



# Police and Criminal Evidence Act 1984

## CHAPTER 60

### POLICE AND CRIMINAL EVIDENCE ACT 1984

#### PART I

##### POWERS TO STOP AND SEARCH

- 1 Power of constable to stop and search persons, vehicles etc.
- 2 Provisions relating to search under section 1 and other powers.
- 3 Duty to make records concerning searches.
- 4 Road checks.
- 5 Reports of recorded searches and of road checks.
- 6 Statutory undertakers etc.
- 7 Part I—supplementary

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##### POWERS OF ENTRY, SEARCH AND SEIZURE

###### *Search warrants*

- 8 Power of justice of the peace to authorise entry and search of premises.
- 9 Special provisions as to access.
- 10 Meaning of “items subject to legal privilege”.
- 11 Meaning of “excluded material”.
- 12 Meaning of “personal records”.
- 13 Meaning of “journalistic material”.
- 14 Meaning of “special procedure material”.
- 15 Search warrants—safeguards.
- 16 Execution of warrants.

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### *Entry and search without search warrant*

- 17 Entry for purpose of arrest etc.
- 18 Entry and search after arrest.

### *Seizure etc.*

- 19 General power of seizure etc.
- 20 Extension of powers of seizure to computerised information.
- 21 Access and copying.
- 22 Retention.

### *Supplementary*

- 23 Meaning of “premises” etc.

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- 24 Arrest without warrant: constables
- 24A Arrest without warrant: other persons
- 25 (1) Where a constable has reasonable grounds for suspecting that...
- 26 Repeal of statutory powers of arrest without warrant or order.
- 27 Fingerprinting of certain offenders.
- 28 Information to be given on arrest.
- 29 Voluntary attendance at police station etc.
- 30 Arrest elsewhere than at police station.
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- 30B Bail under section 30A: notices
- 30C Bail under section 30A: supplemental
- 30CA Bail under section 30A: variation of conditions by police
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- 30D Failure to answer to bail under section 30A
- 31 Arrest for further offence.
- 32 Search upon arrest.
- 33 Execution of warrant not in possession of constable.

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### **DETENTION**

### *Detention—conditions and duration*

- 34 Limitations on police detention.
- 35 Designated police stations.
- 36 Custody officers at police stations.
- 37 Duties of custody officer before charge.
- 37A Guidance
- 37B Consultation with the Director of Public Prosecutions
- 37C Breach of bail following release under section 37(7)(a)
- 37CA Breach of bail following release under section 37(7)(b)
- 37D Release **on bail under section 37**: further provision
- 38 Duties of custody officer after charge.
- 39 Responsibilities in relation to persons detained.
- 40 Review of police detention.
- 40A Use of telephone for review under s. 40

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- 41 Limits on period of detention without charge.
- 42 Authorisation of continued detention.
- 43 Warrants of further detention.
- 44 Extension of warrants of further detention.
- 45 Detention before charge—supplementary.

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- 45A Use of video-conferencing facilities for decisions about detention
- 46 Detention after charge.
- 46ZA Persons granted live link bail
- 46A Power of arrest for failure to answer to police bail.
- 47 Bail after arrest.
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- 49 Police detention to count towards custodial sentence.
- 50 Records of detention.
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- 53 Abolition of certain powers of constables to search persons.
- 54 Searches of detained persons.
- 54A Searches and examination to ascertain identity
- 54B Searches of persons answering to live link bail
- 54C Power to retain articles seized
- 55 Intimate searches
- 55A X-rays and ultrasound scans
- 56 Right to have someone informed when arrested.
- 57 Additional rights of children and young persons.
- 58 Access to legal advice.
- 59 .....
- 60 Tape-recording of interviews.
- 60A Visual recording of interviews
- 61 Finger-printing.
- 61A Impressions of footwear
- 62 Intimate samples.
- 63 Other samples.
- 63A Fingerprints and samples: supplementary provisions.
- 63B Testing for presence of Class A drugs.
- 63C Testing for presence of Class A drugs: supplementary.
- 64 Destruction of fingerprints and samples.
- 64ZA Destruction of samples
- 64ZB Destruction of data given voluntarily
- 64ZC Destruction of data relating to a person subject to a control order
- 64ZD Destruction of data relating to persons not convicted
- 64ZE Destruction of data relating to persons under 18 not convicted:  
recordable offences other than qualifying offences
- 64ZF Destruction of data relating to persons under 16 not convicted:  
qualifying offences

