



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—conditions and duration

43 Warrants of further detention.

- (1) Where, on an application on oath made by a constable and supported by an information, a magistrates' court is satisfied that there are reasonable grounds for believing that the further detention of the person to whom the application relates is justified, it may issue a warrant of further detention authorising the keeping of that person in police detention.
- (2) A court may not hear an application for a warrant of further detention unless the person to whom the application relates—
 - (a) has been furnished with a copy of the information; and
 - (b) has been brought before the court for the hearing.
- (3) The person to whom the application relates shall be entitled to be legally represented at the hearing and, if he is not so represented but wishes to be so represented—
 - (a) the court shall adjourn the hearing to enable him to obtain representation; and
 - (b) he may be kept in police detention during the adjournment.
- (4) A person's further detention is only justified for the purposes of this section or section 44 below if—
 - (a) his detention without charge is necessary to secure or preserve evidence relating to an offence for which he is under arrest or to obtain such evidence by questioning him;
 - (b) an offence for which he is under arrest is a serious arrestable offence; and
 - (c) the investigation is being conducted diligently and expeditiously.

Status: Point in time view as at 10/04/1995. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 43 is up to date with all changes known to be in force on or before 20 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)

- (5) Subject to subsection (7) below, an application for a warrant of further detention may be made—
- (a) at any time before the expiry of 36 hours after the relevant time; or
 - (b) in a case where—
 - (i) it is not practicable for the magistrates' court to which the application will be made to sit at the expiry of 36 hours after the relevant time; but
 - (ii) the court will sit during the 6 hours following the end of that period, at any time before the expiry of the said 6 hours.
- (6) In a case to which subsection (5)(b) above applies—
- (a) the person to whom the application relates may be kept in police detention until the application is heard; and
 - (b) the custody officer shall make a note in that person's custody record—
 - (i) of the fact that he was kept in police detention for more than 36 hours after the relevant time; and
 - (ii) of the reason why he was so kept.
- (7) If—
- (a) an application for a warrant of further detention is made after the expiry of 36 hours after the relevant time; and
 - (b) it appears to the magistrates' court that it would have been reasonable for the police to make it before the expiry of that period,
- the court shall dismiss the application.
- (8) Where on an application such as is mentioned in subsection (1) above a magistrates' court is not satisfied that there are reasonable grounds for believing that the further detention of the person to whom the application relates is justified, it shall be its duty—
- (a) to refuse the application; or
 - (b) to adjourn the hearing of it until a time not later than 36 hours after the relevant time.
- (9) The person to whom the application relates may be kept in police detention during the adjournment.
- (10) A warrant of further detention shall—
- (a) state the time at which it is issued;
 - (b) authorise the keeping in police detention of the person to whom it relates for the period stated in it.
- (11) Subject to subsection (12) below, the period stated in a warrant of further detention shall be such period as the magistrates' court thinks fit, having regard to the evidence before it.
- (12) The period shall not be longer than 36 hours.
- (13) If it is proposed to transfer a person in police detention to a police area other than that in which he is detained when the application for a warrant of further detention is made, the court hearing the application shall have regard to the distance and the time the journey would take.
- (14) Any information submitted in support of an application under this section shall state—

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- (a) the nature of the offence for which the person to whom the application relates has been arrested;
 - (b) the general nature of the evidence on which that person was arrested;
 - (c) what inquiries relating to the offence have been made by the police and what further inquiries are proposed by them;
 - (d) the reasons for believing the continued detention of that person to be necessary for the purposes of such further inquiries.
- (15) Where an application under this section is refused, the person to whom the application relates shall forthwith be charged or, subject to subsection (16) below, released, either on bail or without bail.
- (16) A person need not be released under subsection (15) above—
- (a) before the expiry of 24 hours after the relevant time; or
 - (b) before the expiry of any longer period for which his continued detention is or has been authorised under section 42 above.
- (17) Where an application under this section is refused, no further application shall be made under this section in respect of the person to whom the refusal relates, unless supported by evidence which has come to light since the refusal.
- (18) Where a warrant of further detention is issued, the person to whom it relates shall be released from police detention, either on bail or without bail, upon or before the expiry of the warrant unless he is charged.
- (19) A person released under subsection (18) 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.]

Textual Amendments

F1 Words in s. 43(19) 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. 43 modified (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 paras. 4(4)(b), 5(7)(b), 6(7)(b); s. 43 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

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