



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

[^{F1}Use of live links]

[^{F1}45A [^{F2}Use of video-conferencing facilities for decisions about detention][^{F2}Use of live links for other decisions about detention]

- (1) Subject to the following provisions of this section, the Secretary of State may by regulations provide that, in the case of an arrested person who is held in a police station, some or all of the functions mentioned in subsection (2) may be performed (notwithstanding anything in the preceding provisions of this Part) by an officer who—
 - (a) is not present in that police station; but
 - (b) has access to the use of [^{F3}video-conferencing facilities that enable him to communicate with persons in that station][^{F3}a live link].
- (2) Those functions are—
 - (a) the functions in relation to an arrested person taken to [^{F4}, or answering to bail at,] a police station that is not a designated police station which, in the case of an arrested person taken to a station that is a designated police station, are functions of a custody officer under section 37, 38 or 40 above; and
 - (b) the function of carrying out a review under section 40(1)(b) above (review, by an officer of at least the rank of inspector, of the detention of person arrested but not charged).
- (3) Regulations under this section shall specify the use to be made in the performance of the functions mentioned in subsection (2) above of [^{F5}the facilities mentioned in subsection (1) above][^{F5}a live link].
- (4) Regulations under this section shall not authorise the performance of any of the functions mentioned in subsection (2)(a) above by such an officer as is mentioned in subsection (1) above unless he is a custody officer for a designated police station.

Status: Point in time view as at 31/01/2017. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 45A is up to date with all changes known to be in force on or before 03 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) Where any functions mentioned in subsection (2) above are performed in a manner authorised by regulations under this section—
- (a) any obligation of the officer performing those functions to make a record in connection with the performance of those functions shall have effect as an obligation to cause another officer to make the record; and
 - (b) any requirement for the record to be made in the presence of the arrested person shall apply to the making of that record by that other officer.
- (6) Where the functions mentioned in subsection (2)(b) are performed in a manner authorised by regulations under this section, the requirements under section 40(12) and (13) above for—
- (a) the arrested person, or
 - (b) a solicitor representing him,
- to be given any opportunity to make representations (whether in writing or orally) to the person performing those functions shall have effect as a requirement for that person, or such a solicitor, to be given an opportunity to make representations in a manner authorised by subsection (7) below.
- (7) Representations are made in a manner authorised by this subsection—
- (a) in a case where facilities exist for the immediate transmission of written representations to the officer performing the functions, if they are made either—
 - (i) orally to that officer by means of [^{F6}the video-conferencing facilities][^{F6}the live link] used by him for performing those functions; or
 - (ii) in writing to that officer by means of the facilities available for the immediate transmission of the representations;
 and
 - (b) in any other case if they are made orally to that officer by means of [^{F7}the video-conferencing facilities][^{F7}the live link] used by him for performing the functions.
- (8) Regulations under this section may make different provision for different cases and may be made so as to have effect in relation only to the police stations specified or described in the regulations.
- (9) Regulations under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [In this section, “live link”, in relation to any functions, means an arrangement by which
- ^{F8}(10) the functions may be performed by an officer who is not present at the police station where an arrested person is held but who is able (for the purpose of the functions) to see and hear, and to be seen and heard by, the arrested person and any legal representative of that person (and for this purpose any impairment of eyesight or hearing is to be disregarded).]]

Textual Amendments

- F1** S. 45A inserted (1.4.2003) by 2001 c. 16, ss. 73(3), 138(2); S.I. 2003/708, art. 2(d)
- F2** S. 45A heading 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. 74(4)(a), 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 23

Status: Point in time view as at 31/01/2017. This version of this provision has been superseded.

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- F3** Words in s. 45A(1)(b) 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. 74(4)(b)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 23
- F4** Words in s. 45A(2)(a) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 Pt. 1 para. 9**; S.I. 2004/81, **art. 2(1)(2)(a)**
- F5** Words in s. 45A(3) 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. 74(4)(c)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 23
- F6** Words in s. 45A(7)(a)(i) 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. 74(4)(d)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 23
- F7** Words in s. 45A(7)(b) 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. 74(4)(d)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 23
- F8** S. 45A(10) 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. 74(4)(e)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 23

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