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- 64ZG Destruction of data relating to persons aged 16 or 17 not convicted:  
qualifying offences
- 64ZH Destruction of data relating to persons under 18 convicted of a  
recordable offence other than a qualifying offence
- 64ZI Sections 64ZB to 64ZH: supplementary provision
- 64ZJ Destruction of fingerprints taken under section 61(6A)
- 64ZK Retention for purposes of national security
- 64ZL Retention with consent
- 64ZM Destruction of copies, and notification of destruction
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- 64A Photographing of suspects etc.
- 65 Part V—supplementary.
- 65A Qualifying offence”

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- 67 Codes of practice—supplementary.

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- 74 Conviction as evidence of commission of offence.
- 75 Provisions supplementary to section 74.

#### *Confessions*

- 76 Confessions.
- 76A Confessions may be given in evidence for co-accused
- 77 Confessions by mentally handicapped persons.

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- 78 Exclusion of unfair evidence.
- 79 Time for taking accused’s evidence.
- 80 Competence and compellability of accused’s spouse or civil partner.
- 80A Rule where accused’s spouse or civil partner not compellable.
- 81 Advance notice of expert evidence in Crown Court.

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- 82 Part VIII— interpretation.

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83 Establishment of the Police Complaints Authority.

#### *Handling of complaints etc.*

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86 Investigation of complaints against senior officers.

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88 References of other matters to Authority.

89 Supervision of investigations by Authority.

90 Steps to be taken after investigation—general.

91 Steps to be taken where accused has admitted charges.

92 Powers of Authority to direct reference of reports etc. to Director of Public Prosecutions.

93 Powers of Authority as to disciplinary charges.

94 Disciplinary tribunals.

95 Information as to the manner of dealing with complaints etc.

96 Constabularies maintained by authorities other than police authorities.

97 Reports.

98 Restrictions on disclosure of information.

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101 Discipline regulations

102 Representation at disciplinary proceedings.

103 Disciplinary appeals.

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107 Police officers performing duties of higher rank.

108 Deputy chief constables.

109 Amendments relating to Police Federations.

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111 Regulations for Police Forces and Police Cadets—Scotland.

112 Metropolitan police officers.

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113 Application of Act to Armed Forces.

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- 114 **Application of Act to Revenue and Customs**
- 114A Power to apply Act to officers of the Secretary of State etc.
- 115 Expenses.
- 116 Meaning of “serious arrestable offence”.
- 117 Power of constable to use reasonable force.
- 118 General interpretation.
- 119 Amendments and repeals.
- 120 Extent.
- 121 Commencement.
- 122 Short title.

## SCHEDULES

### SCHEDULE 1 — Special Procedure

#### *Making of orders by judge*

- 1 If on an application made by a constable a judge...
- 2 The first set of access conditions is fulfilled if—
- 3 The second set of access conditions is fulfilled if—
- 4 An order under this paragraph is an order that the...
- 5 Where the material consists of information stored in any electronic...
- 6 For the purposes of sections 21 and 22 above material...

#### *Notices of applications for orders*

- 7 An application for an order under paragraph 4 above shall...
- 8 Notice of an application for such an order may be...
- 9 Such a notice may be served— (a) on a body...
- 10 For the purposes of this Schedule, and of section 7...
- 11 Where notice of an application for an order under paragraph...

#### *Issue of warrants by judge*

- 12 If on an application made by a constable a judge—...
- 12A The judge may not issue an all premises warrant unless...
- 13 A constable may seize and retain anything for which a...
- 14 The further conditions mentioned in paragraph 12 (a)(ii) above are—...
- 15 (1) If a person fails to comply with an order...

#### *Costs*

- 16 The costs of any application under this Schedule and of...

