



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—conditions and duration

44 Extension of warrants of further detention.

- (1) On an application on oath made by a constable and supported by an information a magistrates' court may extend a warrant of further detention issued under section 43 above if it is satisfied that there are reasonable grounds for believing that the further detention of the person to whom the application relates is justified.
- (2) Subject to subsection (3) below, the period for which a warrant of further detention may be extended shall be such period as the court thinks fit, having regard to the evidence before it.
- (3) The period shall not—
 - (a) be longer than 36 hours; or
 - (b) end later than 96 hours after the relevant time.
- (4) Where a warrant of further detention has been extended under subsection (1) above, or further extended under this subsection, for a period ending before 96 hours after the relevant time, on an application such as is mentioned in that subsection a magistrates' court may further extend the warrant if it is satisfied as there mentioned; and subsections (2) and (3) above apply to such further extensions as they apply to extensions under subsection (1) above.
- (5) A warrant of further detention shall, if extended or further extended under this section, be endorsed with a note of the period of the extension.
- (6) Subsections (2), (3) and (14) of section 43 above shall apply to an application made under this section as they apply to an application made under that section.

Status: Point in time view as at 03/08/2020. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 44 is up to date with all changes known to be in force on or before 29 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)

- (7) Where an application under this section is refused, the person to whom the application relates shall forthwith be charged or, subject to subsection (8) below, released ^[F1]—
- (a) without bail unless the pre-conditions for bail are satisfied, or
 - (b) on bail if those pre-conditions are satisfied.]
- (8) A person need not be released under subsection (7) above before the expiry of any period for which a warrant of further detention issued in relation to him has been extended or further extended on an earlier application made under this section.
- ^[F2](9) Subsection (10) applies where—
- (a) a person is released under subsection (7), and
 - (b) a custody officer determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or
 - (ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.
- (10) The custody officer must give the person notice in writing that the person is not to be prosecuted.
- (11) Subsection (10) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.]

Textual Amendments

- F1** Words in s. 44(7) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 57(4)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 12 (with reg. 5)
- F2** S. 44(9)-(11) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 67(5)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 18

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. 44 applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 12(2)–(4), **Sch. 2** (with arts. 13–31)
- C3** S. 44 applied (with modifications) (4.11.2015) by [The Police and Criminal Evidence Act 1984 \(Application to Revenue and Customs\) Order 2015 \(S.I. 2015/1783\)](#), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4–19, Sch. 2)
- C4** S. 44 applied (with modifications) (30.4.2017) by [The Police and Criminal Evidence Act 1984 \(Application to Labour Abuse Prevention Officers\) Regulations 2017 \(S.I. 2017/520\)](#), regs. 1, 2, 3(t), **Sch.**

Status:

Point in time view as at 03/08/2020. This version of this provision has been superseded.

Changes to legislation:

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