



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART III

#### ARREST

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

- C1** Pt. III: Powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 1; S.I. 2003/708, art. 2(j)  
Pt. III: Powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 74; S.I. 2003/708, art. 2(j)

#### 24 Arrest without warrant for arrestable offences.

- (1) The powers of summary arrest conferred by the following subsections shall apply—
- to offences for which the sentence is fixed by law;
  - to offences for which a person of 21 years of age or over (not previously convicted) may be sentenced to imprisonment for a term of five years (or might be so sentenced but for the restrictions imposed by section 33 of the <sup>M1</sup>Magistrates' Courts Act 1980); and
  - to the offences to which subsection (2) below applies,
- and in this Act “arrestable offence” means any such offence.
- (2) The offences to which this subsection applies are—
- offences for which a person may be arrested under the customs and excise Acts, as defined in section 1(1) of the <sup>M2</sup>Customs and Excise Management Act 1979;
  - offences under [<sup>F1</sup>the Official Secrets Act 1920] that are not arrestable offences by virtue of the term of imprisonment for which a person may be sentenced in respect of them;
- [<sup>F2</sup>(bb) offences under any provision of the Official Secrets Act 1989 except section 8(1), (4) or (5);]

*Status: Point in time view as at 22/07/1991. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Part III is up to date with all changes known to be in force on or before 26 July 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)*

- (c) offences under section . . . <sup>F3</sup>, 22 (causing prostitution of women) or 23 (procurement of girl under 21) of the <sup>M3</sup>Sexual Offences Act 1956;
  - (d) offences under section 12(1) (taking motor vehicle or other conveyance without authority etc.) or 25(1) (going equipped for stealing, etc.) of the <sup>M4</sup>Theft Act 1968; and
  - (e) . . . . . <sup>F4</sup>
- (3) Without prejudice to section 2 of the Criminal Attempts Act 1981, the powers of summary arrest conferred by the following subsections shall also apply to the offences of—
- (a) conspiring to commit any of the offences mentioned in subsection (2) above;
  - (b) attempting to commit any such offence [<sup>F5</sup>other than an offence under section 12(1) of the Theft Act 1968];
  - (c) inciting, aiding, abetting, counselling or procuring the commission of any such offence;
- and such offences are also arrestable offences for the purposes of this Act.
- (4) Any person may arrest without a warrant—
- (a) anyone who is in the act of committing an arrestable offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be committing such an offence.
- (5) Where an arrestable offence has been committed, any person may arrest without a warrant—
- (a) anyone who is guilty of the offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be guilty of it.
- (6) Where a constable has reasonable grounds for suspecting that an arrestable offence has been committed, he may arrest without a warrant anyone whom he has reasonable grounds for suspecting to be guilty of the offence.
- (7) A constable may arrest without a warrant—
- (a) anyone who is about to commit an arrestable offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be about to commit an arrestable offence.

#### Textual Amendments

- F1** Words substituted by [Official Secrets Act 1989 \(c. 6, SIF 39:2\), s. 11\(1\)](#)
- F2** [S. 24\(2\)\(bb\)](#) inserted by [Official Secrets Act 1989 \(c. 6, SIF 39:2\), s. 11\(1\)](#)
- F3** Words repealed by [Sexual Offences Act 1985 \(c. 44, SIF 39:5\), s. 5\(3\), Sch.](#)
- F4** [S. 24\(2\)\(e\)](#) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), s. 170\(2\), Sch. 16](#)
- F5** Words added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), s. 170\(1\), Sch. 15 para. 98](#)

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

- C2** [S. 24\(2\)](#) applied by [S.I. 1990/1768, art. 8\(10\)](#) (as replaced by [S.I. 1990/2144, art. 3](#))

#### Marginal Citations

- M1** [1980 c. 43.](#)
- M2** [1979 c. 2.](#)
- M3** [1956 c. 69.](#)

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**M4** 1968 c. 60.

