



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART IV

#### DETENTION

#### *<sup>F1</sup>Use of live links*

#### Textual Amendments

- F1** Ss. 45ZA, 45ZB and cross-heading 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. 74\(2\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 2](#), [Sch. para. 23](#)

#### **45ZA Functions of extending detention: use of live links**

- (1) The functions of a police officer under section 42(1) or (2) may be performed, in relation to an arrested person who is held at a police station, by an officer who is not present at the police station but has access to the use of a live link if—
- a custody officer considers that the use of the live link is appropriate,
  - the arrested person has had advice from a solicitor on the use of the live link, and
  - the appropriate consent to the use of the live link has been given.
- (2) In subsection (1)(c), “the appropriate consent” means—
- in relation to a person who has attained the age of 18, the consent of that person;
  - in relation to a person who has not attained that age but has attained the age of 14, the consent of that person and of his or her parent or guardian;
  - in relation to a person who has not attained the age of 14, the consent of his or her parent or guardian.

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- (3) The consent of a person who has not attained the age of 18 (but has attained the age of 14), or who is a vulnerable adult, may only be given in the presence of an appropriate adult.
- (4) Section 42 applies with the modifications set out in subsections (5) to (7) below in any case where the functions of a police officer under that section are, by virtue of subsection (1), performed by an officer who is not at the police station where the arrested person is held.
- (5) Subsections (5)(b) and (9)(iii) and (iv) of that section are each to be read as if, instead of requiring the officer to make a record, they required the officer to cause another police officer to make a record.
- (6) Subsection (6) of that section is to be read as if it required the officer to give the persons mentioned in that subsection an opportunity to make representations—
- (a) if facilities exist for the immediate transmission of written representations to the officer, either in writing by means of those facilities or orally by means of the live link, or
  - (b) in any other case, orally by means of the live link.
- (7) Subsection (9) of that section is to be read as if the reference in paragraph (b) to the right conferred by section 58 were omitted.

- (8) In this section—

“live link” means an arrangement by which an officer who is not present at the police station where an arrested person is held is able to see and hear, and to be seen and heard by, the arrested person and the arrested person’s solicitor (and for this purpose any impairment of eyesight or hearing is to be disregarded);

“vulnerable adult” means a person aged 18 or over who may have difficulty understanding the purpose of an authorisation under section 42(1) or (2) or anything that occurs in connection with a decision whether to give such an authorisation (whether because of a mental disorder or for any other reason);

“appropriate adult”, in relation to a person who has not attained the age of 18, means—

- (a) the person’s parent or guardian or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation,
- (b) a social worker of a local authority, or
- (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes;

“appropriate adult”, in relation to a vulnerable adult, means—

- (a) a relative, guardian or other person responsible for the vulnerable adult’s care,
- (b) a person who is experienced in dealing with vulnerable adults but who is not a police officer or a person employed for, or engaged on, police purposes, or
- (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes.

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- (9) In subsection (8), in both definitions of “appropriate adult”, “police purposes” has the meaning given by section 101(2) of the Police Act 1996.

#### **45ZB Warrants for further detention: use of live links**

- (1) A magistrates’ court may give a live link direction for the purpose of the hearing of an application under section 43 for a warrant authorising further detention of a person, or the hearing of an application under section 44 for an extension of such a warrant, if—
- (a) a custody officer considers that the use of a live link for that purpose is appropriate,
  - (b) the person to whom the application relates has had legal advice on the use of the live link,
  - (c) the appropriate consent to the use of the live link has been given, and
  - (d) it is not contrary to the interests of justice to give the direction.
- (2) In subsection (1)(c), “the appropriate consent” means—
- (a) in relation to a person who has attained the age of 18, the consent of that person;
  - (b) in relation to a person who has not attained that age but has attained the age of 14, the consent of that person and of his or her parent or guardian;
  - (c) in relation to a person who has not attained the age of 14, the consent of his or her parent or guardian.
- (3) Where a live link direction is given, the requirement under section 43(2)(b) for the person to whom the application relates to be brought before the court for the hearing does not apply.
- (4) In this section—
- “live link direction” means a direction that a live link be used for the purposes of the hearing;
- “live link” means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during a hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded);
- “vulnerable adult” means a person aged 18 or over who may have difficulty understanding the purpose of the hearing or what occurs at it (whether because of a mental disorder or for any other reason);
- “appropriate adult”, in relation to a person aged under 18, means—
- (a) the person’s parent or guardian or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation,
  - (b) a social worker of a local authority, or
  - (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes;
- “appropriate adult”, in relation to a vulnerable adult, means—
- (a) a relative, guardian or other person responsible for the appropriate adult’s care,

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- (b) a person who is experienced in dealing with vulnerable adults but who is not a police officer or a person employed for, or engaged on, police purposes, or
  - (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes.
- (5) In subsection (4), in both definitions of “appropriate adult”, “police purposes” has the meaning given by section 101(2) of the Police Act 1996.]

