



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART IV

#### DETENTION

##### *Detention—conditions and duration*

#### **34 Limitations on police detention.**

- (1) A person arrested for an offence shall not be kept in police detention except in accordance with the provisions of this Part of this Act.
- (2) Subject to subsection (3) below, if at any time a custody officer—
  - (a) becomes aware, in relation to any person in police detention, that the grounds for the detention of that person have ceased to apply; and
  - (b) is not aware of any other grounds on which the continued detention of that person could be justified under the provision of this part of this Act,it shall be the duty of the custody officer, subject to subsection (4) below, to order his immediate release from custody.
- (3) No person in police detention shall be released except on the authority of a custody officer at the police station where his detention was authorised or, if it was authorised at more than one station, a custody officer at the station where it was last authorised.
- (4) A person who appears to the custody officer to have been unlawfully at large when he was arrested is not to be released under subsection (2) above.
- (5) A person whose release is ordered under subsection (2) above shall be released without bail unless it appears to the custody officer—
  - (a) that there is a need for further investigation of any matter in connection with which he was detained at any time during that period of his detention; or
  - <sup>[F1]</sup>(b) that, in respect of any such matter, proceedings may be taken against him or he may be <sup>[F2]</sup> given a youth caution under section 66ZA ] of the <sup>M1</sup>Crime and Disorder Act 1998]

*Status: Point in time view as at 08/04/2013. This version of this provision has been superseded.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 34 is up to date with all changes known to be in force on or before 02 July 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)*

and, if it so appears, he shall be released on bail.

(6) For the purposes of this Part of this Act a person arrested under [<sup>F3</sup>section 6D of the Road Traffic Act 1988][<sup>F4</sup>or section 30(2) of the Transport and Works Act 1992 (c. 42)] is arrested for an offence.

[<sup>F5</sup>(7) For the purposes of this Part a person who—

- (a) attends a police station to answer to bail granted under section 30A,
- (b) returns to a police station to answer to bail granted under this Part, or
- (c) is arrested under section 30D or 46A,

is to be treated as arrested for an offence and that offence is the offence in connection with which he was granted bail.

[<sup>F6</sup>But this subsection is subject to section 47(6) (which provides for the calculation of certain periods, where a person has been granted bail under this Part, by reference to time when the person is in police detention only).]

<sup>F7</sup>[(8) Subsection (7) does not apply in relation to a person who is granted bail subject to the duty mentioned in section 47(3)(b) and who either—

- (a) attends a police station to answer to such bail, or
- (b) is arrested under section 46A for failing to do so,

(provision as to the treatment of such persons for the purposes of this Part being made by section 46ZA).]

#### Textual Amendments

- F1** S. 34(5)(b) substituted (1.2.2001) by 2000 c. 43, s. 56(2); S.I. 2000/3302, art. 3(a)
- F2** Words in s. 34(5)(b) substituted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 24 para. 5 (with s. 135(4)); S.I. 2013/453, art. 4(f)
- F3** Words in s. 34(6) substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, Sch. 7 para. 12; S.I. 2004/827, art. 3(bb)(ii)
- F4** Words in s. 34(6) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), ss. 53(1), 108(2)-(5); S.I. 2003/808, art. 2(d)
- F5** S. 34(7) substituted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, Sch. 1 para. 5; S.I. 2004/81, art. 2(1)(2)(a)
- F6** Words in s. 34(7) inserted (retrospectively) by Police (Detention and Bail) Act 2011 (c. 9), s. 1(2)(3)
- F7** S. 34(8) 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(2), 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)

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

- C1** 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
- C2** S. 34(1)-(5) modified (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 para. 3(3).
- C3** S. 34(1)-(5) 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. 2006/1614, art. 2(e))

#### Marginal Citations

- M1** 1998 c. 37.

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