
STATUTORY INSTRUMENTS

2014 No. 3279

POLICE, ENGLAND AND WALES

**The Police and Criminal Evidence Act 1984
(Remote Reviews of Detention) Regulations 2014**

<i>Made</i>	- - - -	<i>11th December 2014</i>
<i>Laid before Parliament</i>		<i>15th December 2014</i>
<i>Coming into force</i>	- -	<i>8th January 2015</i>

The Secretary of State, in exercise of the powers conferred by section 45A of the Police and Criminal Evidence Act 1984(1), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Police and Criminal Evidence Act 1984 (Remote Reviews of Detention) Regulations 2014 and come into force on 8th January 2015.

Interpretation

2. In these Regulations—

“Act” means the Police and Criminal Evidence Act 1984;

“review of detention” means a review under section 40(1)(b) of the Act of the detention of a person who has been arrested but not charged, which is carried out by an officer of at least the rank of inspector.

Remote reviews of detention

3. (1) The function of carrying out a review of detention of an arrested person who is held at a police station may be performed by an officer who—

- (a) is not present at the police station where the arrested person is held; but
- (b) has access to the use of video-conferencing facilities that enable the officer to communicate with persons in that station.

(2) An officer performing a review of detention in the circumstances specified in paragraph (1) must use the video-conferencing facilities to communicate with persons in that station.

(1) 1984 c. 60; section 45A was inserted by section 73(3) of the Criminal Justice and Police Act 2001 (c. 16).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

11th December 2014

Mike Penning
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations permit the review of detention of persons arrested but not charged required by section 40(1)(b) of the Police and Criminal Evidence Act 1984 (“the Act”) to be carried out through the use of video-conferencing facilities by an officer who is not present at the police station where the person is detained. Video-conferencing facilities are defined in section 45A(10) of the Act as any facilities (whether a live television link or other facilities) by means of which the officer performing the review and the arrested person and any legal representative of that person, can both see and hear each other.

Section 40A of the Act permits the use of a telephone for a review of detention. However, in accordance with section 40A(2), the use of a telephone for a review of detention is not permitted if the review is of a kind authorised by regulations under section 45A to be carried out using video-conferencing facilities, and it is reasonably practicable to carry out the review of detention in accordance with the regulations.