### SCHEDULE 1A — Specific offences which are arrestable offences

- 1 *Customs and Excise Acts*
- 2 *Official Secrets Act 1920*
- 2ZA *Criminal Justice Act 1925*
- 2A *Wireless Telegraphy Act 1949*
- 3 *Prevention of Crime Act 1953*
- 4 *Sexual Offences Act 1956*
- 5 *Obscene Publications Act 1959*
- 5A *Firearms Act 1968*
- 6 *Theft Act 1968*

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- 6A *Misuse of Drugs Act 1971*
- 7 *Theft Act 1978*
- 8 *Protection of Children Act 1978*
- 9 *Wildlife and Countryside Act 1981*
- 10 An offence under— (a) section 1(5) of the Wildlife and...
- 11 *Civil Aviation Act 1982*
- 11A An offence of contravening a provision of an Order in...
- 12 *Aviation Security Act 1982*
- 13 *Sexual Offences Act 1985*
- 14 *Public Order Act 1986*
- 15 *Criminal Justice Act 1988*
- 16 *Road Traffic Act 1988*
- 17 An offence under subsection (4) of section 170 of the...
- 17A An offence under section 174 of the Road Traffic Act...
- 18 *Official Secrets Act 1989*
- 19 *Football Spectators Act 1989*
- 20 *Football (Offences) Act 1991*
- 21 *Criminal Justice and Public Order Act 1994*
- 22 *Police Act 1996*
- 23 *Protection from Harassment Act 1997*
- 24 *Crime and Disorder Act 1998*
- 25 *Criminal Justice and Police Act 2001*
- 26 *Licensing Act 2003*
- 27 *Sexual Offences Act 2003*
- 27A *Prevention of Terrorism Act 2005*

## SCHEDULE 2 —

### SCHEDULE 2A — Fingerprinting and samples: power to require attendance at police station

#### Part 1 — FINGERPRINTING

##### *Persons arrested and released*

- 1 (1) A constable may require a person to attend a...

##### *Persons charged etc*

- 2 (1) A constable may require a person to attend a...

##### *Persons convicted etc of an offence in England and Wales*

- 3 (1) A constable may require a person to attend a...

##### *Persons subject to a control order*

- 4 A constable may require a person to attend a police...

##### *Persons convicted etc of an offence outside England and Wales*

- 5 A constable may require a person to attend a police...

##### *Multiple attendance*

- 6 (1) Where a person's fingerprints have been taken under section...

#### Part 2 — INTIMATE SAMPLES

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*Persons suspected to be involved in an offence*

7 A constable may require a person to attend a police...

*Persons convicted etc of an offence outside England and Wales*

8 A constable may require a person to attend a police...  
Part 3 — NON-INTIMATE SAMPLES

*Persons arrested and released*

9 (1) A constable may require a person to attend a...

*Persons charged etc*

10 (1) A constable may require a person to attend a...

*Persons convicted etc of an offence in England and Wales*

11 (1) A constable may require a person to attend a...

*Persons subject to a control order*

12 A constable may require a person to attend a police...

*Persons convicted etc of an offence outside England and Wales*

13 A constable may require a person to attend a police...

*Multiple exercise of power*

14 (1) Where a non-intimate sample has been taken from a...  
Part 4 — GENERAL AND SUPPLEMENTARY

*Requirement to have power to take fingerprints or sample*

15 A power conferred by this Schedule to require a person...

*Date and time of attendance*

16 (1) A requirement under this Schedule— (a) must direct the...

*Enforcement*

17 A constable may arrest without warrant a person who has...

SCHEDULE 3 —

Part I — PROVISIONS SUPPLEMENTARY TO SECTION 68

1-7 .....

Part II — PROVISIONS SUPPLEMENTARY TO SECTION 69

8 In any proceedings where it is desired to give a...  
9 Notwithstanding paragraph 8 above, a court may require oral evidence...  
10 Any person who in a certificate tendered under paragraph 8...  
11 In estimating the weight, if any, to be attached to...  
12 For the purposes of paragraph 11 above information shall be...

Part III — PROVISIONS SUPPLEMENTARY TO SECTIONS 68 AND 69

13 .....

14 For the purpose of deciding whether or not a statement...



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15 Provision may be made by rules of court for supplementing...

SCHEDULE 4 —

Part I — GENERAL

*Constitution of Authority*

1 (1) The Police Complaints Authority shall consist of a chairman...

*Incorporation and status of Authority*

2 (1) The Authority shall be a body corporate.

*Members*

3 (1) Subject to the following provisions of this Schedule, a...  
4 The Secretary of State may pay, or make such payments...  
5 Where a person ceases to hold such an office otherwise...