VALID FROM 01/01/2006

#### [<sup>F6</sup>24A Arrest without warrant: other persons

- (1) A person other than a constable may arrest without a warrant—
  - (a) anyone who is in the act of committing an indictable offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be committing an indictable offence.
- (2) Where an indictable offence has been committed, a person other than a constable may arrest without a warrant—
  - (a) anyone who is guilty of the offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be guilty of it.
- (3) But the power of summary arrest conferred by subsection (1) or (2) is exercisable only if—
  - (a) the person making the arrest has reasonable grounds for believing that for any of the reasons mentioned in subsection (4) it is necessary to arrest the person in question; and
  - (b) it appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead.
- (4) The reasons are to prevent the person in question—
  - (a) causing physical injury to himself or any other person;
  - (b) suffering physical injury;
  - (c) causing loss of or damage to property; or
  - (d) making off before a constable can assume responsibility for him.]

#### Textual Amendments

- F6** Ss. 24, 24A substituted for s. 24 (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 110, 178](#); [S.I. 2005/3495](#), [art. 2\(m\)](#)

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

- C3** [S. 24A](#) restricted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 71, 77](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 9](#) (with [Sch. 2](#))  
[S. 24A](#) restricted (1.2.2007) by [The National Assembly for Wales \(Representation of The People\) Order \(S.I. 2007/236\)](#), arts. 1(1), {30(4)}

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- (1) Where a constable has reasonable grounds for suspecting that any offence which is not an arrestable offence has been committed or attempted, or is being committed or attempted, he may arrest the relevant person if it appears to him that service of a summons is impracticable or inappropriate because any of the general arrest conditions is satisfied.

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- (2) In this section “the relevant person” means any person whom the constable has reasonable grounds to suspect of having committed or having attempted to commit the offence or of being in the course of committing or attempting to commit it.
- (3) The general arrest conditions are—
- (a) that the name of the relevant person is unknown to, and cannot be readily ascertained by, the constable;
  - (b) that the constable has reasonable grounds for doubting whether a name furnished by the relevant person as his name is his real name;
  - (c) that—
    - (i) the relevant person has failed to furnish a satisfactory address for service; or
    - (ii) the constable has reasonable grounds for doubting whether an address furnished by the relevant person is a satisfactory address for service;
  - (d) that the constable has reasonable grounds for believing that arrest is necessary to prevent the relevant person—
    - (i) causing physical injury to himself or any other person;
    - (ii) suffering physical injury;
    - (iii) causing loss of or damage to property;
    - (iv) committing an offence against public decency; or
    - (v) causing an unlawful obstruction of the highway;
  - (e) that the constable has reasonable grounds for believing that arrest is necessary to protect a child or other vulnerable person from the relevant person.
- (4) For the purposes of subsection (3) above an address is a satisfactory address for service if it appears to the constable—
- (a) that the relevant person will be at it for a sufficiently long period for it to be possible to serve him with a summons; or
  - (b) that some other person specified by the relevant person will accept service of a summons for the relevant person at it.
- (5) Nothing in subsection (3)(d) above authorises the arrest of a person under subparagraph (iv) of that paragraph except where members of the public going about their normal business cannot reasonably be expected to avoid the person to be arrested.
- (6) This section shall not prejudice any power of arrest conferred apart from this section.

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

C4 S. 25 extended (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 para. 2(4)

**26 Repeal of statutory powers of arrest without warrant or order.**

- (1) Subject to subsection (2) below, so much of any Act (including a local Act) passed before this Act as enables a constable—
- (a) to arrest a person for an offence without a warrant; or
  - (b) to arrest a person otherwise than for an offence without a warrant or an order of a court,
- shall cease to have effect.

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- (2) Nothing in subsection (1) above affects the enactments specified in Schedule 2 to this Act.

