



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 3

CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

CHAPTER 4

LIVE LINKS

108 Searches of persons answering to live link bail

(1) After section 54A of the Police and Criminal Evidence Act 1984 (c. 60) insert—

“54B Searches of persons answering to live link bail

- (1) A constable may search at any time—
 - (a) any person who is at a police station to answer to live link bail; and
 - (b) any article in the possession of such a person.
- (2) If the constable reasonably believes a thing in the possession of the person ought to be seized on any of the grounds mentioned in subsection (3), the constable may seize and retain it or cause it to be seized and retained.
- (3) The grounds are that the thing—
 - (a) may jeopardise the maintenance of order in the police station;
 - (b) may put the safety of any person in the police station at risk; or
 - (c) may be evidence of, or in relation to, an offence.
- (4) The constable may record or cause to be recorded all or any of the things seized and retained pursuant to subsection (2).
- (5) An intimate search may not be carried out under this section.

Status: Point in time view as at 07/10/2013.

Changes to legislation: Coroners and Justice Act 2009, Section 108 is up to date with all changes known to be in force on or before 29 August 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)

- (6) The constable carrying out a search under subsection (1) must be of the same sex as the person being searched.
- (7) In this section “live link bail” means bail granted under Part 4 of this Act subject to the duty mentioned in section 47(3)(b).

54C Power to retain articles seized

- (1) Except as provided by subsections (2) and (3), a constable may retain a thing seized under section 54B until the time when the person from whom it was seized leaves the police station.
 - (2) A constable may retain a thing seized under section 54B in order to establish its lawful owner, where there are reasonable grounds for believing that it has been obtained in consequence of the commission of an offence.
 - (3) If a thing seized under section 54B may be evidence of, or in relation to, an offence, a constable may retain it—
 - (a) for use as evidence at a trial for an offence; or
 - (b) for forensic examination or for investigation in connection with an offence.
 - (4) Nothing may be retained for either of the purposes mentioned in subsection (3) if a photograph or copy would be sufficient for that purpose.
 - (5) Nothing in this section affects any power of a court to make an order under section 1 of the Police (Property) Act 1897.
 - (6) The references in this section to anything seized under section 54B include anything seized by a person to whom paragraph 27A of Schedule 4 to the Police Reform Act 2002 applies.”
- (2) In section 46A of that Act (power of arrest for failure to answer to police bail), after subsection (1ZA) insert—
- “(1ZB) The reference in subsection (1) to a person who fails to attend at a police station at the 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.”
- (3) In Part 3 of Schedule 4 to the Police Reform Act 2002 (c. 30) (powers exercisable by detention officers), after paragraph 27 insert—

“Searches of persons answering to live link bail

- 27A (1) Where a designation applies this paragraph to any person, that person has the powers of a constable under section 54B of the 1984 Act (searches of persons answering to live link bail)—
- (a) to carry out a search of any person attending a police station in the relevant police area; and
 - (b) to seize or retain articles found on such a search.

Status: Point in time view as at 07/10/2013.

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- (2) Anything seized by a person under the power conferred by subparagraph (1) must be delivered to a constable as soon as practicable and in any case before the person from whom the thing was seized leaves the police station.”

Commencement Information

- I1** [S. 108](#) in force at 14.12.2009 for specified purposes by [S.I. 2009/3253](#), **art. 3(1)(c)**
I2 [S. 108](#) in force at 3.10.2011 for specified purposes by [S.I. 2011/2148](#), **art. 2(1)(c)**
I3 [S. 108](#) in force at 8.10.2012 in so far as not already in force by [S.I. 2012/2374](#), **art. 3(c)**

Status:

Point in time view as at 07/10/2013.

Changes to legislation:

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