



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART IV

#### DETENTION

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

VALID FROM 29/01/2004

#### **[<sup>F1</sup>37B Consultation with the Director of Public Prosecutions**

- (1) Where a person is released on bail under section 37(7)(a) above, an officer involved in the investigation of the offence shall, as soon as is practicable, send to the Director of Public Prosecutions such information as may be specified in guidance under section 37A above.
- (2) The Director of Public Prosecutions shall decide whether there is sufficient evidence to charge the person with an offence.
- (3) If he decides that there is sufficient evidence to charge the person with an offence, he shall decide—
  - (a) whether or not the person should be charged and, if so, the offence with which he should be charged, and
  - (b) whether or not the person should be given a caution and, if so, the offence in respect of which he should be given a caution.
- (4) The Director of Public Prosecutions shall give written notice of his decision to an officer involved in the investigation of the offence.
- (5) If his decision is—
  - (a) that there is not sufficient evidence to charge the person with an offence, or

*Status: Point in time view as at 28/08/2000. This version of this provision is not valid for this point in time.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 37B is up to date with all changes known to be in force on or before 21 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)*

- (b) that there is sufficient evidence to charge the person with an offence but that the person should not be charged with an offence or given a caution in respect of an offence,  
a custody officer shall give the person notice in writing that he is not to be prosecuted.
- (6) If the decision of the Director of Public Prosecutions is that the person should be charged with an offence, or given a caution in respect of an offence, the person shall be charged or cautioned accordingly.
- (7) But if his decision is that the person should be given a caution in respect of the offence and it proves not to be possible to give the person such a caution, he shall instead be charged with the offence.
- (8) For the purposes of this section, a person is to be charged with an offence either—
- (a) when he is in police detention after returning to a police station to answer bail or is otherwise in police detention at a police station, or
  - (b) in accordance with section 29 of the Criminal Justice Act 2003.
- (9) In this section “caution” includes—
- (a) a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003, and
  - (b) a warning or reprimand under section 65 of the Crime and Disorder Act 1998.]

#### Textual Amendments

- F1** S. 37B inserted (29.1.2004 for certain purposes, 3.7.2004 for certain further purposes and 1.10.2007 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 28, 336, [Sch. 2 para. 3](#); S.I. 2004/81, [art. 4\(1\)\(2\)\(c\)](#); S.I. 2004/1629, [art. 2\(1\)\(2\)\(b\)\(c\)](#); S.I. 2007/2874, [art. 2](#)

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

- C1** Ss. 37-37B modified (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), ss. 50, 53(1) {[Sch. 4 para. 30](#)}; S.I. 2005/1126, [art. 2\(2\)\(h\)](#)  
Ss. 37-37B modified (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 40](#), 178; S.I. 2006/378, [art. 4\(1\)](#), [Sch. para. 6](#) (subject to [art. 4\(2\)-\(7\)](#))

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**Changes to legislation:**

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