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

C5 S. 26 excluded by Representation of the People Act 1985 (c. 50, SIF 42), s. 25(1)

**27 Fingerprinting of certain offenders.**

- (1) If a person—
- (a) has been convicted of a recordable offence;
  - (b) has not at any time been in police detention for the offence; and
  - (c) has not had his fingerprints taken—
    - (i) in the course of the investigation of the offence by the police; or
    - (ii) since the conviction,
- any constable may at any time not later than one month after the date of the conviction require him to attend a police station in order that his fingerprints may be taken.
- (2) A requirement under subsection (1) above—
- (a) shall give the person a period of at least 7 days within which he must so attend; and
  - (b) may direct him to so attend at a specified time of day or between specified times of day.
- (3) Any constable may arrest without warrant a person who has failed to comply with a requirement under subsection (1) above.
- (4) The Secretary of State may by regulations make provision for recording in national police records convictions for such offences as are specified in the regulations.
- (5) Regulations under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**28 Information to be given on arrest.**

- (1) Subject to subsection (5) below, where a person is arrested, otherwise than by being informed that he is under arrest, the arrest is not lawful unless the person arrested is informed that he is under arrest as soon as is practicable after his arrest.
- (2) Where a person is arrested by a constable, subsection (1) above applies regardless of whether the fact of the arrest is obvious.
- (3) Subject to subsection (5) below, no arrest is lawful unless the person arrested is informed of the ground for the arrest at the time of, or as soon as is practicable after, the arrest.
- (4) Where a person is arrested by a constable, subsection (3) above applies regardless of whether the ground for the arrest is obvious.
- (5) Nothing in this section is to be taken to require a person to be informed—
- (a) that he is under arrest; or
  - (b) of the ground for the arrest,

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if it was not reasonably practicable for him to be so informed by reason of his having escaped from arrest before the information could be given.

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

**C6** 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

**29 Voluntary attendance at police station etc.**

Where for the purpose of assisting with an investigation a person attends voluntarily at a police station or at any other place where a constable is present or accompanies a constable to a police station or any such other place without having been arrested—

- (a) he shall be entitled to leave at will unless he is placed under arrest;
- (b) he shall be informed at once that he is under arrest if a decision is taken by a constable to prevent him from leaving at will.

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

**C7** 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

**30 Arrest elsewhere than at police station.**

- (1) Subject to the following provisions of this section, where a person—
  - (a) is arrested by a constable for an offence; or
  - (b) is taken into custody by a constable after being arrested for an offence by a person other than a constable,
 at any place other than a police station, he shall be taken to a police station by a constable as soon as practicable after the arrest.
- (2) Subject to subsections (3) and (5) below, the police station to which an arrested person is taken under subsection (1) above shall be a designated police station.
- (3) A constable to whom this subsection applies may take an arrested person to any police station unless it appears to the constable that it may be necessary to keep the arrested person in police detention for more than six hours.
- (4) Subsection (3) above applies—
  - (a) to a constable who is working in a locality covered by a police station which is not a designated police station; and
  - (b) to a constable belonging to a body of constables maintained by an authority other than a police authority.
- (5) Any constable may take an arrested person to any police station if—
  - (a) either of the following conditions is satisfied—
    - (i) the constable has arrested him without the assistance of any other constable and no other constable is available to assist him;

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- (ii) the constable has taken him into custody from a person other than a constable without the assistance of any other constable and no other constable is available to assist him; and
- (b) it appears to the constable that he will be unable to take the arrested person to a designated police station without the arrested person injuring himself, the constable or some other person.
- (6) If the first police station to which an arrested person is taken after his arrest is not a designated police station, he shall be taken to a designated police station not more than six hours after his arrival at the first police station unless he is released previously.
- (7) A person arrested by a constable at a place other than a police station shall be released if a constable is satisfied, before the person arrested reaches a police station, that there are no grounds for keeping him under arrest.
- (8) A constable who releases a person under subsection (7) above shall record the fact that he has done so.
- (9) The constable shall made the record as soon as is practicable after the release.
- (10) Nothing in subsection (1) above shall prevent a constable delaying taking a person who has been arrested to a police station if the presence of that person elsewhere is necessary in order to carry out such investigations as it is reasonable to carry out immediately.
- (11) Where there is delay in taking a person who has been arrested to a police station after his arrest, the reasons for the delay shall be recorded when he first arrives at a police station.
- (12) Nothing in subsection (1) above shall be taken to affect—
- (a) paragraphs 16(3) or 18(1) of Schedule 2 to the <sup>M5</sup>Immigration Act 1971;
  - (b) section 34(1) of the <sup>M6</sup>Criminal Justice Act 1972; or
  - [<sup>F7</sup>(c) section 15(6) and (9) of the Prevention of Terrorism (Temporary Provisions) Act 1989 and paragraphs 7(4) and 8(4) and (5) of Schedule 2 and paragraphs 6(6) and 7(4) and (5) of Schedule 5 to that Act.]
- (13) Nothing in subsection (1) above shall be taken to affect paragraph 18(3) of Schedule 2 to the Immigration Act 1971.

