



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART III **E+W**

#### 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)**
- C2** Pt. III incorporated (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 52**

#### [<sup>F1</sup>24] **Arrest without warrant: constables** **E+W**

- (1) A constable may arrest without a warrant—
- anyone who is about to commit an offence;
  - anyone who is in the act of committing an offence;
  - anyone whom he has reasonable grounds for suspecting to be about to commit an offence;
  - anyone whom he has reasonable grounds for suspecting to be committing an offence.
- (2) If a constable has reasonable grounds for suspecting that an offence has been committed, he may arrest without a warrant anyone whom he has reasonable grounds to suspect of being guilty of it.
- (3) If an offence has been committed, a constable may arrest without a warrant—
- anyone who is guilty of the offence;
  - anyone whom he has reasonable grounds for suspecting to be guilty of it.

*Status: Point in time view as at 01/07/2012.*

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- (4) But the power of summary arrest conferred by subsection (1), (2) or (3) is exercisable only if the constable has reasonable grounds for believing that for any of the reasons mentioned in subsection (5) it is necessary to arrest the person in question.
- (5) The reasons are—
- (a) to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name);
  - (b) correspondingly as regards the person's address;
  - (c) to prevent the person in question—
    - (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 (subject to subsection (6)); or
    - (v) causing an unlawful obstruction of the highway;
  - (d) to protect a child or other vulnerable person from the person in question;
  - (e) to allow the prompt and effective investigation of the offence or of the conduct of the person in question;
  - (f) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.
- (6) Subsection (5)(c)(iv) applies only where members of the public going about their normal business cannot reasonably be expected to avoid the person in question.]

#### Textual Amendments

- F1** Ss. 24, 24A substituted for s. 24 (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 110(1), 178; S.I. 2005/3495, art. 2(1)(m)

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

- C3** S. 24 extended (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 para. 2(4).
- C4** S. 24 applied (12.5.2005) by The Sudan (United Nations Measures) Order 2005 (S.I. 2005/1259), art. 10(6)  
S. 24 applied (9.6.2005) by The Democratic Republic of the Congo (United Nations Measures) Order 2005 (S.I. 2005/1517), art. 10(6)
- C5** S. 24(1) applied (6.2.2004) by The Democratic Republic of Congo (Financing and Financial Assistance and Technical Advice, Assistance and Training) (Penalties and Licences) Regulations 2004 (S.I. 2004/221), reg. 4(2)  
S. 24(1) applied (19.2.2004) by The Sudan (Technical Assistance and Financing and Financial Assistance) (Penalties and Licences) Regulations 2004 (S.I. 2004/373), reg. 4(2)  
S. 24(1) applied (26.2.2004) by The Liberia (Technical Assistance and Financing and Financial Assistance) (Penalties and Licences) Regulations 2004 (S.I. 2004/432), reg. 4(2)
- C6** S. 24(1) applied (17.5.2004) by The Burma (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) Regulations 2004 (S.I. 2004/1315), reg. 4(2)
- C7** S. 24(2) modified (1.9.2001) by 2001 c. 16, s. 47(3); S.I. 2001/2223, art. 4(c)
- C8** S. 24(2) applied by S.I. 1990/1768, art. 8(10) (as replaced by S.I. 1990/2144, art. 3)  
S. 24(2) extended (15.4.1992) by S.I. 1992/975, art. 16(13).  
S. 24(2) extended (5.6.1992) by S.I. 1992/1302, art. 17(13).

