

ROYAL MAIL SECURITY

ROYAL MAIL SECURITY INVESTIGATION CIRCULAR 4-2011

Date: 30th June 2011

Issued to: All Royal Mail Group Security Investigators

SUBJECT: POLICE BAIL UNDER THE POLICE AND CRIMINAL EVIDENCE ACT 1984

As you will no doubt have heard in the media there has been a recent judgement in the High Court, which ruled that the Police and Criminal Evidence Act 1984 (PACE) only allows a person to be held in police custody for a maximum of 96 hours, from the time that their custody was authorised at the Police Station, this time being the “relevant time”.

In the past the police took the view that the 96 hours could be divided into separate periods of custody with the periods being separated by police bail, as long as the total time in custody did not exceed 96 hours. The High Court ruled that PACE 1984 only allows the police 96 hours in custody from the relevant time and that this time ran continuously.

As such in accordance with the ruling the police will now in effect have to charge or release a detainee from custody because in most cases it will not be practicable to bail them to a time within the 96 hours.

It is not clear to what extent the ruling will be acted upon by the different Police forces and but it is thought that they will be reluctant to bail detainees. Accordingly in Royal Mail cases (England and Wales only) the Investigator must be guided by the Custody Officer. Of course the options without bail will be to release the detainee from custody and if appropriate inform them that the case is likely to proceed by summons or charge them.

If it is considered that a person should be charged advice must be sought from the Criminal Law Team (CLT) beforehand. If out of hours, the CLT can be contacted on either GRO or GRO.

Investigators in Northern Ireland should note the content of this circular as this ruling may well have a bearing on the Police and Criminal Evidence (Northern Ireland) Order 1989 and Police bail in Northern Ireland.

For further information or queries about the content of this Circular please contact:
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