



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IV

DETENTION

Detention—miscellaneous

47 Bail after arrest.

(1) [^{F1}Subject to the following provisions of this section], a release on bail of a person under this Part of this Act shall be a release on bail granted in accordance with [^{F2}sections 3, 3A, 5 and 5A of the Bail Act 1976 as they apply to bail granted by a constable].

^{F3}[(1A) The normal powers to impose conditions of bail shall be available to him where a custody officer releases a person on bail under [^{F4}section [^{F5}[^{F6}37] above or section] 38(1) above (including that subsection as applied by section 40(10) above) but not in any other cases][^{F4}this Part (except sections 37C(2)(b) and 37CA(2)(b))]. In this subsection, “the normal powers to impose conditions of bail” has the meaning given in section 3(6) of the Bail Act 1976.]

[^{F7}(1B) No application may be made under section 5B of the Bail Act 1976 if a person is released on bail under section [^{F8}[^{F9}37,] 37C(2)(b) or 37CA(2)(b)] above.

(1C) Subsections (1D) to (1F) below apply where a person released on bail under section [^{F10}[^{F9}37,] 37C(2)(b) or 37CA(2)(b)] above is on bail subject to conditions.

(1D) The person shall not be entitled to make an application under section 43B of the Magistrates' Courts Act 1980.

(1E) A magistrates' court may, on an application by or on behalf of the person, vary the conditions of bail; and in this subsection “vary” has the same meaning as in the Bail Act 1976.

(1F) Where a magistrates' court varies the conditions of bail under subsection (1E) above, that bail shall not lapse but shall continue subject to the conditions as so varied.]

Status: Point in time view as at 31/01/2017. This version of this provision has been superseded.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 47 is up to date with all changes known to be in force on or before 16 June 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)

- (2) Nothing in the Bail Act 1976 shall prevent the re-arrest without warrant of a person released on bail subject to a duty to attend at a police station if [F11new evidence justifying a further arrest has come to light since his release][F11, since the person’s release, new evidence has come to light or an examination or analysis of existing evidence has been made which could not reasonably have been made before the person’s release].
- (3) Subject to [F12subsections (3A) and (4)] below, in this Part of this Act references to “bail” are references to bail subject to a duty—
 - F13(a) to appear before a magistrates’ court at such time and such place as the custody officer may appoint;
 - F13(b) to attend at such police station as the custody officer may appoint at such time as he may appoint for the purposes of—
 - (i) proceedings in relation to a live link direction under section 57C of the Crime and Disorder Act 1998 (use of live link direction at preliminary hearings where accused is at police station); and
 - (ii) any preliminary hearing in relation to which such a direction is given;
 or
 - F13(c) to attend at such police station as the custody officer may appoint at such time as he may appoint for purposes other than those mentioned in paragraph (b) [F14(subject to section 47ZA)].]
- [F15(3A) Where a custody officer grants bail to a person subject to a duty to appear before a magistrates’ court, he shall appoint for the appearance—
 - (a) a date which is not later than the first sitting of the court after the person is charged with the offence; or
 - (b) where he is informed by the [F16designated officer for the relevant local justice] area that the appearance cannot be accommodated until a later date, that later date.]
- (4) Where a custody officer has granted bail to a person subject to a duty to appear at a police station, the custody officer may give notice in writing to that person that his attendance at the police station is not required.
- [F17(4A) Where a person has been granted bail under this Part subject to a duty to attend at a police station, a custody officer may subsequently appoint a different time, or an additional time, at which the person is to attend at the police station to answer bail.
- (4B) The custody officer must give the person notice in writing of the exercise of the power under subsection (4A).
- (4C) The exercise of the power under subsection (4A) does not affect the conditions of bail (if any).
- (4D) A custody officer may not appoint a time for a person’s attendance under subsection (4A) which is after the end of the applicable bail period in relation to the person.
- (4E) Subsection (4D) is subject to section 47ZL.]
- F18(5)
- (6) Where a person [F19who has been granted bail [F20under this Part] and either has attended at the police station in accordance with the grant of bail or has been arrested

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under section 46A above is detained at a police station], any time during which he was in police detention prior to being granted bail shall be included as part of any period which falls to be calculated under this Part of this Act [^{F21}and any time during which he was on bail shall not be so included].

- (7) Where a person who was released on bail [^{F22}under this Part] subject to a duty to attend at a police station is re-arrested, the provisions of this Part of this Act shall apply to him as they apply to a person arrested for the first time [^{F23}; but this subsection does not apply to a person who is arrested under section 46A above or has attended a police station in accordance with the grant of bail (and who accordingly is deemed by section 34(7) above to have been arrested for an offence) ^{F24}[or to a person to whom section 46ZA(4) or (5) applies.]]
- (8) In the ^{M1}Magistrates' Court Act 1980—
- (a) the following section shall be substituted for section 43—

“43 Bail on arrest

- (1) Where a person has been granted bail under the Police and Criminal Evidence Act 1984 subject to a duty to appear before a magistrates' court, the court before which he is to appear may appoint a later time as the time at which he is to appear and may enlarge the recognizances of any sureties for him at that time.
- (2) The recognizance of any surety for any person granted bail subject to a duty to attend at a police station may be enforced as if it were conditioned for his appearance before a magistrates' court for the petty sessions area in which the police station named in the recognizance is situated.”; and
- (b) the following subsection shall be substituted for section 117(3)—
- “(3) Where a warrant has been endorsed for bail under subsection (1) above—
- (a) where the person arrested is to be released on bail on his entering into a recognizance without sureties, it shall not be necessary to take him to a police station, but if he is so taken, he shall be released from custody on his entering into the recognizance; and
- (b) where he is to be released on his entering into a recognizance with sureties, he shall be taken to a police station on his arrest, and the custody officer there shall (subject to his approving any surety tendered in compliance with the endorsement) release him from custody as directed in the endorsement.”.

