



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART IV **E+W**

#### DETENTION

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

#### **36 Custody officers at police stations. **E+W****

- (1) One or more custody officers shall be appointed for each designated police station.
- (2) A custody officer for [<sup>F1</sup>a police station designated under section 35(1) above] shall be appointed—
  - (a) by the chief officer of police for the area in which the designated police station is situated; or
  - (b) by such other police officer as the chief officer of police for that area may direct.
- [<sup>F2</sup>(2A) A custody officer for a police station designated under section 35(2A) above shall be appointed—
  - (a) by the Chief Constable of the British Police Transport Force; or
  - (b) by such other member of that Force as that Chief Constable may direct.]
  - [<sup>F3</sup>(3) No officer may be appointed a custody officer unless the officer is of at least the rank of sergeant.]
  - (4) An officer of any rank may perform the functions of a custody officer at a designated police station if a custody officer is not readily available to perform them.
  - (5) Subject to the following provisions of this section and to section 39(2) below, none of the functions of a custody officer in relation to a person shall be performed by [<sup>F4</sup>an officer] who at the time when the function falls to be performed is involved in the investigation of an offence for which that person is in police detention at that time.
  - (6) Nothing in subsection (5) above is to be taken to prevent a custody officer—

*Status: Point in time view as at 12/01/2010. This version of this provision has been superseded.*

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- (a) performing any function assigned to custody officers—
    - (i) by this Act; or
    - (ii) by a code of practice issued under this Act;
  - (b) carrying out the duty imposed on custody officers by section 39 below;
  - (c) doing anything in connection with the identification of a suspect; or
  - (d) doing anything under [<sup>F5</sup>sections 7 and 8 of the Road Traffic Act 1988].
- (7) Where an arrested person is taken to a police station which is not a designated police station, the functions in relation to him which at a designated police station would be the functions of a custody officer shall be performed—
- (a) by an officer <sup>F6</sup> . . . who is not involved in the investigation of an offence for which he is in police detention, if [<sup>F7</sup>such an officer] is readily available; and
  - (b) if no [<sup>F8</sup>such officer] is readily available, by the officer who took him to the station or any other officer.
- [<sup>F9</sup>(7A) Subject to subsection (7B), subsection (7) applies where a person attends a police station which is not a designated station to answer to bail granted under section 30A as it applies where a person is taken to such a station.
- (7B) Where subsection (7) applies because of subsection (7A), the reference in subsection (7)(b) to the officer who took him to the station is to be read as a reference to the officer who granted him bail.]
- (8) References to a custody officer in the following provisions of this Act include references to [<sup>F10</sup>an officer] other than a custody officer who is performing the functions of a custody officer by virtue of subsection (4) or (7) above.
- (9) Where by virtue of subsection (7) above an officer of a force maintained by a police authority who took an arrested person to a police station is to perform the functions of a custody officer in relation to him, the officer shall inform an officer who—
- (a) is attached to a designated police station; and
  - (b) is of at least the rank of inspector,
- that he is to do so.
- (10) The duty imposed by subsection (9) above shall be performed as soon as it is practicable to perform it.
- (11) <sup>F11</sup> . . . . .

Textual Amendments	
<b>F1</b>	Words in s. 36(2) substituted (14.12.2001) by 2001 c. 24, s. 107, <b>Sch. 7 para. 13(2)</b>
<b>F2</b>	S. 36(2A) inserted (14.12.2001) by 2001 c. 24, s. 107, <b>Sch. 7 para. 13(3)</b>
<b>F3</b>	S. 36(3) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), <b>Sch. 7 para. 123(3)(a)</b>
<b>F4</b>	Words in s. 36(5) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), <b>Sch. 7 para. 123(3)(b)</b>
<b>F5</b>	Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c.54, SIF 107:1), s. 4, <b>Sch. 3 para. 27(3)</b>
<b>F6</b>	Words in s. 36(7)(a) repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1)(2), 116(6), Sch. 7 para. 123(3)(c)(i), <b>Sch. 8 Pt. 13</b>
<b>F7</b>	Words in s. 36(7)(a) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), <b>Sch. 7 para. 123(3)(c)(i)</b>

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- F8** Words in s. 36(7)(b) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(c)(ii)**
- F9** S. 36(7A)(7B) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 7**; S.I. 2004/81, **art. 2(1)(2)(a)**
- F10** Words in s. 36(8) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(d)**
- F11** S. 36(11) repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1)(2), 116(6), Sch. 7 para. 123(3)(e), **Sch. 8 Pt. 13**

#### **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. 36 modified (2.8.1993) by S.I. 1993/1813, art. 6, **Sch. 3 para. 3(3)**; s. 36 modified by the said S.I.1993/1813, art. 6, **Sch. 3 para. 3(3)** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, **Sch. 3 para. 4(b)**
- C3** S. 36 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**
- C4** S. 36 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)**
- C5** S. 36(7)(8) extended (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 paras. 1(2)(b), **3(2)**; s. 36(7)(8) extended by the said S.I. 1993/1813, art. 6, Sch. 3 paras. 3(2), **4** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, Sch. 3 paras. 4(b), **5**

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