



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART IV

#### DETENTION

##### *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 [<sup>F1</sup>in the local justice] 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 [<sup>F2</sup>in 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 [<sup>F3</sup>designated officer] 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 [<sup>F4</sup>in a local justice] 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 [<sup>F5</sup>in that area] after his arrival in the area.

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- (5) If no magistrates’ court [<sup>F6</sup>in 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 [<sup>F7</sup>designated officer] for the area that there is a person in the area to whom subsection (4) applies.
- (6) Subject to subsection (8) below, where [<sup>F8</sup>the designated officer for a local justice] 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,
- [<sup>F9</sup>the designated officer] 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 [<sup>F10</sup>in the local justice] 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 [<sup>F11</sup>in any other local justice] 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 [<sup>F12</sup>designated officer] 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.

#### Textual Amendments

- F1** Words in s. 46(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(2\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F2** Words in s. 46(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(3\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F3** Words in s. 46(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(3\)\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F4** Words in s. 46(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(4\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F5** Words in s. 46(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(4\)\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F6** Words in s. 46(5) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(5\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F7** Words in s. 46(5) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(5\)\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F8** Words in s. 46(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(6\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F9** Words in s. 46(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(6\)\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F10** Words in s. 46(7) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(7\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)

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**F11** Words in s. 46(7) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 282(7)(b); S.I. 2005/910, art. 3(y)**

**F12** Words in s. 46(8) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 282(8); S.I. 2005/910, art. 3(y)**

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

**C1** S. 46 excluded (4.4.2005) by Criminal Justice Act 2003 (c. 44), **ss. 88(2), 336; S.I. 2005/950, art. 2(1), Sch. 1 para. 5** (subject to **art. 2(2), Sch. 2**) (as amended by S.I. 2005/2122, art. 2)

**C2** S. 46 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)

**[<sup>F13</sup>46ZAPersons granted live link bail**

- (1) This section applies in relation to bail granted under this Part subject to the duty mentioned in section 47(3)(b) (“live link bail”).
- (2) An accused person who attends a police station to answer to live link bail is not to be treated as in police detention for the purposes of this Act.
- (3) Subsection (2) does not apply in relation to an accused person if—
  - <sup>F14</sup>(a) [ at any time before the beginning of proceedings in relation to a live link direction under section 57C of the Crime and Disorder Act 1998 in relation to him, he informs a constable that he does not intend to give his consent to the direction;]
  - (b) [<sup>F15</sup>at any time before the beginning of [<sup>F16</sup>the proceedings referred to in section 47(3)(b)(i)],] a constable informs him that a live link will not be available for his use for the purposes of [<sup>F17</sup>those proceedings];
  - <sup>F18</sup>(c) [ proceedings in relation to a live link direction under that section have begun but he does not give his consent to the direction; or]
  - (d) the court determines for [<sup>F19</sup>any reason] not to give [<sup>F20</sup>a direction of the sort referred to in section 47(3)(b)(ii)].
- (4) If [<sup>F21</sup>paragraph (b) or (d) of subsection (3) applies] in relation to a person, he is to be treated for the purposes of this Part—
  - (a) as if he had been arrested for and charged with the offence in connection with which he was granted bail, and
  - (b) as if he had been so charged at the time when that paragraph first applied in relation to him.
- (5) An accused person who is arrested under section 46A for failing to attend at a police station to answer to live link bail, and who is brought to a police station in accordance with that section, is to be treated for the purposes of this Part—
  - (a) as if he had been arrested for and charged with the offence in connection with which he was granted bail, and
  - (b) as if he had been so charged at the time when he is brought to the station.
- (6) Nothing in subsection (4) or (5) affects the operation of section 47(6).]

