



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART II

#### BAIL

#### **28 Police detention after charge.**

- (1) Section 38 of the Police and Criminal Evidence Act 1984 (which requires an arrested person charged with an offence to be released except in specified circumstances) shall be amended as follows.
- (2) In subsection (1)(a), for sub-paragraphs (ii) and (iii) there shall be substituted the following sub-paragraphs—
  - “(ii) the custody officer has reasonable grounds for believing that the person arrested will fail to appear in court to answer to bail;
  - (iii) in the case of a person arrested for an imprisonable offence, the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from committing an offence;
  - (iv) in the case of a person arrested for an offence which is not an imprisonable offence, the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from causing physical injury to any other person or from causing loss of or damage to property;
  - (v) the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from interfering with the administration of justice or with the investigation of offences or of a particular offence; or

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**Changes to legislation:** Criminal Justice and Public Order Act 1994, Section 28 is up to date with all changes known to be in force on or before 06 August 2023. 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) [View outstanding changes](#)

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(vi) the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary for his own protection.”.

(3) After subsection (2), there shall be inserted the following subsection—

“(2A) The custody officer, in taking the decisions required by subsection (1)(a) and (b) above (except (a)(i) and (vi) and (b)(ii)), shall have regard to the same considerations as those which a court is required to have regard to in taking the corresponding decisions under paragraph 2 of Part I of Schedule 1 to the<sup>M1</sup>Bail Act 1976.”.

(4) After subsection (7), there shall be inserted the following subsection—

“(7A) In this section “imprisonable offence” has the same meaning as in Schedule 1 to the Bail Act 1976.”.

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#### Marginal Citations

**M1** 1976 c. 63.

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**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. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)