



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—conditions and duration

[^{F1}37CA Breach of bail following release under [^{F2}section 37(7)(b)][^{F2}section 37(7)(c)]

- (1) This section applies where a person released on bail under [^{F3}section 37(7)(b)][^{F3}section 37(7)(c)] above or subsection (2)(b) below—
 - (a) is arrested under section 46A below in respect of that bail, and
 - (b) is being detained following that arrest at the police station mentioned in section 46A(2) below.
- (2) The person arrested—
 - (a) shall be charged, or
 - (b) shall be released without charge[^{F4}, either on bail or without bail.][^{F4}—
 - (i) without bail unless the pre-conditions for bail are satisfied, or
 - (ii) on bail if those pre-conditions are satisfied.]
- (3) The decision as to how a person is to be dealt with under subsection (2) above shall be that of a custody officer.
- (4) A person released on bail under subsection (2)(b) above shall be released on bail subject to the same conditions (if any) which applied immediately before his arrest [^{F5}(and the reference in section 50A to any conditions of bail which would be imposed is to be read accordingly)].

[Subsection (6) applies where—

- ^{F6}(5) (a) a person is released under subsection (2), and
- (b) a custody officer determines that—
 - (i) there is not sufficient evidence to charge the person with an offence, or

Status: Point in time view as at 31/01/2017. This version of this provision has been superseded.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 37CA is up to date with all changes known to be in force on or before 18 May 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)

- (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.
- (6) The custody officer must give the person notice in writing that the person is not to be prosecuted.
- (7) Subsection (6) 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** S. 37CA inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 10, 53, Sch. 6 para. 8(1); S.I. 2007/709, art. 3(i) (subject to arts. 6, 7)
- F2** Words in s. 37CA 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. 55(2), 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 12 (with reg. 5)
- F3** Words in s. 37CA(1) 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. 55(2), 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 12 (with reg. 5)
- F4** Words in s. 37CA(2)(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. 55(3), 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 12 (with reg. 5)
- F5** Words in s. 37CA(4) 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. 55(4), 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 12 (with reg. 5)
- F6** S. 37CA(5)-(7) 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. 66(9), 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 18

Status:

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