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### Textual Amendments

- F13** S. 46ZA inserted (1.4.2007 for specified purposes, 14.11.2008 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 46\(3\)](#), [53\(1\)](#); [S.I. 2007/709](#), [art. 3\(n\)](#) (with [art. 6](#)); [S.I. 2008/2785](#), [art. 2](#); [S.I. 2011/2144](#), [art. 2\(1\)\(b\)](#); [S.I. 2012/2373](#), [art. 2\(b\)](#)
- F14** S. 46ZA(3)(a) repealed (14.12.2009 for specified purposes, 6.4.2010 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 107\(2\)\(a\)\(i\)](#), [182\(5\)](#), [Sch. 23 Pt. 3](#) (with [s. 180](#)); [S.I. 2009/3253](#), [art. 3\(1\)\(b\)](#) (with [art. 4](#)); [S.I. 2010/816](#), [art. 4](#); [S.I. 2011/2148](#), [art. 2](#); [S.I. 2012/2374](#), [art. 3\(b\)\(e\)](#)
- F15** Words in s. 46ZA(3)(b) substituted (14.12.2009 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 107\(2\)\(a\)\(ii\)](#), [182\(5\)](#) (with [s. 180](#)); [S.I. 2009/3253](#), [art. 3\(1\)\(b\)](#) (with [art. 4](#)); [S.I. 2011/2148](#), [art. 2](#); [S.I. 2012/2374](#), [art. 3\(b\)](#)
- F16** Words in s. 46ZA(3)(b) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [s. 208\(5\)\(y\)](#), [Sch. 20 para. 4\(2\)\(a\)\(i\)](#)
- F17** Words in s. 46ZA(3)(b) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [s. 208\(5\)\(y\)](#), [Sch. 20 para. 4\(2\)\(a\)\(ii\)](#)
- F18** S. 46ZA(3)(c) repealed (14.12.2009 for specified purposes, 6.4.2010 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 107\(2\)\(a\)\(iii\)](#), [182\(5\)](#), [Sch. 23 Pt. 3](#) (with [s. 180](#)); [S.I. 2009/3253](#), [art. 3\(1\)\(b\)](#) (with [art. 4](#)); [S.I. 2010/816](#), [art. 4](#); [S.I. 2011/2148](#), [art. 2](#); [S.I. 2012/2374](#), [art. 3\(b\)\(e\)](#)
- F19** Words in s. 46ZA(3)(d) substituted (14.12.2009 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 107\(2\)\(a\)\(iv\)](#), [182\(5\)](#) (with [s. 180](#)); [S.I. 2009/3253](#), [art. 3\(1\)\(b\)](#) (with [art. 4](#)); [S.I. 2011/2148](#), [art. 2](#); [S.I. 2012/2374](#), [art. 3\(b\)](#)
- F20** Words in s. 46ZA(3)(d) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [s. 208\(5\)\(y\)](#), [Sch. 20 para. 4\(2\)\(b\)](#)
- F21** Words in s. 46ZA(4) substituted (14.12.2009 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 107\(2\)\(b\)](#), [182\(5\)](#) (with [s. 180](#)); [S.I. 2009/3253](#), [art. 3\(1\)\(b\)](#) (with [art. 4](#)); [S.I. 2011/2148](#), [art. 2](#); [S.I. 2012/2374](#), [art. 3\(b\)](#)

### [<sup>F22</sup>46A Power of arrest for failure to answer to police bail.

- (1) A constable may arrest without a warrant any person who, having been released on bail under this Part of this Act subject to a duty to attend at a police station, fails to attend at that police station at the time appointed for him to do so.

[ The reference in subsection (1) to a person who fails to attend at a police station at the <sup>F23</sup>(1ZA) time appointed for him to do so includes a reference to a person who—

- (a) attends at a police station to answer to bail granted subject to the duty mentioned in section 47(3)(b), but
- (b) leaves the police station at any time before the beginning of [<sup>F24</sup>the proceedings referred to in sub-paragraph (i) of that provision].]

[ The reference in subsection (1) to a person who fails to attend at a police station at the <sup>F25</sup>(1ZB) time appointed for the person to do so includes a reference to a person who—

- (a) attends at a police station to answer to bail granted subject to the duty mentioned in section 47(3)(b), but
- (b) refuses to be searched under section 54B.]

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[ A person who has been released on bail under <sup>F27</sup>this Part] may be arrested without <sup>F26</sup>(1A) warrant by a constable if the constable has reasonable grounds for suspecting that the person has broken any of the conditions of bail.]

(2) A person who is arrested under this section shall be taken to the police station appointed as the place at which he is to surrender to custody as soon as practicable after the arrest.

(3) For the purposes of—

- (a) section 30 above (subject to the obligation in subsection (2) above), and
- (b) section 31 above,

an arrest under this section shall be treated as an arrest for an offence.]

#### Textual Amendments

- F22** S. 46A inserted (10.4.1995) by 1994 c. 33, s. 29(2)(5); S.I. 1995/721, art. 2, Sch.
- F23** S. 46A(1ZA) inserted (1.4.2007 for specified purposes, 14.11.2008 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by Police and Justice Act 2006 (c. 48), ss. 46(4), 53(1); S.I. 2007/709, art. 3(n) (with art. 6); S.I. 2008/2785, art. 2; S.I. 2011/2144, art. 2(1)(b); S.I. 2012/2373, art. 2(b)
- F24** Words in s. 46A(1ZA)(b) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(y), Sch. 20 para. 4(3)
- F25** S. 46A(1ZB) inserted (14.12.2009 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by Coroners and Justice Act 2009 (c. 25), ss. 108(2), 182(5) (with s. 180); S.I. 2009/3253, art. 3(1)(c); S.I. 2011/2148, art. 2; S.I. 2012/2374, art. 3(c)
- F26** S. 46A(1A) inserted (29.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 28, 336, Sch. 2 para. 5; S.I. 2004/81, art. 4(1)(2)(c)
- F27** Words in s. 46A(1A) 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. 61(2), 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 13

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

- C3** S. 46A applied (with modifications) by Criminal Justice Act 2003 (c. 44), s. 24B(5)(b) (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)
- C4** S. 46A(1) 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)
- C5** S. 46A(1) 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, 3(2)-(4), Sch. 1 (with arts. 4-11)
- C6** S. 46A(1)(1A) 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** Ss. 46A(1A)-(3) 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** Ss. 46A(1A)-(3) 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, 3(2)-(4), Sch. 1 (with arts. 4-11)

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#### 47 Bail after arrest.

