



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—miscellaneous

47 Bail after arrest

- (1) Subject to subsection (2) below, a release on bail of a person under this Part of this Act shall be a release on bail granted in accordance with the Bail Act 1976.
- (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 new evidence justifying a further arrest has come to light since his release.
- (3) Subject to subsection (4) below, in this Part of this Act references to "bail" are references to bail subject to a duty—
 - (a) to appear before a magistrates' court at such time and such place; or
 - (b) to attend at such police station at such time,as the custody officer may appoint.
- (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.
- (5) Where a person arrested for an offence who was released on bail subject to a duty to attend at a police station so attends, he may be detained without charge in connection with that offence only if the custody officer at the police station has reasonable grounds for believing that his detention is necessary—
 - (a) to secure or preserve evidence relating to the offence; or
 - (b) to obtain such evidence by questioning him.

Status: This is the original version (as it was originally enacted).

- (6) Where a person is detained under subsection (5) above, 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.
- (7) Where a person who was released on bail 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.
- (8) In the Magistrates' Courts 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 may be enforced as if it 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”.