



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART X

#### CROSS-BORDER ENFORCEMENT

#### 136 Execution of warrants.

- (1) A warrant issued in England, Wales or Northern Ireland for the arrest of a person charged with an offence may (without any endorsement) be executed in Scotland by any constable of any police force of the country of issue or of the country of execution [<sup>F1</sup>or by a constable appointed under section 53 of the British Transport Commission Act 1949] as well as by any other persons within the directions in the warrant.
- (2) A warrant issued in—
  - (a) Scotland; or
  - (b) Northern Ireland,for the arrest of a person charged with an offence may (without any endorsement) be executed in England or Wales by any constable of any police force of the country of issue or of the country of execution [or by a constable appointed under section 53 of the British Transport Commission Act 1949] as well as by any other persons within the directions in the warrant.
- (3) A warrant issued in—
  - (a) England or Wales; or
  - (b) Scotland,for the arrest of a person charged with an offence may (without any endorsement) be executed in Northern Ireland by any constable of any police force of the country of issue or of the country of execution as well as by any other persons within the directions in the warrant.

*Status: Point in time view as at 24/07/2002.*

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- (4) A person arrested in pursuance of a warrant shall be taken, as soon as reasonably practicable, to any place to which he is committed by, or may be conveyed under, the warrant.
- (5) A constable executing a warrant—
- (a) under subsection (1), (2)(b) or (3)(a) of this section may use reasonable force and shall have the powers of search conferred by section 139;
  - (b) under subsection (2)(a) or (3)(b) of this section shall have the same powers and duties, and the person arrested the same rights, as they would have had if execution had been in Scotland by a constable of a police force in Scotland.
- (6) Any other person within the directions in a warrant executing that warrant under this section shall have the same powers and duties, and the person arrested the same rights, as they would have had if execution had been in the country of issue by the person within those directions.
- (7) This section applies as respects—
- (a) a warrant of commitment and a warrant to arrest a witness issued by a judicial authority in England, Wales or Northern Ireland as it applies to a warrant for arrest; and
  - (b) a warrant for committal, a warrant to imprison (or to apprehend and imprison) and a warrant to arrest a witness issued by a judicial authority in Scotland as it applies to a warrant for arrest.
- [<sup>F2</sup>(7A) This section applies as respects a warrant issued under paragraph 3(2) of Schedule 1 to [<sup>F3</sup>the Powers of Criminal Courts (Sentencing) Act 2000] (warrant for arrest of offender referred back to court by youth offender panel) as it applies to a warrant issued in England or Wales for the arrest of a person charged with an offence.]
- (8) In this section “judicial authority” means any justice of the peace or the judge of any court exercising jurisdiction in criminal proceedings; and any reference to a part of the United Kingdom in which a warrant may be executed includes a reference to the adjacent sea and other waters within the seaward limits of the territorial sea.

#### Textual Amendments

- F1** Words in s. 136(1)(2) inserted (14.12.2001) by 2001 c. 24, ss. 101, 127, **Sch 7 para. 17**
- F2** S. 136(7A) inserted (26.6.2000) by 1999 c. 23, s. 67, **Sch. 4, paras. 21, 23** (with **Sch. 7 para. 5(2)**); S.I. 2000/1587, **art. 2(b)**
- F3** Words in s. 136(7A) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 9 para. 161**

### 137 Cross-border powers of arrest etc.

- (1) If the conditions applicable to this subsection are satisfied, any constable of a police force in England and Wales who has reasonable grounds for suspecting that an offence has been committed or attempted in England or Wales and that the suspected person is in Scotland or in Northern Ireland may arrest without a warrant the suspected person wherever he is in Scotland or in Northern Ireland.
- (2) If the condition applicable to this subsection is satisfied, any constable of a police force in Scotland who has reasonable grounds for suspecting that an offence has been committed or attempted in Scotland and that the suspected person is in England or

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Wales or in Northern Ireland may, as respects the suspected person, wherever he is in England or Wales or in Northern Ireland, exercise the same powers of arrest or detention as it would be competent for him to exercise were the person in Scotland.

[<sup>F4</sup>(2A) The powers conferred by subsections (1) and (2) may be exercised in England and Wales and Scotland by a constable appointed under section 53 of the British Transport Commission Act 1949.]