- (1) [<sup>F28</sup>Subject to the following provisions of this section], a release on bail of a person under this Part of this Act shall be a release on bail granted in accordance with [<sup>F29</sup>sections 3, 3A, 5 and 5A of the Bail Act 1976 as they apply to bail granted by a constable].
- [<sup>F30</sup>(1A) The normal powers to impose conditions of bail shall be available to him where a custody officer releases a person on bail under [<sup>F31</sup>this Part (except sections 37C(2)(b) and 37CA(2)(b))]. In this subsection, “the normal powers to impose conditions of bail” has the meaning given in section 3(6) of the Bail Act 1976.]
- [<sup>F32</sup>(1B) No application may be made under section 5B of the Bail Act 1976 if a person is released on bail under section <sup>F33</sup>[<sup>F34</sup>... 37C(2)(b) or 37CA(2)(b)] above.
- (1C) Subsections (1D) to (1F) below apply where a person released on bail under section <sup>F35</sup>[<sup>F36</sup>... 37C(2)(b) or 37CA(2)(b)] above is on bail subject to conditions.
- (1D) The person shall not be entitled to make an application under section 43B of the Magistrates' Courts Act 1980.
- (1E) A magistrates' court may, on an application by or on behalf of the person, vary the conditions of bail; and in this subsection “vary” has the same meaning as in the Bail Act 1976.
- (1F) Where a magistrates' court varies the conditions of bail under subsection (1E) above, that bail shall not lapse but shall continue subject to the conditions as so varied.]
- (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 [<sup>F37</sup>, since the person's 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 the person's release].
- (3) Subject to [<sup>F38</sup>subsections (3A) and (4)] below, in this Part of this Act references to “bail” are references to bail subject to a duty—
- [<sup>F39</sup>(a) to appear before a magistrates' court at such time and such place as the custody officer may appoint;
- (b) to attend at such police station as the custody officer may appoint at such time as he may appoint for the purposes of—
- [<sup>F40</sup>(i) proceedings held for the purposes of section 51 of the Criminal Justice Act 2003 (directions for live links in criminal proceedings) so far as that section applies to preliminary hearings (within the meaning of that section), and
- (ii) any such hearing in relation to which a direction under that section is given requiring or permitting the person on bail to take part through a live audio link or a live video link (within the meaning of that section);]
- (c) to attend at such police station as the custody officer may appoint at such time as he may appoint for purposes other than those mentioned in paragraph (b) [<sup>F41</sup>(subject to section 47ZA)].]
- [<sup>F42</sup>(3A) Where a custody officer grants bail to a person subject to a duty to appear before a magistrates' court, he shall appoint for the appearance—

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- (a) a date which is not later than the first sitting of the court after the person is charged with the offence; or
  - (b) where he is informed by the [F43 designated officer for the relevant local justice] area that the appearance cannot be accommodated until a later date, that later date.]
- (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.
- [F44(4A) Where a person has been granted bail under this Part subject to a duty to attend at a police station, a custody officer may subsequently appoint a different time, or an additional time, at which the person is to attend at the police station to answer bail.
- (4B) The custody officer must give the person notice in writing of the exercise of the power under subsection (4A).
- (4C) The exercise of the power under subsection (4A) does not affect the conditions of bail (if any).
- (4D) A custody officer may not appoint a time for a person’s attendance under subsection (4A) which is after the end of the applicable bail period in relation to the person.
- (4E) Subsection (4D) is subject to section 47ZL.]
- F45(5) .....
- (6) Where a person [F46 who has been granted bail [F47 under this Part] and either has attended at the police station in accordance with the grant of bail or has been arrested under section 46A above is detained at a police station], 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 [F48 and any time during which he was on bail shall not be so included].
- (7) Where a person who was released on bail [F49 under this Part] 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 [F50; but this subsection does not apply to a person who is arrested under section 46A above or has attended a police station in accordance with the grant of bail (and who accordingly is deemed by section 34(7) above to have been arrested for an offence) F51 [or to a person to whom section 46ZA(4) or (5) applies.]]
- (8) In the M1 Magistrates’ Court 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 F51 may be enforced as if it



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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.”.