Textual Amendments

- F1** Words in s. 47(1) substituted (29.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 28, 336, [Sch. 2 para. 6\(2\)](#); S.I. 2004/81, [art. 4\(1\)\(2\)\(c\)](#)
- F2** Words in s. 47(1) substituted (10.4.1995) by 1994 c. 33, [s. 27\(1\)\(a\)](#); S.I. 1995/721, [art. 2](#), [Sch.](#)
- F3** S. 47(1A) inserted (10.4.1995) by 1994 c. 33, [s. 27\(1\)\(b\)](#); S.I. 1995/721, [art. 2](#), [Sch.](#)
- F4** Words in s. 47(1A) 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. 61\(4\)](#), 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), [Sch. para.](#)

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- F5** Words in s. 47(1A) inserted (29.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 28, 336, **Sch. 2 para. 6(3)**; S.I. 2004/81, **art. 4(1)(2)(c)**
- F6** Words in s. 47(1A) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 10, 53, **Sch. 6 para. 6**; S.I. 2007/709, **art. 3(i)** (subject to arts. 6, 7)
- F7** S. 47(1B)-(1F) inserted (29.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 28, 336, **Sch. 2 para. 6(4)**; S.I. 2004/81, **art. 4(1)(2)(c)**
- F8** Words in s. 47(1B) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 10, 53, **Sch. 6 para. 11**; S.I. 2007/709, **art. 3(i)** (subject to arts. 6, 7)
- F9** Word in s. 47(1B)(1C) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 61(5), 183(1)(5)(e)**
- F10** Words in s. 47(1C) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 10, 53, **Sch. 6 para. 11**; S.I. 2007/709, **art. 3(i)** (subject to arts. 6, 7)
- F11** Words in s. 47(2) 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. 65(6), 183(1)(5)(e)**; S.I. 2017/399, reg. 2, Sch. para. 17 (with reg. 5)
- F12** Words in s. 47(3) substituted (30.9.1998 for the purposes specified in S.I. 1998/2327, art. 3(2), **Sch. 2** and otherwise 1.11.1999) by 1998 c. 37, **s. 46(1)**; S.I. 1998/2327, art. 3(2), **Sch. 2** and S.I. 1999/2976, **art. 2**
- F13** S. 47(3)(a)-(c) substituted for s. 47(3)(a) (1.4.2007 for specified purposes, 14.11.2008 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by Police and Justice Act 2006 (c. 48), **ss. 46(5)(a), 53(1)**; S.I. 2007/709, art. 3(n) (with art. 6); S.I. 2008/2785, art. 2; S.I. 2011/2144, art. 2(1)(b); S.I. 2012/2373, art. 2(b)
- F14** Words in s. 47(3)(c) 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. 64(6), 183(1)(5)(e)**; S.I. 2017/399, reg. 2, Sch. para. 16 (with reg. 5)
- F15** S. 47(3A) inserted (30.9.1998 for the purposes specified in S.I. 1998/2327, art. 3(2), **Sch. 2** and otherwise 1.11.1999) by 1998 c. 37, **s. 46(2)**; S.I. 1998/2327, art. 3(2), **Sch. 2**; S.I. 1999/2976, **art. 2**
- F16** Words in s. 47(3A)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 283**; S.I. 2005/910, **art. 3(y)**
- F17** S. 47(4A)-(4E) 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. 64(7), 183(1)(5)(e)**; S.I. 2017/399, reg. 2, Sch. para. 16 (with reg. 5)
- F18** S. 47(5) repealed (10.4.1995) by 1994 c. 33, ss. 29(4)(c)(5), 168(3), **Sch. 11**; S.I. 1995/721, art. 2, **Sch. Appendix B**
- F19** Words in s. 47(6) substituted (10.4.1995) by 1994 c. 33, **s. 29(4)(d)(5)**; S.I. 1995/721, art. 2, **Sch.**
- F20** Words in s. 47(6) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 Pt. 1 para. 10(a)**; S.I. 2004/81, **art. 2(1)(2)(a)**
- F21** Words in s. 47(6) inserted (retrospectively) by Police (Detention and Bail) Act 2011 (c. 9), **s. 1(1)(3)**
- F22** Words in s. 47(7) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 Pt. 1 para. 10(b)**; S.I. 2004/81, **art. 2(1)(2)(a)**
- F23** Words in s. 47(7) inserted (10.4.1995) by 1994 c. 33, **s. 29(4)(e)(5)**; S.I. 1995/721, art. 2, **Sch.**
- F24** Words in s. 47(7) inserted (1.4.2007 for specified purposes, 14.11.2008 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by Police and Justice Act 2006 (c. 48), **ss. 46(5)(b), 53(1)**; S.I. 2007/709, art. 3(n) (with art. 6); S.I. 2008/2785, art. 2; S.I. 2011/2144, art. 2(1)(b); S.I. 2012/2373, art. 2(b)

Modifications etc. (not altering text)

- C1** S. 47 applied (with modifications) by Criminal Justice Act 2003 (c. 44), s. 24B(5)(c) (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)**)
- C2** S. 47(3) excluded (4.4.2005) by Criminal Justice Act 2003 (c. 44), **ss. 88(1)(b), 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)

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Marginal Citations

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