



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART XI

#### MISCELLANEOUS AND SUPPLEMENTARY

#### 118 General interpretation.

(1) In this Act—

- <sup>F1</sup> .....
- <sup>F2</sup> [<sup>F3</sup>“British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);
- “designated police station” has the meaning assigned to it by section 35 above;
- “document” <sup>F4</sup> means anything in which information of any description is recorded.];
- <sup>F5</sup> .....
- “item subject to legal privilege” has the meaning assigned to it by section 10 above;
- “parent or guardian” means—
- (a) in the case of a child or young person in the care of a local authority, that authority; <sup>F6</sup> . . .
- (b) <sup>F6</sup> .....
- “premises” has the meaning assigned to it by section 23 above;
- “recordable offence” means any offence to which regulations under section 27 above apply;
- “vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.

(2) [<sup>F7</sup>Subject to subsection (2A)] a person is in police detention for the purposes of this Act if—

- [
- <sup>F8</sup>(a) he has been taken to a police station after being arrested for an offence or after being arrested under section 41 [<sup>F9</sup>or 43B] of the Terrorism Act 2000 [<sup>F10</sup>or section 27 of the National Security Act 2023], or]

**Changes to legislation:** Police and Criminal Evidence Act 1984, Section 118 is up to date with all changes known to be in force on or before 11 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) View outstanding changes

(b) he is arrested at a police station after attending voluntarily at the station or accompanying a constable to it,

and is detained there or is detained elsewhere in the charge of a constable, except that a person who is at a court after being charged is not in police detention for those purposes.

[ Where a person is in another's lawful custody by virtue of paragraph <sup>F12</sup>... 34(1) or <sup>F11</sup>(2A) 35(3) of Schedule 4 to the Police Reform Act 2002, he shall be treated as in police detention.]]

#### Extent Information

**E1** For the extent of this Act see s. 120(11)

#### Textual Amendments

- F1** S. 118(1): definition of "arrestable offence" repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 174(2), 178, Sch. 7 Pt. 1 para. 24(2), **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(m)(t)(u)(xxiv)**
- F2** S. 118(1): definition of "British Transport Police Force" ceased to have effect (1.7.2004) by virtue of [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 73, 120, **Sch. 5 para. 4(1)(b)(2)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**
- F3** Words in s. 118(1) inserted (14.12.2001) by 2001 c 24, s. 101, Sch. 7 para. 14
- F4** Words in definition of "document" in s. 118(1) substituted (31.1.1997) by 1995 c. 38, s. 15(1), **Sch. 1 para. 9(3)** (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**
- F5** Definition of "intimate search" in s. 118(1) repealed (10.4.1995) by 1994 c. 33, s. 168(3), **Sch. 11**; S.I. 1995/721, **art. 2, Sch. Appendix B**
- F6** In s. 118, paragraph (b) of definition and the word immediately preceding it repealed (E.W.) (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F7** Words in s. 118(2) inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 107, **Sch. 7 para. 9(9)**; S.I. 2002/2750, **art. 2(b)(ii)**
- F8** S. 118(2)(a) substituted (19.2.2001) by 2000 c. 11, s. 125(1), **Sch. 15 para. 5(12)**; S.I. 2001/421, **art. 2**
- F9** Words in s. 118(2)(a) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(w), **Sch. 19 para. 1(4)**
- F10** Words in s. 118(2)(a) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Primary Legislation\) Regulations 2023 \(S.I. 2023/1386\)](#), reg. 1(2), **Sch. para. 7(7)**
- F11** S. 118(2A) inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 107, **Sch. 7 para. 9(9)**; S.I. 2002/2750, **art. 2(b)(ii)**
- F12** Word in s. 118(2A) omitted (22.2.2018) by virtue of [The Policing and Crime Act 2017 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/226\)](#), regs. 1, **5(2)**

#### Modifications etc. (not altering text)

- C1** S. 118 applied with modifications by S.I. 1985/1882, **arts. 3, 10**
- C2** S. 118 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 73, 120, **Sch. 5 para. 4(1)(a)(2)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**
- C3** S. 118 applied (with modifications) (30.4.2017) by [The Police and Criminal Evidence Act 1984 \(Application to Labour Abuse Prevention Officers\) Regulations 2017 \(S.I. 2017/520\)](#), regs. 1, 2, 3(w), **Sch.**

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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. 17(1)(cza) inserted by [2021 c. 17 s. 26\(9\)](#)
- s. 47A(3A) substituted by [2022 c. 35 Sch. 2 para. 7](#)
- s. 61(6BA) inserted by [2008 c. 28 s. 10\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 63(3D) inserted by [2008 c. 28 s. 10\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64(1AA) inserted by [2008 c. 28 s. 10\(4\)](#) (This amendment not applied to legislation.gov.uk. S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64A(1B)(cb) inserted by [2022 c. 32 Sch. 11 para. 18\(a\)](#)
- Sch. 1A para. 21A added by 1995 c. 32, s. 8B(1) (as inserted) by [2006 c. 12 Sch. 3 para. 13](#)