



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—miscellaneous

46 Detention after charge.

- (1) Where a person—
 - (a) is charged with an offence; and
 - (b) after being charged—
 - (i) is kept in police detention; or
 - (ii) is detained by a local authority in pursuance of arrangements made under section 38(6) above,he shall be brought before a magistrates' court in accordance with the provisions of this section.
- (2) If he is to be brought before a magistrates' court [^{F1}in the local justice] area in which the police station at which he was charged is situated, he shall be brought before such a court as soon as is practicable and in any event not later than the first sitting after he is charged with the offence.
- (3) If no magistrates' court [^{F2}in that area] is due to sit either on the day on which he is charged or on the next day, the custody officer for the police station at which he was charged shall inform the [^{F3}designated officer] for the area that there is a person in the area to whom subsection (2) above applies.
- (4) If the person charged is to be brought before a magistrates' court [^{F4}in a local justice] area other than that in which the police station at which he was charged is situated, he shall be removed to that area as soon as is practicable and brought before such a court as soon as is practicable after his arrival in the area and in any event not later than the first sitting of a magistrates' court [^{F5}in that area] after his arrival in the area.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 46 is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes

- (5) If no magistrates’ court [^{F6}in that area] is due to sit either on the day on which he arrives in the area or on the next day—
- (a) he shall be taken to a police station in the area; and
 - (b) the custody officer at that station shall inform the [^{F7}designated officer] for the area that there is a person in the area to whom subsection (4) applies.
- (6) Subject to subsection (8) below, where [^{F8}the designated officer for a local justice] area has been informed—
- (a) under subsection (3) above that there is a person in the area to whom subsection (2) above applies; or
 - (b) under subsection (5) above that there is a person in the area to whom subsection (4) above applies,
- [^{F9}the designated officer] shall arrange for a magistrates’ court to sit not later than the day next following the relevant day.
- (7) In this section “the relevant day”—
- (a) in relation to a person who is to be brought before a magistrates’ court [^{F10}in the local justice] area in which the police station at which he was charged is situated, means the day on which he was charged; and
 - (b) in relation to a person who is to be brought before a magistrates’ court [^{F11}in any other local justice] area, means the day on which he arrives in the area.
- (8) Where the day next following the relevant day is Christmas Day, Good Friday or a Sunday, the duty of the [^{F12}designated officer] under subsection (6) above is a duty to arrange for a magistrates’ court to sit not later than the first day after the relevant day which is not one of those days.
- (9) Nothing in this section requires a person who is in hospital to be brought before a court if he is not well enough.

Textual Amendments

- F1** Words in s. 46(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(2\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F2** Words in s. 46(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(3\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F3** Words in s. 46(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(3\)\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F4** Words in s. 46(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(4\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F5** Words in s. 46(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(4\)\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F6** Words in s. 46(5) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(5\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F7** Words in s. 46(5) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(5\)\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F8** Words in s. 46(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(6\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F9** Words in s. 46(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(6\)\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F10** Words in s. 46(7) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 282\(7\)\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)

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F11 Words in s. 46(7) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 282(7)(b)**; S.I. 2005/910, **art. 3(y)**

F12 Words in s. 46(8) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 282(8)**; S.I. 2005/910, **art. 3(y)**

Modifications etc. (not altering text)

C1 S. 46 excluded (4.4.2005) by Criminal Justice Act 2003 (c. 44), **ss. 88(2)**, 336; S.I. 2005/950, **art. 2(1)**, **Sch. 1 para. 5** (subject to **art. 2(2)**, **Sch. 2**) (as amended by S.I. 2005/2122, **art. 2**)

C2 S. 46 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)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(1)(cza) inserted by [2021 c. 17 s. 26\(9\)](#)
- s. 47A(3A) substituted by [2022 c. 35 Sch. 2 para. 7](#)
- s. 61(6BA) inserted by [2008 c. 28 s. 10\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 63(3D) inserted by [2008 c. 28 s. 10\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64(1AA) inserted by [2008 c. 28 s. 10\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64A(1B)(cb) inserted by [2022 c. 32 Sch. 11 para. 18\(a\)](#)
- Sch. 1A para. 21A added by 1995 c. 32, s. 8B(1) (as inserted) by [2006 c. 12 Sch. 3 para. 13](#)