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- s. 24(2) extended (1.5.1993) by S.I. 1993/1188, **art. 16(11)**.
- S. 24(2) extended (24.5.1993) by S.I. 1993/1244, **art. 22(13)**.
- S. 24(2) extended (22.7.1993) by S.I. 1993/1784, **art. 13(12)**.
- S. 24(2) extended (22.7.1993) by S.I. 1993/1787, **art. 10(12)**.
- S. 24(2) extended (1.10.1993) by S.I. 1993/2355, **art. 12(12)**.
- S. 24(2) extended (1.12.1993) by S.I. 1993/2807, **art. 19(12)**.
- S. 24(2) applied (23.5.1994) by 1994/1323, **art. 17(12)**.
- S. 24(2) applied (19.10.1994) by S.I. 1994/2673, **art. 13(12)**.
- S. 24(2) applied (7.2.1995) by S.I. 1995/271, **art. 11(4)**.
- S. 24(2) applied (15.11.1996) by S.I. 1996/2721, **art. 11(4)**.
- S. 24(2) extended (1.11.1997) by S.I. 1997/2592, **art. 12(12)**.
- S. 24(2) applied (with modifications) (15.7.1998) by S.I. 1998/1531, **art. 4(2)**.
- S. 24(2) extended (3.6.1999) by S.I. 1999/1516, **art. 9(9)**.
- S. 24(2) extended (14.10.1999) by S.I. 1999/2821, **art. 4(2)**.
- S. 24(2) extended (14.10.1999) by S.I. 1999/2822, **art. 4(2)**.
- S. 24(2) extended (26.11.1999) by S.I. 1999/3133, **art. 8(12)**.
- S. 24(2) applied (16.6.2000) by S.I. 2000/1556, **art. 17(12)**.
- S. 24(2) applied (28.9.2000) by S.I. 2000/2620, **reg. 11(5)**.
- S. 24(2) applied (25.5.2000) by S.I. 2000/1408, **reg. 3**.
- S. 24(2) extended (16.2.2001) by S.I. 2001/396, **art. 25(13)**.
- S. 24(2) applied (10.10.2001) by S.I. 2001/3365, **art. 10(10)** (subject to art. 1(2))
- C9** S. 24(2) applied (with modifications) (25.1.2002) by The Al-Qa'ida and Taliban (United Nations Measures) Order 2002 (S.I. 2002/111), **art. 20(13)**
- S. 24(2) applied (with modifications) (31.3.2002) by The Zimbabwe (Sale, Supply, Export and Shipment of Equipment) (Penalties and Licences) Regulations 2002 (S.I. 2002/ 868), {reg. 4(2)}
- S. 24(2) applied (with modifications) (24.10.2002) by The Somalia (United Nations Sanctions) Order (S.I. 2002/2628), {art. 16(12)}
- C10** S. 24(2) applied (14.6.2003) by The Iraq (United Nations Sanctions) Order 2003 (S.I. 2003/1519), **art. 20(12)**
- S. 24(2) applied (11.2.2005) by The Ivory Coast (United Nations Sanctions) Order 2005 (S.I. 2005/253), **art. 9(12)**
- C11** S. 24(2) applied (13.2.2004) by The Liberia (United Nations Sanctions) Order 2004 (S.I. 2004/348), **art. 15(12)**
- C12** S. 24(2) applied (10.4.2009) by The Iran (United Nations Sanctions) Order 2009 (S.I. 2009/886), **art. 12(11)**
- C13** S. 24(2) applied (10.7.2009) by The North Korea (United Nations Sanctions) Order 2009 (S.I. 2009/1749), **art. 14(11)**

## [<sup>F2</sup>24A Arrest without warrant: other persons **E+W**

- (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—

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- (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.

[ This section does not apply in relation to an offence under Part 3 or 3A of the Public <sup>F3</sup>(5) Order Act 1986.]]

**Textual Amendments**

**F2** 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)

**F3** S. 24A(5) added (1.10.2007) by Racial and Religious Hatred Act 2006 (c. 1), ss. 2, 3(2); S.I. 2007/2490, art. 2(1)

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

**C14** S. 24A restricted (16.12.2010) by The National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 (S.I. 2010/2837), art. 26, Sch. 4 para. 2(4)

**C15** 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)}

25 ..... **E+W**  
<sup>F4</sup> .....

**Textual Amendments**

**F4** S. 25 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 110(2), 174, 178, Sch. 17 Pt. 2; S.I. 2005/3495, art. 2(1)(m)(u)(xxiv)

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

- (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)**

**C16** S. 26 excluded by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. **25(1)**

**27 Fingerprinting of certain offenders. E+W**

<sup>F5</sup>(1) .....

<sup>F5</sup>(1A) .....

<sup>F5</sup>(1B) .....