- (3) If the conditions applicable to this subsection are satisfied, any constable of a police force in Northern Ireland who has reasonable grounds for suspecting that an offence has been committed or attempted in Northern Ireland and that the suspected person is in England or Wales or in Scotland may arrest without a warrant the suspected person wherever he is in England or Wales or in Scotland.
- (4) The conditions applicable to subsection (1) above are—
  - (a) that the suspected offence is an arrestable offence; or
  - (b) that, in the case of any other offence, it appears to the constable that service of a summons is impracticable or inappropriate for any of the reasons specified in subsection (3) of section 138.
- (5) The condition applicable to subsection (2) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in Scotland.
- (6) The conditions applicable to subsection (3) above are—
  - (a) that the suspected offence is an arrestable offence; or
  - (b) that, in the case of any other offence, it appears to the constable that service of a summons is impracticable or inappropriate for any of the reasons specified in subsection (3) of section 138.
- (7) It shall be the duty of a constable who has arrested or, as the case may be detained, a person under this section—
  - (a) if he arrested him in Scotland, to take the person arrested either to the nearest convenient designated police station in England or in Northern Ireland or to a designated police station in a police area in England and Wales or in Northern Ireland in which the offence is being investigated;
  - (b) if he arrested him in England or Wales, to take the person arrested to the nearest convenient police station in Scotland or to a police station within a sheriffdom in which the offence is being investigated or to the nearest convenient designated police station in Northern Ireland or to a designated police station in Northern Ireland in which the offence is being investigated;
  - (c) if he detained him in England or Wales, to take the person detained to either such police station in Scotland as is mentioned in paragraph (b) above, or to the nearest convenient designated police station in England or Wales;
  - (d) if he arrested him in Northern Ireland, to take the person arrested either to the nearest convenient designated police station in England or Wales or to a designated police station in a police area in England and Wales in which the offence is being investigated or to the nearest convenient police station in Scotland or to a police station within a sheriffdom in which the offence is being investigated;
  - (e) if he detained him in Northern Ireland, to take the person detained to either such police station in Scotland as is mentioned in paragraph (b) above, or to the nearest convenient designated police station in Northern Ireland;

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and to do so as soon as reasonably practicable.

(8) A constable—

- (a) arresting a person under subsection (1) or (3) above, may use reasonable force and shall have the powers of search conferred by section 139;
- (b) arresting a person under subsection (2) above shall have the same powers and duties, and the person arrested the same rights, as they would have had if the arrest had been in Scotland; and
- (c) detaining a person under subsection (2) above shall act in accordance with the provisions applied by subsection (2) (as modified by subsection (6)) of section 138.

(9) In this section—

“arrestable offence” and “designated police station” have the same meaning as in the <sup>M1</sup>Police and Criminal Evidence Act 1984 and, in relation to Northern Ireland, have the same meaning as in the <sup>M2</sup>Police and Criminal Evidence (Northern Ireland) Order 1989; and

“constable of a police force”, in relation to Northern Ireland, means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

(10) This section shall not prejudice any power of arrest conferred apart from this section.

#### Textual Amendments

**F4** S. 137(2A) inserted (14.12.2001) by 2001 c. 24, ss. 101, 127(2)(f), **Sch. 7 para. 18**

#### Marginal Citations

**M1** 1984 c. 60.

**M2** S.I. 1989/1341 (N.I. 12).

### 138 Powers of arrest etc.: supplementary provisions.

- (1) The following provisions have effect to supplement section 137 (“the principal section”).
- (2) Where a person is detained under subsection (2) of the principal section, [<sup>F5</sup>subsections (2) to (8) of section 14 (detention and questioning at police station), subsections (1), (2) and (4) to (6) of section 15 (rights of person arrested or detained) and section 18 (prints, samples etc. in criminal investigations) of the Criminal Procedure (Scotland) Act 1995] shall apply to detention under that subsection of the principal section as they apply to detention under subsection (1) of the said section 2, but with the modifications mentioned in subsection (6) below.
- (3) The reasons referred to in subsections (4)(b) and (6)(b) of the principal section are that—
  - (a) the name of the suspected person is unknown to, and cannot readily be ascertained by, the constable;
  - (b) the constable has reasonable grounds for doubting whether a name furnished by the suspected person as his name is his real name;
  - (c) either—

