



Police Reform Act 2002

2002 CHAPTER 30

PART 4

POLICE POWERS ETC.

CHAPTER 2

PROVISIONS MODIFYING AND SUPPLEMENTING POLICE POWERS

Persons in police detention

51 Independent custody visitors for places of detention

- (1) Every [^{F1}local policing body] shall—
- make arrangements for detainees to be visited by persons appointed under the arrangements (“independent custody visitors”); and
 - keep those arrangements under review and from time to time revise them as they think fit.

- [^{F2}(1A) Every [^{F3}local policing body] must ensure—
- that the arrangements made by it require independent custody visitors to prepare and submit to it a report of any visit made under the arrangements to a suspected terrorist detainee, and
 - that a copy of any report submitted under paragraph (a) is given to the person appointed under section 36(1) of the Terrorism Act 2006 (independent reviewer of terrorism legislation).]

- (2) The arrangements must secure that the persons appointed under the arrangements are independent of both—
- the [^{F4}local policing body]; and
 - the chief officer of police of the police force maintained by [^{F5}that body].

Changes to legislation: Police Reform Act 2002, Cross Heading: Persons in police detention 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) View outstanding changes

- (3) The arrangements may confer on independent custody visitors such powers as the ^[F6]local policing body] considers necessary to enable them to carry out their functions under the arrangements and may, in particular, confer on them powers—
- (a) to require access to be given to each police station;
 - (b) to examine records relating to the detention of persons there;
 - ^[F7](ba) in relation to suspected terrorist detainees, to listen to the audio recordings and view the video recordings (with or without sound) of interviews with those detainees which have taken place during their detention there and which were conducted by a constable;]
 - (c) to meet detainees there for the purposes of a discussion about their treatment and conditions while detained; and
 - (d) to inspect the facilities there including in particular, cell accommodation, washing and toilet facilities and the facilities for the provision of food.

^[F8](3A) The arrangements may include provision for access to the whole or part of an audio or video recording of an interview of the kind mentioned in subsection (3)(ba) to be denied to independent custody visitors if—

- (a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;
- (b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and
- (c) the procedural requirements imposed by the arrangements in relation to a denial of access to such recordings are complied with.

(3B) Grounds are not to be specified in any arrangements for the purposes of subsection (3A)(a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).]

(4) The arrangements may include provision for access to a detainee to be denied to independent custody visitors if—

- (a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;
- (b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and
- (c) the procedural requirements imposed by the arrangements in relation to a denial of access are complied with.

(5) Grounds shall not be specified in any arrangements for the purposes of subsection (4) (a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).

(6) The Secretary of State shall issue, and may from time to time revise, a code of practice as to the carrying out by ^[F9]local policing bodies] and independent custody visitors of their functions under the arrangements.

(7) Before issuing or revising a code of practice under this section, the Secretary of State shall consult with—

- ^[F10]^[F11](a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
 - (aa) the Mayor's Office for Policing and Crime;
 - (ab) the Common Council of the City of London;]

Changes to legislation: Police Reform Act 2002, Cross Heading: Persons in police detention 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) View outstanding changes

- (b) [^{F12}the National Police Chiefs' Council]; and
- (c) such other persons as he thinks fit.
- (8) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.
- (9) [^{F13}Local policing bodies] and independent custody visitors shall have regard to the code of practice for the time being in force under subsection (6) in the carrying out of their functions under the preceding provisions of this section.
- [^{F14}(10) In this section—
- “detainee”, in relation to arrangements made under this section, means a person detained in a police station in the police area of the [^{F15}local policing body];
- “suspected terrorist detainee” means a detainee detained under section 41 of the Terrorism Act 2000.]

Textual Amendments

- F1** Words in s. 51(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 299\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F2** S. 51(1A) inserted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\), ss. 117\(5\), 182\(5\)](#) (with s. 180); S.I. 2013/705, art. 2
- F3** Words in s. 51(1A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 299\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F4** Words in s. 51(2)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 299\(4\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F5** Words in s. 51(2)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 299\(4\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F6** Words in s. 51(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 299\(5\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F7** S. 51(3)(ba) inserted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\), ss. 117\(6\), 182\(5\)](#) (with s. 180); S.I. 2013/705, art. 2
- F8** S. 51(3A)(3B) inserted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\), ss. 117\(7\), 182\(5\)](#) (with s. 180); S.I. 2013/705, art. 2
- F9** Words in s. 51(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 299\(6\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F10** S. 51(7)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 6, 53, Sch. 4 para. 16](#); S.I. 2007/709, art. 3(d) (subject to arts. 6, 7)
- F11** S. 51(7)(a)-(ab) substituted for s. 51(7)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 299\(7\)](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 71)
- F12** Words in s. 51(7)(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 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 14 paras. 6, 7\(e\)](#); S.I. 2017/399, reg. 2, Sch. para. 41
- F13** Words in s. 51(9) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 299\(8\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F14** S. 51(10) substituted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\), ss. 117\(8\), 182\(5\)](#) (with s. 180); S.I. 2013/705, art. 2
- F15** Words in s. 51(10) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 299\(9\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1

Changes to legislation: Police Reform Act 2002, Cross Heading: Persons in police detention 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) View outstanding changes

52 Detention reviews for detained persons who are asleep

(1) In section 40 of the 1984 Act (review of police detention), in subsection (8) for the words from “the substitution” to the end there shall be substituted “ the modifications specified in subsection (8A) ”.

(2) After that subsection there shall be inserted—

“(8A) The modifications are—

- (a) the substitution of references to the person whose detention is under review for references to the person arrested;
- (b) the substitution of references to the review officer for references to the custody officer; and
- (c) in subsection (6), the insertion of the following paragraph after paragraph (a)—
 (“) asleep;”

(3) In subsection (10) of that section—

- (a) for “(6)” there shall be substituted “ (6B) ”; and
- (b) for the words from “the substitution” to the end there shall be substituted “ the modifications specified in subsection (10A) ”.

(4) After that subsection there shall be inserted—

“(10A) The modifications are—

- (a) the substitution of a reference to the person whose detention is under review for any reference to the person arrested or to the person charged; and
- (b) in subsection (5), the insertion of the following paragraph after paragraph (a)—
 (“) asleep;”

53 Persons suspected of offences connected with transport systems

(1) In section 34(6) of the 1984 Act (persons treated as arrested for an offence), after “1988” there shall be inserted “ or section 30(2) of the Transport and Works Act 1992 (c. 42) ”.

(2) In section 62(11) of that Act (provisions of the Road Traffic Act 1988 (c. 52) relating to the taking of specimens not to be affected by provisions of that section)—

- (a) for “affects” there shall be substituted “ applies to the taking of a specimen for the purposes of any of the provisions of ”; and
- (b) after “Road Traffic Act 1988” there shall be inserted “ or of sections 26 to 38 of the Transport and Works Act 1992 ”.

Changes to legislation:

Police Reform Act 2002, Cross Heading: Persons in police detention 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.

[View outstanding changes](#)

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. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)