<sup>F5</sup>(2) .....

<sup>F5</sup>(3) .....

(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.

[<sup>F6</sup>(4A) In subsection (4) “conviction” includes—

- (a) a caution within the meaning of Part 5 of the Police Act 1997; and
- (b) a reprimand or warning given under section 65 of the Crime and Disorder Act 1998.]

<sup>F7</sup>(4A) .....

(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.

**Textual Amendments**

**F5** S. 27(1)-(3) repealed (7.3.2011) by [Crime and Security Act 2010 \(c. 17\)](#), ss. **6(3)**, 59(1); S.I. 2011/414, art. 2(e)

**F6** S. 27(4A) inserted (1.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **85**, 120 (with s. 97); S.I. 2012/1205, art. 3(w)

**F7** S. 27(4A) repealed (1.4.2003) by [2001 c. 16](#), ss. 137, 138(2), Sch. 7 Pt. 2(1); S.I. 2003/708, art. **2(i)** (m)

**28 Information to be given on arrest. E+W**

(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.

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- (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,
- 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)**

**C17** 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. E+W**

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)**

**C18** 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. E+W**

- [<sup>F8</sup>(1) Subsection (1A) applies where a person is, at any place other than a police station—
- (a) arrested by a constable for an offence, or
  - (b) taken into custody by a constable after being arrested for an offence by a person other than a constable.

(1A) The person must be taken by a constable to a police station as soon as practicable after the arrest.

(1B) Subsection (1A) has effect subject to section 30A (release on bail) and subsection (7) (release without bail).]

- (2) Subject to subsections (3) and (5) below, the police station to which an arrested person is taken under [<sup>F9</sup>subsection (1A)] 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—

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- (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 [<sup>F10</sup>local policing body].
- (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;
    - (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.
- [<sup>F11</sup>(7) A person arrested by a constable at any place other than a police station must be released without bail if the condition in subsection (7A) is satisfied.
- (7A) The condition is that, at any time before the person arrested reaches a police station, a constable is satisfied that there are no grounds for keeping him under arrest or releasing him on bail under section 30A.]
- (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.
- [<sup>F12</sup>(10) Nothing in subsection (1A) or in section 30A prevents a constable delaying taking a person to a police station or releasing him on bail if the condition in subsection (10A) is satisfied.
- (10A) The condition is that the presence of the person at a place (other than a police station) is necessary in order to carry out such investigations as it is reasonable to carry out immediately.
- (11) Where there is any such delay the reasons for the delay must be recorded when the person first arrives at the police station or (as the case may be) is released on bail.]
- (12) Nothing in [<sup>F13</sup>subsection (1A) or section 30A] above shall be taken to affect—
- (a) paragraphs 16(3) or 18(1) of Schedule 2 to the <sup>M1</sup>Immigration Act 1971;
  - (b) section 34(1) of the <sup>M2</sup>Criminal Justice Act 1972; or
  - [<sup>F14</sup>(c) any provision of the Terrorism Act 2000.]
- (13) Nothing in subsection (1) above shall be taken to affect paragraph 18(3) of Schedule 2 to the Immigration Act 1971.

#### Textual Amendments

- F8** S. 30(1)-(1B) substituted (20.1.2004) for s. 30(1) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(2\)](#), 336; [S.I. 2004/81](#), [art. 2\(1\)\(2\)\(a\)](#)

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- F9** Words in s. 30(2) substituted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(3\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F10** Words in s. 30(4)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 161](#); S.I. 2011/3019, art. 3, Sch. 1
- F11** S. 30(7)(7A) substituted for s. 30(7) (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(4\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F12** S. 30(10)(10A)(11) substituted (20.1.2004) for s. 30(10)(11) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(5\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F13** Words in s. 30(12) substituted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(6\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F14** S. 30(12)(c) substituted (19.2.2001) by [2000 c. 11](#), [ss. 125](#), [Sch. 15 para. 5\(2\)](#) (with s. 129(1)(b)); 2001/421, art. 2

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

- C19** S. 30 extended (2.8.1993) by S.I. 1993/1813, [art. 6](#), [Sch. 3 para. 2\(6\)](#); s. 30 extended by the said S.I. 1993/1813, [art. 6](#), [Sch. 3 para. 2](#) as in incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, [art. 6](#), [Sch. 3 para. 3](#)
- C20** S. 30 modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 38, [Sch. 4 Pt. 4 para. 34\(1\)\(b\)](#); S.I. 2002/2750, [art. 2\(a\)\(ii\)\(d\)](#)
- C21** S. 30 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\(e\)](#)
- C22** 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

- M1** 1971 c. 77.
- M2** 1972 c. 71.

