



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART V

#### QUESTIONING AND TREATMENT OF PERSONS BY POLICE

#### 54 Searches of detained persons.

- (1) <sup>F1</sup>The custody officer at a police station shall ascertain . . . everything which a person has with him when he is—
- (a) brought to the station after being arrested elsewhere or after being committed to custody by an order of sentence of a court; or
  - <sup>F2</sup><sup>F3</sup>(b) arrested at the station or detained there <sup>F4</sup>as a person falling within section 34(7), under section 37 above <sup>F5</sup>or as a person to whom section 46ZA(4) or (5) applies].]
- <sup>F6</sup>(2) The custody officer may record or cause to be recorded all or any of the things which he ascertains under subsection (1).
- (2A) In the case of an arrested person, any such record may be made as part of his custody record.]
- (3) Subject to subsection (4) below, a custody officer may seize and retain any such thing or cause any such thing to be seized and retained.
- (4) Clothes and personal effects may only be seized if the custody officer—
- (a) believes that the person from whom they are seized may use them—
    - (i) to cause physical injury to himself or any other person;
    - (ii) to damage property;
    - (iii) to interfere with evidence; or
    - (iv) to assist him to escape; or
  - (b) has reasonable grounds for believing that they may be evidence relating to an offence.

*Status: Point in time view as at 25/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 54 is up to date with all changes known to be in force on or before 23 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)*

- (5) Where anything is seized, the person from whom it is seized shall be told the reason for the seizure unless he is—
- (a) violent or likely to become violent; or
  - (b) incapable of understanding what is said to him.
- (6) Subject to subsection (7) below, a person may be searched if the custody officer considers it necessary to enable him to carry out his duty under subsection (1) above and to the extent that the custody officer considers necessary for that purpose.
- [<sup>F7</sup>(6A) A person who is in custody at a police station or is in police detention otherwise than at a police station may at any time be searched in order to ascertain whether he has with him anything which he could use for any of the purposes specified in subsection (4) (a) above.
- (6B) Subject to subsection (6C) below, a constable may seize and retain, or cause to be seized and retained, anything found on such a search.
- (6C) A constable may only seize clothes and personal effects in the circumstances specified in subsection (4) above.]
- (7) An intimate search may not be conducted under this section.
- (8) A search under this section shall be carried out by a constable.
- (9) The constable carrying out a search shall be of the same sex as the person searched.

#### Textual Amendments

- F1** Words in s. 54(1) repealed (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 8(1), 332, 336, [Sch. 37 Pt. 1](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)\(f\)\(g\)\(i\)](#)
- F2** Words in s. 54(1)(b) 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(6), 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\(b\)](#)
- F3** S. 54(1)(b) substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [s. 147\(a\)](#)
- F4** Words in s. 54(1)(b) substituted (10.4.1995) by 1994 c. 33, s. 168(2), [Sch. 10 para.55](#); S.I. 1995/721, [art. 2](#), [Sch. Appendix A](#)
- F5** Words in s. 54(1)(b) inserted (1.4.2007 for certain purposes, otherwise prosp.) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 46(6), 53; S.I. 2007/709, [art. 3\(n\)](#) (subject to [arts. 6, 7](#))
- F6** S. 54(2)(2A) substituted (20.1.2004) for s. 54(2) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 8(2), 336; S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F7** S. 54(6A)–(6C) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [s. 147\(b\)](#)

#### 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](#)  
 S. 54(1)(3)(4)(6)(6A)(8)(9) applied (with modifications) (1.2.1997) by S.I. 1997/15, [art. 2\(1\)](#), [Sch.](#)  
 S. 54(5)(7) applied (1.2.1997) by S.I. 1997/15, [art. 2\(1\)](#), [Sch.](#)
- C2** S. 54 extended (2.8.1993) by S.I. 1993/1813, [art. 6](#), [Sch. 3 paras. 1\(2\)\(b\), 3\(2\)\(3\)](#); s. 54 extended by the said S.I. 1993/1813, [art. 6](#), [Sch. 3 paras. 3, 4](#) as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, [art. 6](#), [Sch. 3 paras. 4\(b\), 5](#)  
 S. 54 extended (2.12.2002) by 2002 c. 30, s. 38, [Sch. 4 Pt. 3 para. 26\(1\)](#); S.I. 2002/2750, (art. 2(a)(ii) (d))

*Status: Point in time view as at 25/07/2020.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 54 is up to date with all changes known to be in force on or before 23 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)*

- C3** S. 54 applied (with modifications) (1.1.2004) by The Extradition Act 2003 (Police Powers) Order 2003 (S.I. 2003/3106), **art. 2**  
S. 54 applied (with modifications) by Criminal Justice Act 2003 (c. 44), s. 24B(6) (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. 54: power to apply (with modifications) conferred (1.1.2004) by Extradition Act 2003 (c. 41), **ss. 171(3)(a)**, 221; S.I. 2003/3103, **art. 2** (subject to savings in Order (as amended by S.I. 2003/3312, art. 2(2) and S.I. 2003/3258, art. 2(2)))
- C5** S. 54 applied (with modifications) (31.12.2006) by The Police and Criminal Evidence Act 1984 (Application to the Armed Forces) Order 2006 (S.I. 2006/2015), arts. 2, 3, **Schs. 1-3**
- C6** S. 54 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)
- C7** S. 54 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)
- C8** S. 54(6A)(6B) extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 4 para. 34(2)(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 54(6A)(6B) extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 4 para. 35(4)(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C9** S. 54(6C) applied (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 3 para. 26(2)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 54(6C) applied (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 4 para. 34(2)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 54(6C) applied (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 4 para. 35(4)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C10** S. 54(9) applied (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 3 para. 26(2)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 54(9) applied (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 4 para. 34(2)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 54(9) applied (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 4 para. 35(4)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

**Status:**

Point in time view as at 25/07/2020.

**Changes to legislation:**

Police and Criminal Evidence Act 1984, Section 54 is up to date with all changes known to be in force on or before 23 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.