#### Textual Amendments

- F28** Words in s. 47(1) substituted (29.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 28, 336, **Sch. 2 para. 6(2)**; S.I. 2004/81, **art. 4(1)(2)(c)**
- F29** Words in s. 47(1) substituted (10.4.1995) by 1994 c. 33, s. 27(1)(a); S.I. 1995/721, art. 2, **Sch.**
- F30** S. 47(1A) inserted (10.4.1995) by 1994 c. 33, s. 27(1)(b); S.I. 1995/721, art. 2, **Sch.**
- F31** Words in s. 47(1A) 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. 61(4), 183(1)(5)(e); S.I. 2017/399, reg. 2, **Sch. para. 13**
- F32** S. 47(1B)-(1F) inserted (29.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 28, 336, **Sch. 2 para. 6(4)**; S.I. 2004/81, **art. 4(1)(2)(c)**
- F33** Word in s. 47(1B) omitted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), ss. 61(5), 183(1)(5)(e); S.I. 2017/399, reg. 2, **Sch. para. 13**
- F34** Words in s. 47(1B) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 10, 53, **Sch. 6 para. 11**; S.I. 2007/709, **art. 3(i)** (subject to arts. 6, 7)
- F35** Word in s. 47(1C) omitted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), ss. 61(5), 183(1)(5)(e); S.I. 2017/399, reg. 2, **Sch. para. 13**
- F36** Words in s. 47(1C) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 10, 53, **Sch. 6 para. 11**; S.I. 2007/709, **art. 3(i)** (subject to arts. 6, 7)
- F37** Words in s. 47(2) 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(6), 183(1)(5)(e); S.I. 2017/399, reg. 2, **Sch. para. 17** (with reg. 5)
- F38** Words in s. 47(3) substituted (30.9.1998 for the purposes specified in S.I. 1998/2327, art. 3(2), **Sch. 2** and otherwise 1.11.1999) by 1998 c. 37, s. 46(1); S.I. 1998/2327, art. 3(2), **Sch. 2** and S.I. 1999/2976, **art. 2**
- F39** S. 47(3)(a)-(c) substituted for s. 47(3)(a) (1.4.2007 for specified purposes, 14.11.2008 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 46(5)(a), 53(1); S.I. 2007/709, art. 3(n) (with art. 6); S.I. 2008/2785, art. 2; S.I. 2011/2144, art. 2(1)(b); S.I. 2012/2373, art. 2(b)
- F40** S. 47(3)(b)(i)(ii) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(y), **Sch. 20 para. 4(4)**



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- F41** Words in s. 47(3)(c) 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. 64(6)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 16 (with reg. 5)
- F42** S. 47(3A) inserted (30.9.1998 for the purposes specified in S.I. 1998/2327, art. 3(2), **Sch. 2** and otherwise 1.11.1999) by [1998 c. 37](#), **s. 46(2)**; S.I. 1998/2327, art. 3(2), **Sch. 2**; S.I. 1999/2976, **art. 2**.
- F43** Words in s. 47(3A)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 283**; S.I. 2005/910, **art. 3(y)**
- F44** S. 47(4A)-(4E) 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. 64(7)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 16 (with reg. 5)
- F45** S. 47(5) repealed (10.4.1995) by [1994 c. 33](#), ss. 29(4)(c)(5), 168(3), **Sch. 11**; S.I. 1995/721, art. 2, **Sch. Appendix B**
- F46** Words in s. 47(6) substituted (10.4.1995) by [1994 c. 33](#), **s. 29(4)(d)(5)**; S.I. 1995/721, art. 2, **Sch.**
- F47** Words in s. 47(6) inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, **Sch. 1 Pt. 1 para. 10(a)**; S.I. 2004/81, **art. 2(1)(2)(a)**
- F48** Words in s. 47(6) inserted (retrospectively) by [Police \(Detention and Bail\) Act 2011 \(c. 9\)](#), **s. 1(1)(3)**
- F49** Words in s. 47(7) inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, **Sch. 1 Pt. 1 para. 10(b)**; S.I. 2004/81, **art. 2(1)(2)(a)**
- F50** Words in s. 47(7) inserted (10.4.1995) by [1994 c. 33](#), **s. 29(4)(e)(5)**; S.I. 1995/721, art. 2, **Sch.**
- F51** Words in s. 47(7) inserted (1.4.2007 for specified purposes, 14.11.2008 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 46(5)(b)**, 53(1); S.I. 2007/709, art. 3(n) (with art. 6); S.I. 2008/2785, art. 2; S.I. 2011/2144, art. 2(1)(b); S.I. 2012/2373, art. 2(b)

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

- C9** S. 47 applied (with modifications) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 24B(5)(c) (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)**)
- C10** S. 47(3) excluded (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 88(1)(b)**, 336; S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 5 (subject to art. 2(2), Sch. 2) (as amended by S.I. 2005/2122, art. 2)

#### Marginal Citations

- M1** 1980 c. 43.