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- (i) the suspected person has failed to furnish a satisfactory address for service; or
    - (ii) the constable has reasonable grounds for doubting whether an address furnished by the suspected person is a satisfactory address for service;
  - (d) the constable has reasonable grounds for believing that arrest is necessary to prevent the suspected person—
    - (i) causing physical injury to himself or any other person;
    - (ii) suffering physical injury;
    - (iii) causing loss of or damage to property;
    - (iv) committing an offence against public decency; or
    - (v) causing an unlawful obstruction of a highway or road; or
  - (e) the constable has reasonable grounds for believing that arrest is necessary to protect a child or other vulnerable person from the suspected person.
- (4) For the purposes of subsection (3) above an address is a satisfactory address for service if it appears to the constable—
  - (a) that the suspected person will be at it for a sufficiently long period for it to be possible to serve him with process; or
  - (b) that some other person specified by the suspected person will accept service of process for the suspected person at it.
- (5) Nothing in subsection (3)(d) above authorises the arrest of a person under subparagraph (iv) of that paragraph except where members of the public going about their normal business cannot reasonably be expected to avoid the person to be arrested.
- (6) The following are the modifications of [<sup>F6</sup>sections 14 and 15 of the said Act of 1995] which are referred to in subsection (2) above—
  - (a) [<sup>F7</sup>in section 14]—
    - (i) in subsection (2), the reference to detention being terminated not more than six hours after it begins shall be construed as a reference to its being terminated not more than four hours after the person’s arrival at the police station to which he is taken under subsection (7)(c) of the principal section; and
    - (ii) [<sup>F7</sup>in subsections (6) and (9)], references to “other premises” shall be disregarded; and
  - (b) [<sup>F8</sup>in subsections (1) and (2) of section 15] , references to “other premises” shall be disregarded.

#### Textual Amendments

- F5** Words in s. 138(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(6)(a)** (with Sch. 3)
- F6** Words in s. 138(6) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(6)(b)(i)** (with Sch. 3)
- F7** Words in s. 138(6)(a) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(6)(b)(ii)** (with Sch. 3)
- F8** Words in s. 138(6)(b) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(6)(b)(iii)** (with Sch. 3)

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### **139 Search powers available on arrests under sections 136 and 137.**

- (1) The following powers are available to a constable in relation to a person arrested under section 136(1), (2)(b) or (3)(a) or 137(1) or (3).
- (2) A constable to whom this section applies may search the person if the constable has reasonable grounds for believing that the person may present a danger to himself or others.
- (3) Subject to subsections (4) to (6) below, a constable to whom this section applies may—
  - (a) search the person for anything—
    - (i) which he might use to assist him to escape from lawful custody; or
    - (ii) which might be evidence relating to an offence; and
  - (b) enter and search any premises in which the person was when, or was immediately before, he was arrested for evidence relating to the offence for which he was arrested.
- (4) The power to search conferred by subsection (3) above is only a power to search to the extent that is reasonably required for the purpose of discovering any such thing or any such evidence.
- (5) The powers conferred by this section to search a person are not to be construed as authorising a constable to require a person to remove any of his clothing in public other than an outer coat, jacket, headgear, gloves or footwear but they do authorise a search of a person's mouth.
- (6) A constable may not search a person in the exercise of the power conferred by subsection (3)(a) above unless he has reasonable grounds for believing that the person to be searched may have concealed on him anything for which a search is permitted under that paragraph.
- (7) A constable may not search premises in the exercise of the power conferred by subsection (3)(b) above unless he has reasonable grounds for believing that there is evidence for which a search is permitted under that paragraph.
- (8) In so far as the power of search conferred by subsection (3)(b) above relates to premises consisting of two or more separate dwellings, it is limited to a power to search—
  - (a) any dwelling in which the arrest took place or in which the person arrested was immediately before his arrest; and
  - (b) any parts of the premises which the occupier of any such dwelling uses in common with the occupiers of any other dwellings comprised in the premises.
- (9) A constable searching a person in the exercise of the power conferred by subsection (2) above may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person.
- (10) A constable searching a person in the exercise of the power conferred by subsection (3) (a) above may seize and retain anything he finds, other than an item subject to legal privilege, if he has reasonable grounds for believing—
  - (a) that he might use it to assist him to escape from lawful custody; or
  - (b) that it is evidence of an offence, or has been obtained in consequence of the commission of an offence.