### [<sup>F15</sup>30A Bail elsewhere than at police station **E+W**

- (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.

[<sup>F16</sup>(3A) Where a constable releases a person on bail under subsection (1)—

- (a) no recognizance for the person's surrender to custody shall be taken from the person,
  - (b) no security for the person's surrender to custody shall be taken from the person or from anyone else on the person's behalf,
  - (c) the person shall not be required to provide a surety or sureties for his surrender to custody, and
  - (d) no requirement to reside in a bail hostel may be imposed as a condition of bail.
- (3B) Subject to subsection (3A), where a constable releases a person on bail under subsection (1) the constable may impose, as conditions of the bail, such requirements as appear to the constable to be necessary—



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- (a) to secure that the person surrenders to custody,
  - (b) to secure that the person does not commit an offence while on bail,
  - (c) to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person, or
  - (d) for the person's own protection or, if the person is under the age of 17, for the person's own welfare or in the person's own interests.
- (4) Where a person is released on bail under subsection (1), a requirement may be imposed on the person as a condition of bail only under the preceding provisions of this section.]
- (5) The police station which the person is required to attend may be any police station.

#### Textual Amendments

- F15** Ss. 30A-30D inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(7\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F16** S. 30A(3A)-(4) substituted (1.4.2007) for s. 30A(4) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 10](#), 53, [Sch. 6 para. 2](#); S.I. 2007/709, [art. 3\(i\)](#) (subject to [arts. 6](#), 7)

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

- C23** 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\(e\)](#))

### 30B Bail under section 30A: notices **E+W**

- (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.
- [ If the person is granted bail subject to conditions under section 30A(3B), the notice<sup>F17</sup>(4A) also—
- (a) must specify the requirements imposed by those conditions,
  - (b) must explain the opportunities under sections 30CA(1) and 30CB(1) for variation of those conditions, and
  - (c) if it does not specify the police station at which the person is required to attend, must specify a police station at which the person may make a request under section 30CA(1)(b).]
- (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.

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- (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.

#### Textual Amendments

- F15** Ss. 30A-30D inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(7\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F17** S. 30B(4A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 10, 53](#), [Sch. 6 para. 3](#); S.I. 2007/709, [art. 3\(i\)](#) (subject to [arts. 6, 7](#))

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

- C24** 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\(e\)](#))

### 30C Bail under section 30A: supplemental **E+W**

- (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.
- (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

- F15** 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)

- C25** 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\(e\)](#))

### <sup>I</sup><sub>F18</sub> 30CA Bail under section 30A: variation of conditions by police **E+W**

- (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),

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- 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<sup>F19</sup> . . . who is not involved in the investigation of the offence for which the person making the request under subsection (1) was under arrest when granted bail under section 30A(1), if such a constable<sup>F20</sup> . . . is readily available, and
  - (b) if no such constable<sup>F21</sup> . . . 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.

#### Textual Amendments

- F15** Ss. 30A-30D inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(7\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F18** 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](#))
- F19** Words in s. 30CA(5)(a) repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 112\(1\)\(2\), 116\(6\)](#), [Sch. 7 para. 123\(2\)\(a\)\(i\)](#), [Sch. 8 Pt. 13](#)
- F20** Words in s. 30CA(5)(a) repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 112\(1\)\(2\), 116\(6\)](#), [Sch. 7 para. 123\(2\)\(a\)\(ii\)](#), [Sch. 8 Pt. 13](#)
- F21** Words in s. 30CA(5)(b) repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 112\(1\)\(2\), 116\(6\)](#), [Sch. 7 para. 123\(2\)\(b\)](#), [Sch. 8 Pt. 13](#)

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

- C26** 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\(e\)](#))

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### 30CB Bail under section 30A: variation of conditions by court **E+W**

- (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.]