**[<sup>F2</sup>45A <sup>F3</sup>Use of live links for other decisions about detention]**

- (1) Subject to the following provisions of this section, the Secretary of State may by regulations provide that, in the case of an arrested person who is held in a police station, some or all of the functions mentioned in subsection (2) may be performed (notwithstanding anything in the preceding provisions of this Part) by an officer who—
- (a) is not present in that police station; but
  - (b) has access to the use of [<sup>F4</sup>a live link].
- (2) Those functions are—
- (a) the functions in relation to an arrested person taken to [<sup>F5</sup>, or answering to bail at,] a police station that is not a designated police station which, in the case of an arrested person taken to a station that is a designated police station, are functions of a custody officer under section 37, 38 or 40 above; and
  - (b) the function of carrying out a review under section 40(1)(b) above (review, by an officer of at least the rank of inspector, of the detention of person arrested but not charged).
- (3) Regulations under this section shall specify the use to be made in the performance of the functions mentioned in subsection (2) above of [<sup>F6</sup>a live link].
- (4) Regulations under this section shall not authorise the performance of any of the functions mentioned in subsection (2)(a) above by such an officer as is mentioned in subsection (1) above unless he is a custody officer for a designated police station.
- (5) Where any functions mentioned in subsection (2) above are performed in a manner authorised by regulations under this section—
- (a) any obligation of the officer performing those functions to make a record in connection with the performance of those functions shall have effect as an obligation to cause another officer to make the record; and
  - (b) any requirement for the record to be made in the presence of the arrested person shall apply to the making of that record by that other officer.
- (6) Where the functions mentioned in subsection (2)(b) are performed in a manner authorised by regulations under this section, the requirements under section 40(12) and (13) above for—
- (a) the arrested person, or
  - (b) a solicitor representing him,
- to be given any opportunity to make representations (whether in writing or orally) to the person performing those functions shall have effect as a requirement for that person, or such a solicitor, to be given an opportunity to make representations in a manner authorised by subsection (7) below.

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- (7) Representations are made in a manner authorised by this subsection—
- (a) in a case where facilities exist for the immediate transmission of written representations to the officer performing the functions, if they are made either—
- (i) orally to that officer by means of [<sup>F7</sup>the live link] used by him for performing those functions; or
- (ii) in writing to that officer by means of the facilities available for the immediate transmission of the representations;
- and
- (b) in any other case if they are made orally to that officer by means of [<sup>F8</sup>the live link] used by him for performing the functions.
- (8) Regulations under this section may make different provision for different cases and may be made so as to have effect in relation only to the police stations specified or described in the regulations.
- (9) 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.

[ In this section, “live link”, in relation to any functions, means an arrangement by which

<sup>F9</sup>(10) the functions may be performed by an officer who is not present at the police station where an arrested person is held but who is able (for the purpose of the functions) to see and hear, and to be seen and heard by, the arrested person and any legal representative of that person (and for this purpose any impairment of eyesight or hearing is to be disregarded).]]

#### Textual Amendments

- F2** S. 45A inserted (1.4.2003) by 2001 c. 16, ss. 73(3), 138(2); S.I. 2003/708, **art. 2(d)**
- F3** S. 45A heading 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. 74(4)(a)**, 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), [Sch. para. 23](#)
- F4** Words in s. 45A(1)(b) 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. 74(4)(b)**, 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), [Sch. para. 23](#)
- F5** Words in s. 45A(2)(a) inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, **Sch. 1 Pt. 1 para. 9**; S.I. 2004/81, **art. 2(1)(2)(a)**
- F6** Words in s. 45A(3) 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. 74(4)(c)**, 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), [Sch. para. 23](#)
- F7** Words in s. 45A(7)(a)(i) 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. 74(4)(d)**, 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), [Sch. para. 23](#)
- F8** Words in s. 45A(7)(b) 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. 74(4)(d)**, 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), [Sch. para. 23](#)
- F9** S. 45A(10) 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. 74(4)(e)**, 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), [Sch. para. 23](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(1)(cza) inserted by [2021 c. 17 s. 26\(9\)](#)
- s. 47A(3A) substituted by [2022 c. 35 Sch. 2 para. 7](#)
- s. 61(6BA) inserted by [2008 c. 28 s. 10\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 63(3D) inserted by [2008 c. 28 s. 10\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64(1AA) inserted by [2008 c. 28 s. 10\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64A(1B)(cb) inserted by [2022 c. 32 Sch. 11 para. 18\(a\)](#)
- Sch. 1A para. 21A added by 1995 c. 32, s. 8B(1) (as inserted) by [2006 c. 12 Sch. 3 para. 13](#)