#### Textual Amendments

- F7** S. 30(12)(c) substituted by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c. 4, SIF 39:2\)](#), s. 25(1), [Sch. 8 para. 6\(2\)](#)

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

- C8** S. 30 extended (2.8.1993) by [S.I. 1993/1813, art. 6, Sch. 3 para. 2](#); s. 30 extended by the said [S.I. 1993/1813, art. 6, Sch. 3 para. 2](#) as incorporated (with modifications) (1.12.1997) by [S.I. 1994/1405, art. 6, Sch. 3 para. 3](#)
- C9** [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

- M5** 1971 c. 77.

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**M6** 1972 c. 71.

### **30A Bail elsewhere than at police station**

- (1) A constable may release on bail a person who is arrested or taken into custody in the circumstances mentioned in section 30(1).
- (2) A person may be released on bail under subsection (1) at any time before he arrives at a police station.
- (3) A person released on bail under subsection (1) must be required to attend a police station.
- (4) No other requirement may be imposed on the person as a condition of bail.
- (5) The police station which the person is required to attend may be any police station.

### **30B Bail under section 30A: notices**

- (1) Where a constable grants bail to a person under section 30A, he must give that person a notice in writing before he is released.
- (2) The notice must state—
  - (a) the offence for which he was arrested, and
  - (b) the ground on which he was arrested.
- (3) The notice must inform him that he is required to attend a police station.
- (4) It may also specify the police station which he is required to attend and the time when he is required to attend.
- (5) If the notice does not include the information mentioned in subsection (4), the person must subsequently be given a further notice in writing which contains that information.
- (6) The person may be required to attend a different police station from that specified in the notice under subsection (1) or (5) or to attend at a different time.
- (7) He must be given notice in writing of any such change as is mentioned in subsection (6) but more than one such notice may be given to him.

VALID FROM 20/01/2004

### **[<sup>F8</sup>30C Bail under section 30A: supplemental**

- (1) A person who has been required to attend a police station is not required to do so if he is given notice in writing that his attendance is no longer required.
- (2) If a person is required to attend a police station which is not a designated police station he must be—
  - (a) released, or
  - (b) taken to a designated police station, not more than six hours after his arrival.
- (3) Nothing in the Bail Act 1976 applies in relation to bail under section 30A.



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- (4) Nothing in section 30A or 30B or in this section prevents the re-arrest without a warrant of a person released on bail under section 30A if new evidence justifying a further arrest has come to light since his release.

#### Textual Amendments

**F8** Ss. 30A-30D inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(7\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)

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

**C12** Ss. 30A-30D 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\(e\)](#))

### 30CA Bail under section 30A: variation of conditions by police

- (1) Where a person released on bail under section 30A(1) is on bail subject to conditions—
- (a) a relevant officer at the police station at which the person is required to attend, or
  - (b) where no notice under section 30B specifying that police station has been given to the person, a relevant officer at the police station specified under section 30B(4A)(c),
- may, at the request of the person but subject to subsection (2), vary the conditions.
- (2) On any subsequent request made in respect of the same grant of bail, subsection (1) confers power to vary the conditions of the bail only if the request is based on information that, in the case of the previous request or each previous request, was not available to the relevant officer considering that previous request when he was considering it.
- (3) Where conditions of bail granted to a person under section 30A(1) are varied under subsection (1)—
- (a) paragraphs (a) to (d) of section 30A(3A) apply,
  - (b) requirements imposed by the conditions as so varied must be requirements that appear to the relevant officer varying the conditions to be necessary for any of the purposes mentioned in paragraphs (a) to (d) of section 30A(3B), and
  - (c) the relevant officer who varies the conditions must give the person notice in writing of the variation.
- (4) Power under subsection (1) to vary conditions is, subject to subsection (3)(a) and (b), power—
- (a) to vary or rescind any of the conditions, and
  - (b) to impose further conditions.
- (5) In this section “relevant officer”, in relation to a designated police station, means a custody officer but, in relation to any other police station—
- (a) means a constable, or a person designated as a staff custody officer under section 38 of the Police Reform Act 2002, who is not involved in the investigation of the offence for which the person making the request under