### [<sup>F52</sup>47ZALimits on period of bail without charge

- (1) This section applies in relation to the power conferred on a custody officer, when releasing a person on bail under this Part, to appoint a time for the person to attend at a police station in accordance with section 47(3)(c).
- (2) The power must be exercised so as to appoint a time on the day on which the applicable bail period in relation to the person ends, unless subsection (3) or (4) applies.
- (3) This subsection applies where—
  - (a) at the time of the exercise of the power the person is on bail under this Part in relation to one or more offences other than the relevant offence, and
  - (b) the custody officer believes that it is appropriate to align the person's attendance in relation to the relevant offence with the person's attendance in relation to the one or more other offences.
- (4) This subsection applies where the custody officer believes that a decision as to whether to charge the person with the relevant offence would be made before the end of the applicable bail period in relation to the person.

*Status: Point in time view as at 28/06/2022.*

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- (5) Where subsection (3) or (4) applies, the power may be exercised so as to appoint a time on a day falling before the end of the applicable bail period in relation to the person.
- (6) This section is subject to section 47ZL.
- (7) In this section references to attendance are to attendance at a police station in accordance with section 47(3)(c).
- (8) In this Part the “relevant offence”, in relation to a person, means the offence in respect of which the power mentioned in subsection (1) is exercised in relation to the person.

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### 47ZB Applicable bail period: initial limit

- (1) In this Part the “applicable bail period”, in relation to a person, means—
  - (a) in an SFO case, the period of 3 months beginning with the person’s bail start date, or
  - (b) in an FCA case or any other case, the period of 28 days beginning with the person’s bail start date.
- (2) The applicable bail period in relation to a person may be extended under sections 47ZD to 47ZG or treated as extended under section 47ZJ(3).
- (3) Subsection (1) and sections 47ZD to 47ZG are subject to sections 47ZL and 47ZM.
- (4) For the purposes of this Part—
  - (a) a person’s bail start date is the day after the day on which the person was arrested for the relevant offence,
  - (b) an “FCA case” is a case in which—
    - (i) the relevant offence in relation to the person is being investigated by the Financial Conduct Authority, and
    - (ii) a senior officer confirms that sub-paragraph (i) applies,
  - (c) an “SFO case” is a case in which—
    - (i) the relevant offence in relation to the person is being investigated by the Director of the Serious Fraud Office, and
    - (ii) a senior officer confirms that sub-paragraph (i) applies, and
  - (d) “senior officer” means a police officer of the rank of superintendent or above.

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

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#### **47ZC Applicable bail period: conditions A to D in sections 47ZD to 47ZG**

- (1) This section applies for the purposes of sections 47ZD to 47ZG.
- (2) Condition A is that the decision-maker has reasonable grounds for suspecting the person in question to be guilty of the relevant offence.
- (3) Condition B is that the decision-maker has reasonable grounds for believing—
  - (a) in a case where the person in question is or is to be released on bail under section 37(7)(c) or 37CA(2)(b), that further time is needed for making a decision as to whether to charge the person with the relevant offence, or
  - (b) otherwise, that further investigation is needed of any matter in connection with the relevant offence.
- (4) Condition C is that the decision-maker has reasonable grounds for believing—
  - (a) in a case where the person in question is or is to be released on bail under section 37(7)(c) or 37CA(2)(b), that the decision as to whether to charge the person with the relevant offence is being made diligently and expeditiously, or
  - (b) otherwise, that the investigation is being conducted diligently and expeditiously.
- (5) Condition D is that the decision-maker has reasonable grounds for believing that the release on bail of the person in question is necessary and proportionate in all the circumstances (having regard, in particular, to any conditions of bail which are, or are to be, imposed).
- (6) In this section “decision-maker” means—
  - (a) in relation to a condition which falls to be considered by virtue of section 47ZD, the senior officer in question;
  - (b) in relation to a condition which falls to be considered by virtue of section 47ZE, the appropriate decision-maker in question;
  - (c) in relation to a condition which falls to be considered by virtue of section 47ZF or 47ZG, the court in question.

#### **Textual Amendments**

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### **47ZD Applicable bail period: extension of initial limit in standard cases**

- (1) This section applies in relation to a person if—
  - (a) the applicable bail period in relation to the person is the period mentioned in section 47ZB(1)(b),
  - (b) that period has not ended, and
  - (c) a senior officer is satisfied that conditions A to D are met in relation to the person.
- (2) The senior officer may authorise the applicable bail period in relation to the person to be extended so that it ends at the end of the period of 3 months beginning with the person’s bail start date.

*Status: Point in time view as at 28/06/2022.*

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- (3) Before determining whether to give an authorisation under subsection (2) in relation to a person, the senior officer must arrange for the person or the person’s legal representative to be informed that a determination is to be made.
- (4) In determining whether to give an authorisation under subsection (2) in relation to a person, the senior officer must consider any representations made by the person or the person’s legal representative.
- (5) The senior officer must arrange for the person or the person’s legal representative to be informed whether an authorisation under subsection (2) has been given in relation to the person.