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(11) Nothing in this section shall be taken to affect the power conferred by [F<sup>9</sup>section 43 of the Terrorism Act 2000]

(12) In this section—

“item subject to legal privilege” has the meaning given to it—

- (a) as respects anything in the possession of a person searched in England and Wales, by section 10 of the M<sup>3</sup>Police and Criminal Evidence Act 1984;
- (b) as respects anything in the possession of a person searched in Scotland, by section 40 of the M<sup>4</sup>Criminal Justice (Scotland) Act 1987;
- (c) as respects anything in the possession of a person searched in Northern Ireland, by Article 12 of the M<sup>5</sup>Police and Criminal Evidence (Northern Ireland) Order 1989;

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft;
- (b) any offshore installation; and
- (c) any tent or movable structure; and

“offshore installation” has the meaning given to it by section 1 of the M<sup>6</sup>Mineral Workings (Offshore Installations) Act 1971.

#### Textual Amendments

**F9** Words in s. 139(11) substituted (19.2.2001) by 2000 c. 11, ss. 125, 128, **Sch. 15 para. 9**: S.I. 2001/421, **art. 2(a)**

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

**C1** S. 139(10): Power of seizure extended (*prosp*) by 2001 c. 16, ss. 51-54, 68, 138(2), **Sch. 1 Pt. 3 para. 81**

#### Marginal Citations

**M3** 1984 c. 60.  
**M4** 1987 c. 41.  
**M5** S.I. 1989/1341 (N.I. 12).  
**M6** 1971 c. 61.

## 140 Reciprocal powers of arrest.

- (1) Where a constable of a police force in England and Wales would, in relation to an offence, have power to arrest a person in England or Wales under section 24(6) or (7) or 25 of the M<sup>7</sup>Police and Criminal Evidence Act 1984 (arrestable offences and non-arrestable offences in certain circumstances) a constable of a police force in Scotland or in Northern Ireland shall have the like power of arrest in England and Wales.
- (2) Where a constable of a police force in Scotland or in Northern Ireland arrests a person in England or Wales by virtue of subsection (1) above—
  - (a) the constable shall be subject to requirements to inform the arrested person that he is under arrest and of the grounds for it corresponding to the requirements imposed by section 28 of that Act;

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- (b) the constable shall be subject to a requirement to take the arrested person to a police station corresponding to the requirement imposed by section 30 of that Act and so also as respects the other related requirements of that section; and
  - (c) the constable shall have powers to search the arrested person corresponding to the powers conferred by section 32 of that Act.
- (3) Where a constable of a police force in Scotland would, in relation to an offence, have power to arrest a person in Scotland, a constable of a police force in England and Wales or in Northern Ireland shall have the like power of arrest in Scotland.
- (4) Where a constable of a police force in England or Wales or in Northern Ireland arrests a person in Scotland by virtue of subsection (3) above, the arrested person shall have the same rights and the constable the same powers and duties as they would have were the constable a constable of a police force in Scotland.
- (5) Where a constable of a police force in Northern Ireland would, in relation to an offence, have power to arrest a person in Northern Ireland under Article 26(6) or (7) or 27 of the <sup>M8</sup>Police and Criminal Evidence (Northern Ireland) Order 1989 (arrestable offences and non-arrestable offences in certain circumstances) a constable of a police force in England and Wales or Scotland shall have the like power of arrest in Northern Ireland.
- (6) Where a constable of a police force in England and Wales or in Scotland arrests a person in Northern Ireland by virtue of subsection (5) above—
- (a) the constable shall be subject to requirements to inform the arrested person that he is under arrest and of the grounds for it corresponding to the requirements imposed by Article 30 of that Order;
  - (b) the constable shall be subject to a requirement to take the arrested person to a police station corresponding to the requirement imposed by Article 32 of that Order and so as respects the other related requirements of that Article; and
  - (c) the constable shall have powers to search the arrested person corresponding to the powers conferred by Article 34 of that Order.
- [<sup>F10</sup>(6A) The references in subsections (1) and (2) to a constable of a police force in Scotland, and the references in subsections (3) and (4) to a constable of a police force in England and Wales, include a constable appointed under section 53 of the British Transport Commission Act 1949 (c. xxix).]
- (7) In this section “constable of a police force”, in relation to Northern Ireland, means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

<p><b>Textual Amendments</b></p> <p><b>F10</b> S. 140(6A) inserted (14.12.2001) by 2001 c. 24, ss. 101, 127(2)(f), <b>Sch. 7 para. 19</b></p> <hr/> <p><b>Marginal Citations</b></p> <p><b>M7</b> 1984 c. 60.</p> <p><b>M8</b> S.I. 1989/1341 (N.I. 12).</p>
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**Textual Amendments**

**F11** S. 141 repealed (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 9 Pt. I**

**Status:**

Point in time view as at 24/07/2002.

**Changes to legislation:**

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