



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—conditions and duration

39 Responsibilities in relation to persons detained.

- (1) Subject to subsections (2) and (4) below, it shall be the duty of the custody officer at a police station to ensure—
- (a) that all persons in police detention at that station are treated in accordance with this Act and any code of practice issued under it and relating to the treatment of persons in police detention; and
 - (b) that all matters relating to such persons which are required by this Act or by such codes of practice to be recorded are recorded in the custody records relating to such persons.

- (2) If the custody officer, in accordance with any code of practice issued under this Act, transfers or permits the transfer of a person in police detention—
- (a) to the custody of a police officer investigating an offence for which that person is in police detention; or
 - (b) to the custody of an officer who has charge of that person outside the police station,

the custody officer shall cease in relation to that person to be subject to the duty imposed on him by subsection (1)(a) above; and it shall be the duty of the officer to whom the transfer is made to ensure that he is treated in accordance with the provisions of this Act and of any such codes of practice as are mentioned in subsection (1) above.

- (3) If the person detained is subsequently returned to the custody officer, it shall be the duty of the officer investigating the offence to report to the custody officer as to the manner in which this section and the codes of practice have been complied with while that person was in his custody.

Status: Point in time view as at 07/10/2013. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 39 is up to date with all changes known to be in force on or before 23 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)

(4) If an arrested juvenile is [^{F1}moved to local authority accommodation] under section 38(6) above, the custody officer shall cease in relation to that person to be subject to the duty imposed on him by subsection (1) above.

^{F2}(5)

(6) Where—

(a) an officer of higher rank than the custody officer ^{F3} . . . gives directions relating to a person in police detention; and

(b) the directions are at variance—

(i) with any decision made or action taken by the custody officer in the performance of a duty imposed on him under this Part of this Act; or

(ii) with any decision or action which would but for the directions have been made or taken by him in the performance of such a duty,

the custody officer shall refer the matter at once to an officer of the rank of superintendent or above who is responsible for the police station for which the custody officer is acting as custody officer.

(7) ^{F4}

Textual Amendments

- F1** Words in s. 39(4) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), [Sch. 13](#), para. 54; [S.I. 1991/828](#), [art. 3\(2\)](#)
- F2** S. 39(5) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), [Sch.15](#); [S.I. 1991/828](#), [art. 3\(2\)](#)
- F3** Words in s. 39(6)(a) repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1)(2), 116(6), [Sch. 7 para. 123\(4\)\(a\)](#), [Sch. 8 Pt. 13](#)
- F4** S. 39(7) repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1)(2), 116(6), [Sch. 7 para. 123\(4\)\(b\)](#), [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. 39 modified (2.8.1993) by [S.I. 1993/1813](#), [art. 6](#), [Sch. 3 para. 3\(3\)](#).
S. 39 extended (27.7.1999) by [1999 c. 23](#), [ss. 61\(3\)](#), 68(4)(e) (with s. 63(2), [Sch. 7 paras. 3\(3\), 5\(2\)](#))
- C3** S. 39 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\(e\)](#))
- C4** S. 39 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](#))
- C5** S. 39(2) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 38, [Sch. 4 Pt. 4 para. 35\(5\)](#); [S.I. 2002/2750](#), [art. 2\(a\)\(ii\)\(d\)](#)
S. 39(2)(3) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 38, [Sch. 4 Pt. 2 para. 22\(3\)](#); [S.I. 2002/2750](#), [art. 2\(a\)\(ii\)\(d\)](#)

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