#### Textual Amendments

**F15** Ss. 30A-30D inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(7\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)

**F18** 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)

**C27** 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\(e\)](#))

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### 30D Failure to answer to bail under section 30A **E+W**

- (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.

[ A person who has been released on bail under section 30A may be arrested without a

<sup>F22</sup>(2A) warrant by a constable if the constable has reasonable grounds for suspecting that the person has broken any of the conditions of bail.
- (2B) A person arrested under subsection (2A) must be taken to a police station (which may be the specified police station mentioned in subsection (1) 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 [<sup>F23</sup>obligations in subsections (2) and (2B)]), and
  - (b) section 31,an arrest under this section is to be treated as an arrest for an offence.]

#### Textual Amendments

- F15** Ss. 30A-30D inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 4\(7\)](#), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F22** S. 30D(2A)(2B) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 10, 53](#), [Sch. 6 para. 5\(2\)](#); S.I. 2007/709, [art. 3\(i\)](#) (subject to [arts. 6, 7](#))
- F23** Words in s. 30D(4)(a) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 10, 53](#), [Sch. 6 para. 5\(3\)](#); S.I. 2007/709, [art. 3\(i\)](#) (subject to [arts. 6, 7](#))

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

- C28** 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. **E+W**

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,
- he shall be arrested for that other offence.

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

- C29** 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
- C30** 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. E+W**

- (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
  - <sup>F24</sup>(b) if the offence for which he has been arrested is an indictable offence, to enter and search any premises in which he was when arrested or immediately before he was arrested for evidence relating to the offence.]
- (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 [<sup>F25</sup>but they do authorise a search of a person’s mouth].
- (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.
- (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

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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 <sup>F26</sup>section 43 of the Terrorism Act 2000].

#### Textual Amendments

- F24** S. 32(2)(b) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, **Sch. 7 Pt. 3 para. 43(6)**; S.I. 2005/3495, **art. 2(1)(m)**
- F25** Words in s. 32(4) inserted (10.4.1995) by 1994 c. 33, s. 59(2); S.I. 1995/721, art. 2, **Sch.**
- F26** Words in s. 32(10) substituted (19.2.2001) by 2000 c. 11, ss. 125(1), **Sch. 15 para. 5(3)** (with s. 29(1)); S.I. 2001/421

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

- C31** S. 32 modified (3.11.1994) by 1994 c. 33, ss. 166(5), 172(2)(4)
- C32** S. 32 extended (1.1.2006) by Police Reform Act 2002 (c. 30), **Sch. 4 para. 2A** (as inserted by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 Pt. 1 para. 4**; S.I. 2005/3495, **art. 2(1)(q)(r)**)
- C33** 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**
- C34** S. 32(2)(b) modified (30.5.2006) by London Olympic Games and Paralympic Games Act 2006 (c. 12), ss. 31(7), 40(1)-(3); S.I. 2006/1118, **art. 3(1)**

#### <sup>F27</sup>33 Execution of warrant not in possession of constable. **E+W**

In section 125 of the <sup>M3</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>M4</sup>Army Act 1955, section 186(3) of the <sup>M5</sup>Air Force Act 1955, section 105(3) of the <sup>M6</sup>Naval Discipline Act 1957 or Schedule 5 to the <sup>M7</sup>Reserve Forces Act 1980 (desertion etc.);
- (c) a warrant under—
  - (i) section 102 or 104 of the <sup>M8</sup>General Rate Act 1967 (insufficiency of distress);

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- (ii) section 18(4) of the <sup>M9</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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#### Textual Amendments

**F27** S. 33 repealed (19.2.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(8)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/168, **art 2(b)**

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#### Marginal Citations

**M3** 1980 c. 43.  
**M4** 1955 c. 18  
**M5** 1955 c. 19  
**M6** 1957 c. 53  
**M7** 1980 c. 9  
**M8** 1967 c. 9  
**M9** 1978 c. 22



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