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subsection (1) was under arrest when granted bail under section 30A(1), if such a constable or officer is readily available, and

- (b) if no such constable or officer is readily available—
  - (i) means a constable other than the one who granted bail to the person, if such a constable is readily available, and
  - (ii) if no such constable is readily available, means the constable who granted bail.

VALID FROM 01/04/2007

### **Bail under section 30A: variation of conditions by court**

**30CB**

(1) Where a person released on bail under section 30A(1) is on bail subject to conditions, a magistrates' court may, on an application by or on behalf of the person, vary the conditions if—

- (a) the conditions have been varied under section 30CA(1) since being imposed under section 30A(3B),
- (b) a request for variation under section 30CA(1) of the conditions has been made and refused, or
- (c) a request for variation under section 30CA(1) of the conditions has been made and the period of 48 hours beginning with the day when the request was made has expired without the request having been withdrawn or the conditions having been varied in response to the request.

(2) In proceedings on an application for a variation under subsection (1), a ground may not be relied upon unless—

- (a) in a case falling within subsection (1)(a), the ground was relied upon in the request in response to which the conditions were varied under section 30CA(1), or
- (b) in a case falling within paragraph (b) or (c) of subsection (1), the ground was relied upon in the request mentioned in that paragraph,

but this does not prevent the court, when deciding the application, from considering different grounds arising out of a change in circumstances that has occurred since the making of the application.

(3) Where conditions of bail granted to a person under section 30A(1) are varied under subsection (1)—

- (a) paragraphs (a) to (d) of section 30A(3A) apply,
- (b) requirements imposed by the conditions as so varied must be requirements that appear to the court varying the conditions to be necessary for any of the purposes mentioned in paragraphs (a) to (d) of section 30A(3B), and
- (c) that bail shall not lapse but shall continue subject to the conditions as so varied.

(4) Power under subsection (1) to vary conditions is, subject to subsection (3)(a) and (b), power—

- (a) to vary or rescind any of the conditions, and
- (b) to impose further conditions.]]

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### Textual Amendments

- F8** Ss. 30A-30D inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(7\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F9** Ss. 30CA, 30CB inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 10, 53](#), [Sch. 6 para. 4](#); S.I. 2007/709, [art. 3\(i\)](#) (subject to [arts. 6, 7](#))

### Modifications etc. (not altering text)

- C14** Ss. 30A-30D 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\(e\)](#))

VALID FROM 20/01/2004

### 30D Failure to answer to bail under section 30A

- (1) A constable may arrest without a warrant a person who—
- (a) has been released on bail under section 30A subject to a requirement to attend a specified police station, but
  - (b) fails to attend the police station at the specified time.
- (2) A person arrested under subsection (1) must be taken to a police station (which may be the specified police station or any other police station) as soon as practicable after the arrest.
- (3) In subsection (1), “specified” means specified in a notice under subsection (1) or (5) of section 30B or, if notice of change has been given under subsection (7) of that section, in that notice.
- (4) For the purposes of—
- (a) section 30 (subject to the obligation in subsection (2)), and
  - (b) section 31,
- an arrest under this section is to be treated as an arrest for an offence.

### Modifications etc. (not altering text)

- C15** Ss. 30A-30D 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\(e\)](#))

### 31 Arrest for further offence.

Where—

- (a) a person—
  - (i) has been arrested for an offence; and
  - (ii) is at a police station in consequence of that arrest; and
- (b) it appears to a constable that, if he were released from that arrest, he would be liable to arrest for some other offence,

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he shall be arrested for that other offence.