*Staff*

6 The Authority may, after consultation with the Secretary of State,...  
7 (1) Employment by the Authority shall be included among the...  
8 The Employers' Liability (Compulsory Insurance) Act 1969 shall not  
require...

*Power of Authority to set up regional offices*

9 (1) If it appears to the Authority that it is...

*Proceedings*

10 (1) Subject to the provisions of this Act, the arrangements...  
11 The validity of any proceedings of the Authority shall not...

*Finance*

12 The Secretary of State shall pay to the Authority expenses...  
13 (1) It shall be the duty of the Authority—

Part II — TRANSITIONAL

*Information received by Police Complaints Board*

14 (1) No information received by the Police Complaints Board in...

*Property, rights and liabilities*

15 (1) On the day on which section 83 above comes...

*Proceedings*

16 Proceedings in any court to which the Police Complaints Board...

*Payments to former members of Police Complaints Board*

17 Where a person— (a) ceases to be a member of...

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*General*

18 Paragraphs 14 to 17 above are without prejudice to the...

SCHEDULE 5 —

Part I — OFFENCES MENTIONED IN SECTION 116(2)(A)

- 1 Treason.
- 2 Murder.
- 3 Manslaughter.
- 4 Rape.
- 5 Kidnapping.
- 6 Incest with a girl under the age of 13.
- 7 Buggery with a person under the age of 16.
- 8 Indecent assault which constitutes an act of gross indecency.
- 9 An offence under section 170 of the Customs and Excise...

Part II — OFFENCES MENTIONED IN SECTION 116(2)(B)

*Explosive Substances Act 1883 (c. 3)*

- 1 Section 2 (causing explosion likely to endanger life or property)....
- 2 Section 5 (intercourse with a girl under the age of...

*Firearms Act 1968 (c. 27)*

- 3 Section 16 (possession of firearms with intent to injure).
- 4 Section 17(1) (use of firearms and imitation firearms to resist...
- 5 Section 18 (carrying firearms with criminal intent).
- 6 .....

*Taking of Hostages Act 1982 (c. 28)*

- 7 Section 1 (hostage-taking).

*Aviation Security Act 1982 (c. 36)*

- 8 Section 1 (hi-jacking).

*Criminal Justice Act 1988 (c. 33)*

- 9 Section 134 (Torture).

*The Road Traffic Act 1988 (c. 52)*

Section 1 (causing death by dangerous driving). Section 3A (causing...

*Aviation and Maritime Security Act 1990 (c. 31)*

- 11 Section 1 (endangering safety at aerodromes).
- 12 Section 9 (hijacking of ships).
- 13 Section 10 (seizing or exercising control of fixed platforms).

*Channel Tunnel (Security) Order 1994 No.*

- 14 Article 4 (hijacking of Channel Tunnel trains).
- 15 Article 5 (seizing or exercising control of the tunnel system)....

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*Protection of Children Act 1978 (c. 37.)*

- 16 Section 1 (indecent photographs and pseudo-photographs of children).

*Obscene Publications Act 1959 (c.66.)*

- 17 Section 2 (publication of obscene matter).

*Sexual Offences Act 2003*

- 18 Section 1 (rape).  
19 Section 2 (assault by penetration).  
20 Section 4 (causing a person to engage in sexual activity...  
21 Section 5 (rape of a child under 13).  
22 Section 6 (assault of a child under 13 by penetration)....  
23 Section 8 (causing or inciting a child under 13 to...  
25 Section 31 (causing or inciting a person, with a mental...

*Domestic Violence, Crime and Victims Act 2004*

- 24 Section 5 (causing or allowing the death of a child...

SCHEDULE 6 — Minor and Consequential Amendments  
Part I — ENGLAND AND WALES

*Game Act 1831 (c. 32)*

- 1 The following section shall be inserted after section 31 of...

*Metropolitan Police Act 1839 (c. 47)*

- 2 In section 39 of the Metropolitan Police Act 1839 (fairs...

*Railway Regulation Act 1840 (c. 97)*

- 3 In section 16 of the Railway Regulation Act 1840 (persons...

*London Hackney Carriages Act 1843 (c. 86)*

- 4 In section 27 of the London Hackney Carriages Act 1843...

