



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—miscellaneous

[^{F1}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 ^{F2}(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 proceedings in relation to a live link direction under [^{F3}section 57C][^{F3}section 57B] of the Crime and Disorder Act 1998 in relation to him [^{F4}, without informing a constable that he does not intend to give his consent to the direction.]]

[The reference in subsection (1) to a person who fails to attend at a police station at the ^{F5}(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.]

[A person who has been released on bail under [^{F7}this Part] may be arrested without ^{F6}(1A) warrant by a constable if the constable has reasonable grounds for suspecting that the person has broken any of the conditions of bail.]

Status: Point in time view as at 25/03/2020. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 46A is up to date with all changes known to be in force on or before 07 June 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)

- (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

- F1** S. 46A inserted (10.4.1995) by 1994 c. 33, s. 29(2)(5); S.I. 1995/721, art. 2, Sch.
- F2** 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)
- F3** Words in s. 46A(1ZA)(b) substituted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 24 para. 11(3) (with ss. 88-90)
- F4** Words in s. 46A(1ZA) omitted (14.12.2009 in relation to the relevant local justice areas specified in art. 3(2) of the first commencing S.I.) by virtue of and repealed (prosp.) by Coroners and Justice Act 2009 (c. 25), ss. 107(3), 178, 182, Sch. 23 Pt. 3 (with s. 180, Sch. 22); S.I. 2009/3253, art. 3(1)(b)(2) (with art. 4)
- F5** 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)
- F6** 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)
- F7** 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)

- C1** 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))
- C2** 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)
- C3** 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)
- C4** 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)
- C5** 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)
- C6** 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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