Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—conditions and duration

36 Custody officers at police stations.

(1) One or more custody officers shall be appointed for each designated police station.

(2) A custody officer for **[**[F1]a police station designated under section 35(1) above**]** shall be appointed—

(a) by the chief officer of police for the area in which the designated police station is situated; or

(b) by such other police officer as the chief officer of police for that area may direct.

[F2]**[**(2A) A custody officer for a police station designated under section 35(2A) above shall be appointed—

(a) by the Chief Constable of the British Police Transport Force; or

(b) by such other member of that Force as that Chief Constable may direct.**]**

[[F3](3) No officer may be appointed a custody officer unless the officer is of at least the rank of sergeant.**]**

(4) An officer of any rank may perform the functions of a custody officer at a designated police station if a custody officer is not readily available to perform them.

(5) Subject to the following provisions of this section and to section 39(2) below, none of the functions of a custody officer in relation to a person shall be performed by **[**[F4]an officer**]** who at the time when the function falls to be performed is involved in the investigation of an offence for which that person is in police detention at that time.

(6) Nothing in subsection (5) above is to be taken to prevent a custody officer—

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(a) performing any function assigned to custody officers—
  (i) by this Act; or
  (ii) by a code of practice issued under this Act;
(b) carrying out the duty imposed on custody officers by section 39 below;
(c) doing anything in connection with the identification of a suspect; or
(d) doing anything under **[**[F5]sections 7 and 8 of the Road Traffic Act 1988**]**.

(7) Where an arrested person is taken to a police station which is not a designated police station, the functions in relation to him which at a designated police station would be the functions of a custody officer shall be performed—
(a) by an officer [F6]. . . who is not involved in the investigation of an offence for which he is in police detention, if **[**[F7]such an officer**]** is readily available; and
(b) if no **[**[F8]such officer**]** is readily available, by the officer who took him to the station or any other officer.

[[F9](7A) Subject to subsection (7B), subsection (7) applies where a person attends a police station which is not a designated station to answer to bail granted under section 30A as it applies where a person is taken to such a station.

(7B) Where subsection (7) applies because of subsection (7A), the reference in subsection (7)(b) to the officer who took him to the station is to be read as a reference to the officer who granted him bail.**]**

[[F10](7C) The reference to a custody officer in section 30A(1A)(b) includes a reference to an officer other than a custody officer who is performing the functions of a custody officer by virtue of subsection (4) above.**]**

(8) References to a custody officer in **[**[F11]section 34 above or in**]** the following provisions of this Act include references to **[**[F12]an officer**]** other than a custody officer who is performing the functions of a custody officer by virtue of subsection (4) or (7) above.

(9) Where by virtue of subsection (7) above an officer of a force maintained by a **[**[F13]local policing body**]** who took an arrested person to a police station is to perform the functions of a custody officer in relation to him, the officer shall inform an officer who—
(a) is attached to a designated police station; and
(b) is of at least the rank of inspector,

that he is to do so.

(10) The duty imposed by subsection (9) above shall be performed as soon as it is practicable to perform it.

(11) [F14]. . . . . .

Textual Amendments

F1 Words in s. 36(2) substituted (14.12.2001) by 2001 c. 24, s. 107, **Sch. 7 para. 13(2)**

F2 S. 36(2A) inserted (14.12.2001) by 2001 c. 24, s. 107, **Sch. 7 para. 13(3)**

F3 S. 36(3) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(a)**

F4 Words in s. 36(5) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(b)**

F5 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c.54, SIF 107:1), s. 4, **Sch. 3 para. 27(3)**

F6 Words in s. 36(7)(a) repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1)(2), 116(6), Sch. 7 para. 123(3)(c)(i), **Sch. 8 Pt. 13**

F7 Words in s. 36(7)(a) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(c)(i)**

F8 Words in s. 36(7)(b) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(c)(ii)**

F9 S. 36(7A)(7B) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 7**; S.I. 2004/81, **art. 2(1)(2)(a)**

F10 S. 36(7C) inserted (28.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 4 para. 4** (with s. 45(3)); S.I. 2022/1075, **reg. 4(b)**

F11 Words in s. 36(8) inserted (7.3.2011) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 121(5)(a)**, 178(8); S.I. 2011/410, art. 2(f)

F12 Words in s. 36(8) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1), 116(6), **Sch. 7 para. 123(3)(d)**

F13 Words in s. 36(9) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 162**; S.I. 2011/3019, art. 3, Sch. 1

F14 S. 36(11) repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1)(2), 116(6), Sch. 7 para. 123(3)(e), **Sch. 8 Pt. 13**

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. 36 modified (2.8.1993) by S.I. 1993/1813, art. 6, **Sch. 3 para. 3(3)**; s. 36 modified by the said S.I.1993/1813, art. 6, **Sch. 3 para. 3(3)** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, **Sch. 3 para. 4(b)**

C3 S. 36 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

C4 S. 36 applied (with modifications) by Criminal Justice Act 2003 (c. 44), s. 24B(1)-(3) (as inserted (29.6.2007) by Police and Justice Act 2006 (c. 48), **ss. 18(1)**, 53 (with s. 18(2)); S.I. 2007/1614, **art. 2(e)**)

C5 S. 36(1)(2) 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)

C6 S. 36(1)(2) 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)

C7 S. 36(3)-(6)(c) 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)

C8 S. 36(3)(4) 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)

C9 S. 36(5)(6) 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)

C10 S. 36(7)(8) extended (2.8.1993) by S.I. 1993/1813, art. 6, Sch. 3 paras. 1(2)(b), **3(2)**; s. 36(7)(8) extended by the said S.I. 1993/1813, art. 6, Sch. 3 paras. 3(2), **4** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, Sch. 3 paras. 4(b), **5**

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C11 S. 36(7) 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)

C12 S. 36(7)(8) 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)

C13 S. 36(8)-(10) 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)

C14 S. 36(9)(10) 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)

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Changes and effects yet to be applied to :

- s. 36 applied (with modifications) by 2022 c. 32 s. 107(1)-(3)
- s. 36(7)(a) words substituted by 2005 c. 15 s. 121(4)(a)(ii) (This amendment is not applied to legislation.go.uk. S. 121(2)-(4) repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)
- s. 36(7)(b) words substituted by 2005 c. 15 s. 121(4)(b) (This amendment is not applied to legislation.go.uk. S. 121(2)-(4) repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)
- s. 36(8) words substituted by 2005 c. 15 s. 121(5)(b) (This amendment is not applied to legislation.go.uk. S. 121(5)(b) repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)
- s. 36(11) added by 2005 c. 15 s. 121(6) (This amendment is not applied to legislation.go.uk. S. 121(6) repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)

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