



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART IV

#### DETENTION

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

#### **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;

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- [<sup>F1</sup>(ca) in the case of a person who attends a police station to answer to bail granted under section 30A, the time when he arrives at the police station;]
- (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 [<sup>F2</sup>—
- [<sup>F3</sup>(a) on bail, if the pre-conditions for bail are satisfied, or
  - (b) without bail, if those pre-conditions are not satisfied.]]
- (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 [<sup>F4</sup>, since the person’s

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release, new evidence has come to light or an examination or analysis of existing evidence has been made which could not reasonably have been made before] his release<sup>F5</sup>; but this subsection does not prevent an arrest under section 46A below.]

[<sup>F6</sup>(10) Subsection (11) applies where—

- (a) a person is released under subsection (7), and
- (b) a custody officer determines that—
  - (i) there is not sufficient evidence to charge the person with an offence, or
  - (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.

(11) The custody officer must give the person notice in writing that the person is not to be prosecuted.

(12) Subsection (11) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.]

[<sup>F7</sup>(13) Section 47(6) and (6A) makes further provision about the calculation of a period of police detention for the purposes of this Part.]

#### Textual Amendments

- F1** S. 41(2)(ca) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 8**; S.I. 2004/81, **art. 2(1)(2)(a)**
- F2** Words in s. 41(7) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 56(1)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 12 (with reg. 5)
- F3** S. 41(7)(a)(b) substituted (28.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 4 para. 8** (with s. 45(3)); S.I. 2022/1075, **reg. 4(b)**
- F4** Words in s. 41(9) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 65(3)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 17 (with reg. 5)
- F5** Words in s. 41(9) inserted (10.4.1995) by 1994 c. 33, **s. 29(4)(b)(5)**; S.I. 1995/721, **art. 2**, Sch.
- F6** S. 41(10)-(12) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 67(2)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 18
- F7** S. 41(13) inserted (28.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 4 para. 35** (with s. 45(3)); S.I. 2022/1075, **reg. 4(b)**

#### 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. 41 extended (2.8.1993) by S.I. 1993/1813, art. 6, **Sch. 3 para. 2(6)**; s. 41 extended by the said S.I. 1993/1813, art. 6, Sch. 3 paras. 2, 5, 6 as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, Sch. 3 paras. 3, 6, 7  
S. 41 modified (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 paras. 3(3), 4(4)(b), 5(7)(b), **6(7)(b)**; s. 41 modified by the said S.I. 1993/1813, art. 6, Sch. 3 paras. 4, 5, 6 as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, Sch. 3 paras. 5, 6, 7
- C3** S. 41(1)(2)(b)(c)(d)(4)–(9) 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)

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**C4** S. 41(1)(2)(4)(6)-(9) 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 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](#)