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

**C16** 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

**C17** S. 31 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)

**32 Search upon arrest.**

- (1) A constable may search an arrested person, in any case where the person to be searched has been arrested at a place other than a police station, if the constable has reasonable grounds for believing that the arrested person may present a danger to himself or others.
- (2) Subject to subsections (3) to (5) below, a constable shall also have power in any such case—
  - (a) to search the arrested person for anything—
    - (i) which he might use to assist him to escape from lawful custody; or
    - (ii) which might be evidence relating to an offence; and
  - (b) to enter and search any premises in which he was when arrested or immediately before he was arrested for evidence relating to the offence for which he has been arrested.
- (3) The power to search conferred by subsection (2) above is only a power to search to the extent that is reasonably required for the purpose of discovering any such thing or any such evidence.
- (4) The powers conferred by this section to search a person are not to be construed as authorising a constable to require a person to remove any of his clothing in public other than an outer coat, jacket or gloves.
- (5) A constable may not search a person in the exercise of the power conferred by subsection (2)(a) above unless he has reasonable grounds for believing that the person to be searched may have concealed on him anything for which a search is permitted under that paragraph.
- (6) A constable may not search premises in the exercise of the power conferred by subsection (2)(b) above unless he has reasonable grounds for believing that there is evidence for which a search is permitted under that paragraph on the premises.
- (7) In so far as the power of search conferred by subsection (2)(b) above relates to premises consisting of two or more separate dwellings, it is limited to a power to search—
  - (a) any dwelling in which the arrest took place or in which the person arrested was immediately before his arrest; and
  - (b) any parts of the premises which the occupier of any such dwelling uses in common with the occupiers of any other dwellings comprised in the premises.

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- (8) A constable searching a person in the exercise of the power conferred by subsection (1) above may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person.
- (9) A constable searching a person in the exercise of the power conferred by subsection (2) (a) above may seize and retain anything he finds, other than an item subject to legal privilege, if he has reasonable grounds for believing—
- (a) that he might use it to assist him to escape from lawful custody; or
  - (b) that it is evidence of an offence or has been obtained in consequence of the commission of an offence.
- (10) Nothing in this section shall be taken to affect the power conferred by [F10 section 15(3), (4) and (5) of the Prevention of Terrorism (Temporary Provisions) Act 1989].

#### Textual Amendments

**F10** Words substituted by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c. 4, SIF 39:2\)](#), s. 25(1), [Sch. 8 para. 6\(3\)](#)

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

**C18** S. 32 modified (3.11.1994) by [1994 c. 33, s. 166\(5\)](#).

**C19** [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](#)

### 33 Execution of warrant not in possession of constable.

In section 125 of the <sup>M7</sup>Magistrates' Courts Act 1980—

- (a) in subsection (3), for the words “arrest a person charged with an offence” there shall be substituted the words “which this subsection applies”;
- (b) the following subsection shall be added after that subsection—

“(4) The warrants to which subsection (3) above applies are—

- (a) a warrant to arrest a person in connection with an offence;
- (b) without prejudice to paragraph (a) above, a warrant under section 186(3) of the <sup>M8</sup>Army Act 1955, section 186(3) of the <sup>M9</sup>Air Force Act 1955, section 105(3) of the <sup>M10</sup>Naval Discipline Act 1957 or Schedule 5 to the <sup>M11</sup>Reserve Forces Act 1980 (desertion etc.);
- (c) a warrant under—
  - (i) section 102 or 104 of the <sup>M12</sup>General Rate Act 1967 (insufficiency of distress);
  - (ii) section 18(4) of the <sup>M13</sup>Domestic Proceedings and Magistrates' Courts Act 1978 (protection of parties to marriage and children of family); and
  - (iii) section 55, 76, 93 or 97 above.”

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#### **Marginal Citations**

**M7** 1980 c. 43.

**M8** 1955 c. 18

**M9** 1955 c. 19

**M10** 1957 c. 53

**M11** 1980 c. 9

**M12** 1967 c. 9

**M13** 1978 c. 22

**Status:**

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