



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV **E+W**

DETENTION

Detention—conditions and duration

41 Limits on period of detention without charge. **E+W**

- (1) Subject to the following provisions of this section and to sections 42 and 43 below, a person shall not be kept in police detention for more than 24 hours without being charged.
- (2) The time from which the period of detention of a person is to be calculated (in this Act referred to as “the relevant time”)—
 - (a) in the case of a person to whom this paragraph applies, shall be—
 - (i) the time at which that person arrives at the relevant police station; or
 - (ii) the time 24 hours after the time of that person’s arrest,whichever is the earlier;
 - (b) in the case of a person arrested outside England and Wales, shall be—
 - (i) the time at which that person arrives at the first police station to which he is taken in the police area in England or Wales in which the offence for which he was arrested is being investigated; or
 - (ii) the time 24 hours after the time of that person’s entry into England and Wales,whichever is the earlier;
 - (c) in the case of a person who—
 - (i) attends voluntarily at a police station; or
 - (ii) accompanies a constable to a police station without having been arrested,and is arrested at the police station, the time of his arrest;

Status: Point in time view as at 04/10/1995. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 41 is up to date with all changes known to be in force on or before 19 June 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)

- (d) in any other case, except where subsection (5) below applies, shall be the time at which the person arrested arrives at the first police station to which he is taken after his arrest.
- (3) Subsection (2)(a) above applies to a person if—
- (a) his arrest is sought in one police area in England and Wales;
 - (b) he is arrested in another police area; and
 - (c) he is not questioned in the area in which he is arrested in order to obtain evidence in relation to an offence for which he is arrested;
- and in sub-paragraph (i) of that paragraph “the relevant police station” means the first police station to which he is taken in the police area in which his arrest was sought.
- (4) Subsection (2) above shall have effect in relation to a person arrested under section 31 above as if every reference in it to his arrest or his being arrested were a reference to his arrest or his being arrested for the offence for which he was originally arrested.
- (5) If—
- (a) a person is in police detention in a police area in England and Wales (“the first area”); and
 - (b) his arrest for an offence is sought in some other police area in England and Wales (“the second area”); and
 - (c) he is taken to the second area for the purposes of investigating that offence, without being questioned in the first area in order to obtain evidence in relation to it,
- the relevant time shall be—
- (i) the time 24 hours after he leaves the place where he is detained in the first area; or
 - (ii) the time at which he arrives at the first police station to which he is taken in the second area,
- whichever is the earlier.
- (6) When a person who is in police detention is removed to hospital because he is in need of medical treatment, any time during which he is being questioned in hospital or on the way there or back by a police officer for the purpose of obtaining evidence relating to an offence shall be included in any period which falls to be calculated for the purposes of this Part of this Act, but any other time while he is in hospital or on his way there or back shall not be so included.
- (7) Subject to subsection (8) below, a person who at the expiry of 24 hours after the relevant time is in police detention and has not been charged shall be released at that time either on bail or without bail.
- (8) Subsection (7) above does not apply to a person whose detention for more than 24 hours after the relevant time has been authorised or is otherwise permitted in accordance with section 42 or 43 below.
- (9) A person released under subsection (7) above shall not be re-arrested without a warrant for the offence for which he was previously arrested unless new evidence justifying a further arrest has come to light since his release [^{F1}; but this subsection does not prevent an arrest under section 46A below.]

Status: Point in time view as at 04/10/1995. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 41 is up to date with all changes known to be in force on or before 19 June 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)

Textual Amendments

F1 Words in s. 41(9) inserted (10.4.1995) by 1994 c. 33, s. 29(4)(b)(5); S.I. 1995/721, art. 2, Sch.

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. 41 extended (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 para. 2(6); s. 41 extended by the said S.I. 1993/1813, art. 6, Sch. 3 paras. 2, 5, 6 as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, Sch. 3 paras. 3, 6, 7

S. 41 modified (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 paras. 3(3), 4(4)(b), 5(7)(b), 6(7)(b); s. 41 modified by the said S.I. 1993/1813, art. 6, Sch. 3 paras. 4, 5, 6 as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, Sch. 3 paras. 5, 6, 7

Status:

Point in time view as at 04/10/1995. This version of this provision has been superseded.

Changes to legislation:

Police and Criminal Evidence Act 1984, Section 41 is up to date with all changes known to be in force on or before 19 June 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.