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### **47ZE Applicable bail period: extension of limit in designated cases**

- (1) This section applies in relation to a person if—
  - (a) the person’s case is an SFO case, or
  - (b) a senior officer has authorised an extension of the applicable bail period in relation to the person under section 47ZD.
- (2) A qualifying prosecutor may designate the person’s case as being an exceptionally complex case (a “designated case”).
- (3) If an appropriate decision-maker is satisfied that conditions A to D are met in relation to the person in a designated case, the decision-maker may authorise the applicable bail period in relation to the person to be extended so that it ends at the end of the period of 6 months beginning with the person’s bail start date.
- (4) An appropriate decision-maker is—
  - (a) a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this paragraph by the Chief Executive of the Authority (in an FCA case),
  - (b) a member of the Serious Fraud Office who is of the Senior Civil Service (in an SFO case), or
  - (c) a qualifying police officer (in any other case).
- (5) Before determining whether to give an authorisation under subsection (3) in relation to a person—
  - (a) the appropriate decision-maker must arrange for the person or the person’s legal representative to be informed that a determination is to be made, and
  - (b) if the appropriate decision-maker is a qualifying police officer, the officer must consult a qualifying prosecutor.
- (6) In determining whether to give an authorisation under subsection (3) in relation to a person, the appropriate decision-maker must consider any representations made by the person or the person’s legal representative.

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- (7) The appropriate decision-maker must arrange for the person or the person's legal representative to be informed whether an authorisation under subsection (3) has been given in relation to the person.
- (8) Any designation under subsection (2) must be made, and any authorisation under subsection (3) must be given, before the applicable bail period in relation to the person has ended.
- (9) In this section—
  - “qualifying police officer” means a police officer of the rank of commander or assistant chief constable or above, and
  - “qualifying prosecutor” means a prosecutor of the description designated for the purposes of this section by the Chief Executive of the Financial Conduct Authority, the Director of the Serious Fraud Office or the Director of Public Prosecutions.

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### **47ZF Applicable bail period: first extension of limit by court**

- (1) This section applies in relation to a person if—
  - (a) the person's case is an SFO case,
  - (b) a senior officer has authorised an extension of the applicable bail period in relation to the person under section 47ZD, or
  - (c) an appropriate decision-maker has authorised an extension of the applicable bail period in relation to the person under section 47ZE.
- (2) Before the applicable bail period in relation to the person ends a qualifying applicant may apply to a magistrates' court for it to authorise an extension of the applicable bail period in relation to the person under this section.
- (3) If the court is satisfied that—
  - (a) conditions B to D are met in relation to the person, and
  - (b) the case does not fall within subsection (7),it may authorise the applicable bail period to be extended as specified in subsection (4).
- (4) The applicable bail period is to end—
  - (a) in a case falling within subsection (1)(a) or (b), at the end of the period of 6 months beginning with the person's bail start date;
  - (b) in a case falling within subsection (1)(c), at the end of the period of 9 months beginning with the person's bail start date.
- (5) If the court is satisfied that—
  - (a) conditions B to D are met in relation to the person, and
  - (b) the case falls within subsection (7),it may authorise the applicable bail period to be extended as specified in subsection (6).

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- (6) The applicable bail period is to end—
- (a) in a case falling within subsection (1)(a) or (b), at the end of the period of 9 months beginning with the person’s bail start date;
  - (b) in a case falling within subsection (1)(c), at the end of the period of 12 months beginning with the person’s bail start date.
- (7) A case falls within this subsection if the nature of the decision or further investigations mentioned in condition B means that that decision is unlikely to be made or those investigations completed if the applicable bail period in relation to the person is not extended as specified in subsection (6).
- (8) In this section “qualifying applicant” means—
- (a) a constable,
  - (b) a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this subsection by the Chief Executive of the Authority,
  - (c) a member of the Serious Fraud Office, or
  - (d) a Crown Prosecutor.

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### **47ZG Applicable bail period: subsequent extensions of limit by court**

- (1) Subsections (2) to (6) apply where a court has authorised an extension of the applicable bail period in relation to a person under section 47ZF.
- (2) Before the applicable bail period in relation to the person ends a qualifying applicant may apply to a magistrates’ court for it to authorise an extension of the applicable bail period in relation to the person under this section.
- (3) If the court is satisfied that—
  - (a) conditions B to D are met in relation to the person, and
  - (b) the case does not fall within subsection (8),
 it may authorise the applicable bail period to be extended as specified in subsection (4).
- (4) The applicable bail period is to end at the end of the period of 3 months beginning with the end of the current applicable bail period in relation to the person.
- (5) If the court is satisfied that—
  - (a) conditions B to D are met in relation to the person, and
  - (b) the case falls within subsection (8),
 it may authorise the applicable bail period to be extended as specified in subsection (6).
- (6) The applicable bail period is to end at the end of the period of 6 months beginning with the end of the current applicable bail period in relation to the person.

