4 para. 4** (with s. 45(3)); S.I. 2022/1075, **reg. 4(b)**
- F11** Words in s. 36(8) inserted (7.3.2011) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 121(5)(a)**, 178(8); S.I. 2011/410, art. 2(f)
- F12** Words in s. 36(8) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(d)**
- F13** Words in s. 36(9) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 162**; S.I. 2011/3019, art. 3, Sch. 1
- F14** S. 36(11) repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1)(2), 116(6), Sch. 7 para. 123(3)(e), **Sch. 8 Pt. 13**

#### Modifications etc. (not altering text)

- C1** Ss. 8, 9, 15, 16, 17(1)(b)(2) (4), 18-20, 21, 22(1)-(4), 28, 29, 30(1)-(4)(a)(5)-(11), 31, 32(1)-(9), 34(1)-(5), 35, 36, 37, 39, 40-44, 50, 51(d), 52, 54, 55, 64(1)-(4)(5)(6), Sch. 1 applied with modifications by S.I. 1985/1800, arts. 3-11, Schs. 1, 2
- C2** S. 36 modified (2.8.1993) by S.I. 1993/1813, art. 6, **Sch. 3 para. 3(3)**; s. 36 modified by the said S.I.1993/1813, art. 6, **Sch. 3 para. 3(3)** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, **Sch. 3 para. 4(b)**
- C3** S. 36 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**
- C4** S. 36 applied (with modifications) by Criminal Justice Act 2003 (c. 44), s. 24B(1)-(3) (as inserted (29.6.2007) by Police and Justice Act 2006 (c. 48), **ss. 18(1)**, 53 (with s. 18(2)); S.I. 2007/1614, **art. 2(e)**
- C5** S. 36(1)(2) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C6** S. 36(1)(2) applied (with modifications) (4.11.2015) by The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015 (S.I. 2015/1783), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)
- C7** S. 36(3)-(6)(c) applied (with modifications) (25.6.2013) by The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013 (S.I. 2013/1542), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C8** S. 36(3)(4) applied (with modifications) (4.11.2015) by The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015 (S.I. 2015/1783), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)
- C9** S. 36(5)(6) applied (with modifications) (4.11.2015) by The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015 (S.I. 2015/1783), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)
- C10** S. 36(7)(8) extended (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 paras. 1(2)(b), **3(2)**; s. 36(7)(8) extended by the said S.I. 1993/1813, art. 6, Sch. 3 paras. 3(2), **4** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, Sch. 3 paras. 4(b), **5**

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- C11** S. 36(7) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C12** S. 36(7)(8) applied (with modifications) (4.11.2015) by [The Police and Criminal Evidence Act 1984 \(Application to Revenue and Customs\) Order 2015 \(S.I. 2015/1783\)](#), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)
- C13** S. 36(8)-(10) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C14** S. 36(9)(10) applied (with modifications) (4.11.2015) by [The Police and Criminal Evidence Act 1984 \(Application to Revenue and Customs\) Order 2015 \(S.I. 2015/1783\)](#), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)

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**Changes and effects yet to be applied to :**

- s. 36 applied (with modifications) by [2022 c. 32 s. 107\(1\)-\(3\)](#)
- s. 36(7)(a) words substituted by [2005 c. 15 s. 121\(4\)\(a\)\(ii\)](#) (This amendment is not applied to legislation.gov.uk. S. 121(2)-(4) repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)
- s. 36(7)(b) words substituted by [2005 c. 15 s. 121\(4\)\(b\)](#) (This amendment is not applied to legislation.gov.uk. S. 121(2)-(4) repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)
- s. 36(8) words substituted by [2005 c. 15 s. 121\(5\)\(b\)](#) (This amendment is not applied to legislation.gov.uk. S. 121(5)(b) repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)
- s. 36(11) added by [2005 c. 15 s. 121\(6\)](#) (This amendment is not applied to legislation.gov.uk. S. 121(6) repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(1)(cza) inserted by [2021 c. 17 s. 26\(9\)](#)
- s. 47A(3A) substituted by [2022 c. 35 Sch. 2 para. 7](#)
- s. 61(6BA) inserted by [2008 c. 28 s. 10\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 63(3D) inserted by [2008 c. 28 s. 10\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64(1AA) inserted by [2008 c. 28 s. 10\(4\)](#) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64A(1B)(cb) inserted by [2022 c. 32 Sch. 11 para. 18\(a\)](#)
- Sch. 1A para. 21A added by 1995 c. 32, s. 8B(1) (as inserted) by [2006 c. 12 Sch. 3 para. 13](#)