



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—conditions and duration

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.

Status: Point in time view as at 14/10/1991. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 37 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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.
- (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 ^{M1}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—

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- (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 [^{F1}or in Part IV of the Children Act 1989], 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 ^{F2} . . . ;
- “endorsed for bail” means endorsed with a direction for bail in accordance with section 117(2) of the ^{M2}Magistrates' Courts Act 1980.

Textual Amendments

- F1** Words in s. 37(14) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5), **Sch. 13 para. 52** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F2** Words in s. 37(15) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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**

Marginal Citations

- M1** 1969 c. 54.
- M2** 1980 c. 43.

Status:

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