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- (7) Where a court has authorised an extension of the applicable bail period in relation to a person under subsection (3) or (5), a qualifying applicant may make further applications under subsection (2) (and subsections (3) to (6) apply accordingly).
- (8) A case falls within this subsection if the nature of the decision or further investigations mentioned in condition B means that that decision is unlikely to be made or those investigations completed if the current applicable bail period in relation to the person is not extended as specified in subsection (6).
- (9) For the purposes of this section—
  - (a) references to the current applicable bail period in relation to a person are to the applicable bail period applying to the person when the application under this section is made (subject to section 47ZJ(3)), and
  - (b) “qualifying applicant” has the same meaning as in section 47ZF.

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### 47ZH Sections 47ZF and 47ZG: withholding sensitive information

- (1) This section applies where a qualifying applicant makes an application to a magistrates’ court under section 47ZF or 47ZG in relation to a person.
- (2) The qualifying applicant may apply to the court for it to authorise the specified information to be withheld from the person and any legal representative of the person.
- (3) The court may grant an application under subsection (2) only if satisfied that there are reasonable grounds for believing that the specified information is sensitive information.
- (4) For the purposes of this section information is sensitive information if its disclosure would have one or more of the following results—
  - (a) evidence connected with an indictable offence would be interfered with or harmed;
  - (b) a person would be interfered with or physically injured;
  - (c) a person suspected of having committed an indictable offence but not yet arrested for the offence would be alerted;
  - (d) the recovery of property obtained as a result of an indictable offence would be hindered.
- (5) In this section “specified information” means the information specified in the application under subsection (2).

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)



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#### **47ZI Sections 47ZF to 47ZH: proceedings in magistrates' court**

- (1) An application made to a magistrates' court under section 47ZF or 47ZG in relation to a person is to be determined by a single justice of the peace on written evidence unless subsection (2) or (3) applies.
- (2) This subsection applies if—
  - (a) the effect of the application would be to extend the applicable bail period in relation to the person so that it ends at or before the end of the period of 12 months beginning with the person's bail start date, and
  - (b) a single justice of the peace considers that the interests of justice require an oral hearing.
- (3) This subsection applies if—
  - (a) the effect of the application would be to extend the applicable bail period in relation to the person so that it ends after the end of the period of 12 months beginning with the person's bail start date, and
  - (b) the person, or the person who made the application, requests an oral hearing.
- (4) If subsection (2) or (3) applies, the application is to be determined by two or more justices of the peace sitting otherwise than in open court.
- (5) Where an application under section 47ZF or 47ZG in relation to a person is to be determined as mentioned in subsection (4), the justices may direct that the person and any legal representative of the person be excluded from any part of the hearing.
- (6) The justices may give a direction under subsection (5) only if satisfied that there are reasonable grounds for believing that sensitive information would be disclosed at the part of the hearing in question.
- (7) An application under section 47ZH is to be determined by a single justice of the peace on written evidence unless the justice determines that the interests of justice require an oral hearing.
- (8) If the justice makes a determination under subsection (7)—
  - (a) the application is to be determined by two or more justices of the peace sitting otherwise than in open court, and
  - (b) the justices hearing the application must direct that the person to whom the application relates and any legal representative of the person be excluded from the hearing.
- (9) In this section "sensitive information" has the meaning given in section 47ZH(4).

#### **Textual Amendments**

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### **47ZJ Sections 47ZF and 47ZG: late applications to magistrates' court**

- (1) This section applies where—
  - (a) an application under section 47ZF or 47ZG is made to a magistrates' court before the end of the applicable bail period in relation to a person, but

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- (b) it is not practicable for the court to determine the application before the end of that period.
- (2) The court must determine the application as soon as is practicable.
- (3) The applicable bail period in relation to the person is to be treated as extended until the application is determined.
- (4) If it appears to the court that it would have been reasonable for the application to have been made in time for it to have been determined by the court before the end of the applicable bail period in relation to the person, it may refuse the application.

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### 47ZK Rules

Criminal Procedure Rules may make provision in connection with applications under sections 47ZF, 47ZG and 47ZH and the proceedings for determining such applications.

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### 47ZL Applicable bail period and bail return date: special case of release on bail under section 37(7)(a) or 37C(2)(b)

- (1) This section applies where a person is released on bail under section 37(7)(a) or 37C(2)(b).
- (2) The running of the applicable bail period in relation to the person—
  - (a) does not begin (in the case of a first release on bail), or
  - (b) is suspended (in any other case),(subject to subsection (6)).
- (3) Accordingly section 47ZA does not apply to the exercise of the power mentioned in section 47ZA(1) when releasing the person on bail.
- (4) Subsections (5) and (6) apply if a DPP request is made in relation to the person.
- (5) A custody officer must exercise the power mentioned in section 47(4A) to appoint a different time for the person to attend at the police station (and section 47(4B) to (4D) applies accordingly).
- (6) The applicable bail period in relation to the person—
  - (a) begins to run on the day on which the DPP request is made (in the case of a first release on bail), or