*Town Gardens Protection Act 1863 (c. 13)*

- 5 In section 5 of the Town Gardens Protection Act 1863...

*Parks Regulation Act 1872 (c. 15)*

- 6 The following section shall be substituted for section 5 of...

*Dogs (Protection of Livestock) Act 1953 (c. 28)*

- 7 In the Dogs (Protection of Livestock) Act 1953 the following...

*Army Act 1955 (c. 18) Air Force Act 1955 (c. 19)*

- 8 The following subsection shall be substituted for section 195(3) of...

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*Sexual Offences Act 1956 (c. 69)*

9 At the end of section 41 of the Sexual Offences...

*Game Laws (Amendment) Act 1960 (c. 36)*

10 In subsection (1) of section 2 of the Game Laws...  
11 In subsection (1) of section 4 of that Act (enforcement...

*Betting, Gaming and Lotteries Act 1963 (c. 2)*

12 The following subsection shall be substituted for subsection (2) of...

*Deer Act 1963 (c. 36)*

13 .....

*Police Act 1964 (c. 48)*

14 .....  
15 .....  
16 .....

*Criminal Law Act 1967 (c. 58)*

17 The following subsection shall be inserted after section 4(1) of...

*Theatres Act 1968 (c. 54)*

18 In section 15(1) of the Theatres Act 1968 (powers of...

*Children and Young Persons Act 1969 (c. 54)*

19 In the Children and Young Persons Act 1969—

*Immigration Act 1971 (c. 77)*

20 In section 25(3) of the Immigration Act 1971 for the...

*Criminal Justice Act 1972 (c. 71)*

21 In subsection (1) of section 34 of the Criminal Justice...

*Child Care Act 1980 (c. 5)*

22 .....

*Deer Act 1980 (c. 49)*

23 .....

*Animal Health Act 1981 (c. 22)*

24 In subsection (5) of section 60 of the Animal Health...

*Wildlife and Countryside Act 1981 (c. 69)*

25 In subsection (2) of section 19 of the Wildlife and...

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*Mental Health Act 1983 (c. 20)*

26 In section 135(4) of the Mental Health Act 1983 for...

27 .....

Part II — OTHER AMENDMENTS

*Army Act 1955 (c. 18)*

28 (1) The Army Act 1955 shall be amended as follows....

*Air Force Act 1955 (c. 19)*

29 (1) The Air Force Act 1955 shall be amended as...

*Police (Scotland) Act 1967 (c. 77)*

30 In section 6(2) of the Police (Scotland) Act 1967 (constables...

31 In section 7(1) of that Act (ranks) after the words...

32 In section 26(7) of that Act (disciplinary authority) immediately before...

33 In section 31(2) of that Act (compulsory retirement of chief...

*Courts-Martial (Appeals) Act 1968 (c. 20)*

34 .....

*House of Commons Disqualification Act 1975 (c. 24) Northern  
Ireland Assembly Disqualification Act 1975 (c. 25)*

35 In Part II of Schedule 1 to the House of...

*Armed Forces Act 1976 (c. 52)*

36 .....

*Customs and Excise Management Act 1979 (c. 2)*

37 The following subsection shall be substituted for section 138(4) of...

38 In section 161 of that Act— (a) in subsection (3),...

*Betting and Gaming Duties Act 1981 (c. 63)*

39 In the following provisions of the Betting and Gaming Duties...

*Car Tax Act 1983 (c. 53)*

40 In paragraph 7(3) of Schedule 1 to the Car Tax...

*Value Added Tax Act 1983 (c. 55)*

41 .....

SCHEDULE 7 — Repeals

Part I — ENACTMENTS REPEALED IN CONSEQUENCE OF PARTS I TO V

Part II — ENACTMENTS REPEALED IN RELATION TO CRIMINAL  
PROCEEDINGS IN CONSEQUENCE OF PART VII

Part III — ENACTMENTS REPEALED GENERALLY IN CONSEQUENCE OF  
PART VII

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Part IV — ENACTMENTS REPEALED IN RELATION TO CRIMINAL  
PROCEEDINGS IN CONSEQUENCE OF PART VIII

Part V — ENACTMENTS REPEALED GENERALLY IN CONSEQUENCE OF  
PART VIII

Part VI — MISCELLANEOUS REPEALS

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