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- (b) resumes running on that day (in any other case).
- (7) Subsection (8) applies where—
  - (a) a DPP request has been made in relation to the person, and
  - (b) the applicable bail period in relation to the person would end before the end of the period of 7 days beginning with the day on which the DPP request was made.
- (8) The running of the applicable bail period in relation to the person is suspended for the number of days necessary to secure that the applicable bail period ends at the end of the period of 7 days beginning with the day on which the DPP request was made.
- (9) Subsections (10) and (11) apply if the DPP request made in relation to the person is met.
- (10) The running of the applicable bail period in relation to the person is suspended.
- (11) Accordingly section 47(4D) does not apply to any exercise of the power under section 47(4A).
- (12) For the purposes of this section—
  - (a) a “DPP request”, in relation to a person, means a request by the Director of Public Prosecutions for the further information specified in the request to be provided before the Director decides under section 37B(2) whether there is sufficient evidence to charge the person with the relevant offence,
  - (b) a DPP request is met when the further information specified in the request is provided, and
  - (c) references to the case of a first release on bail are to a case where the person has not been released on bail in relation to the relevant offence under any other provision of this Part or under section 30A.

#### Textual Amendments

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

#### **47ZM Applicable bail period: special cases of release on bail under section 30A and periods in hospital**

- (1) Subsections (2) and (3) apply where a person was released on bail under section 30A.
- (2) The period of 28 days mentioned in section 30B(8) in relation to the person is to be treated as being the period of 28 days mentioned in section 47ZB(1)(b) in relation to the person.
- (3) Any reference to the relevant offence, in relation to the person, is to be read as a reference to the offence in respect of which the power in section 30A(1) was exercised.
- (4) Subsection (5) applies if, at any time on the day on which the applicable bail period in relation to a person would end, the person is in hospital as an in-patient.

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- (5) The running of the applicable bail period in relation to the person is to be treated as having been suspended for any day on which the patient was in hospital as an in-patient.]

**Textual Amendments**

**F52** Ss. 47ZA-47ZM 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. 63, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 15 (with reg. 5)

**<sup>F53</sup>47A Early administrative hearings conducted by justices' clerks.**

**Textual Amendments**

**F53** S. 47A omitted (6.4.2020) by virtue of Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), Sch. para. 16; S.I. 2020/24, reg. 3(b)

**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 <sup>M2</sup>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—

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- (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.”.

#### Marginal Citations

M2 1967 c. 80.

## 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—
- <sup>F54</sup>(a) under section 22 of the Police Act 1996; 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.

#### Textual Amendments

F54 S. 50(2)(a) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1) Sch. 7 Pt. II para.35

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

- C11** 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
- C12** S. 50 modified (2.8.1993) by S.I. 1993/1813, art. 6, **Sch. 3 para. 3(3)**.
- C13** S. 50 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. 50 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)

### [<sup>F55</sup>50A Interpretation of references to pre-conditions for bail

For the purposes of this Part the following are the pre-conditions for bail in relation to the release of a person by a custody officer—

- (a) that the custody officer is satisfied that releasing the person on bail is necessary and proportionate in all the circumstances (having regard, in particular, to any conditions of bail which would be imposed), and
- (b) that an officer of the rank of inspector or above authorises the release on bail (having considered any representations made by the person or the person's legal representative).]

#### Textual Amendments

- F55** S. 50A 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. 58, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 12 (with reg. 5)

### 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 <sup>M3</sup>Immigration Act 1971 (administrative provisions as to control on entry etc.);
- [<sup>F56</sup>(b) the powers conferred by virtue of section 41 [<sup>F57</sup>or 43B] of, or Schedule 7 to, the Terrorism Act 2000 (powers of arrest and detention);]<sup>F58</sup> ...
- [<sup>F59</sup>(ba) the powers conferred by virtue of Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (powers of detention);]
- (c) <sup>F60</sup> .....
- (d) any right of a person in police detention to apply for a writ of habeas corpus or other prerogative remedy.

#### Textual Amendments

- F56** S. 51(b) substituted (19.2.2001) by 2000 c. 11, s. 125(1), **Sch. 15 para. 5(4)**; S.I.2001/421, art. 2
- F57** Words in s. 51(b) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(w), **Sch. 19 para. 1(2)**

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- F58** Word in s. 51(b) omitted (13.8.2020) by virtue of Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(2)(d), **Sch. 4 para. 18(2)(a)**; S.I. 2020/792, reg. 2(i)
- F59** S. 51(ba) inserted (13.8.2020) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(2)(d), **Sch. 4 para. 18(2)(b)**; S.I. 2020/792, reg. 2(i)
- F60** S. 51(c) repealed (28.3.2009 for certain purposes and otherwise prosp.) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059)

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

- C15** S. 51(b) 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, 3(2)-(4), **Sch. 1** (with arts. 4-11)
- 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. 51(d) 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)

**Marginal Citations**

- M3** 1971 c. 77.

<sup>F61</sup>**52** .....

**Textual Amendments**

- F61** S. 52 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15**; S.I. 1991/828, **art. 3(2)**



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