



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 [^{F1}or by a constable appointed under [^{F2}section 24 of the Railways and Transport Safety Act 2003]] [^{F3}or under section 55 of the Energy Act 2004] 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 [^{F1}or by a constable appointed under [^{F2}section 24 of the Railways and Transport Safety Act 2003]] [^{F4}or under section 55 of the Energy Act 2004] 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Status: Point in time view as at 26/10/2023.

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 136 is up to date with all changes known to be in force on or before 08 July 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)

(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.

[^{F5}(4A) The following provisions apply in relation to the execution under this section by a constable of a warrant issued in England and Wales or Northern Ireland—

- (a) where the warrant is executed under subsection (1), the constable has the same powers of entry and search for the purpose of executing the warrant as a constable of a police force in Scotland would have if the warrant had been issued in Scotland;
- (b) where the warrant is executed under subsection (2)(b) or (3)(a), the constable has the powers of entry and search conferred by section 137E;
- (c) where the warrant is executed under subsection (1), (2)(b) or (3)(a), the constable has the powers conferred by section 139 in relation to the arrested person;
- (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.]

[^{F6}(4B) Where, under subsection (2)(a) or (3)(b), a constable executes a warrant issued in Scotland, any enactment or rule of law which concerns—

- (a) the powers and duties of a constable who executes such a warrant;
- (b) the rights of a person arrested under such a warrant;
- (c) the procedures to be followed after an arrest under such a warrant,

applies in relation to the arrest (subject to the modifications set out in section 137ZA) as though the warrant had been executed in Scotland and, if the constable who executed it is not a constable of a police force in Scotland, as though the constable were.]

[^{F7}(5) ...

- ^{F8}(a)
- ^{F9}(b)

(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.

[^{F10}(7A) This section applies as respects a warrant issued under paragraph 3(2) of [^{F11}Schedule 4 to the Sentencing Code] (warrant for arrest of offender referred back to court by youth offender panel) [^{F12}or under [^{F13}Schedule 7 to that Code] (youth rehabilitation orders: breach etc.)] 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

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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.

[^{F14}(9) Powers under this section and sections 137 to 139 may be exercised by an officer of Revenue and Customs in accordance with section 87 of the Finance Act 2007.]

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** Words in s. 136(1)(2) substituted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 17 para. 6(a)**; S.I. 2018/227, art. 2(g)
- F3** Words in s. 136(1) inserted (26.10.2023) by **Energy Act 2023 (c. 52)**, ss. **309(2)(a)**, 334(2)(n)
- F4** Words in s. 136(2) inserted (26.10.2023) by **Energy Act 2023 (c. 52)**, ss. **309(2)(b)**, 334(2)(n)
- F5** S. 136(4A) inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 17 para. 7(2)**; S.I. 2018/227, art. 2(g)
- F6** S. 136(4B) inserted (25.1.2018) by **The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46)**, art. 2(2)(a)(f), **Sch. 1 para. 2(a)** (with art. 5(2))
- F7** S. 136(5) repealed (S.) (1.3.2018) by **The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46)**, **art. 14(3)** (with art. 14(2))
- F8** S. 136(5)(a) omitted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by virtue of **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 17 para. 7(3)**; S.I. 2018/227, art. 2(g)
- F9** S. 136(5)(b) repealed (25.1.2018) by **The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46)**, art. 2(2)(a)(f), **Sch. 1 para. 2(b)** (with art. 5(2))
- F10** 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)**
- F11** Words in s. 136(7A) substituted (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 24 para. 130(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F12** Words in s. 136(7A) inserted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 42** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(v)
- F13** Words in s. 136(7A) substituted (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 24 para. 130(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F14** S. 136(9) inserted (19.7.2007) by **Finance Act 2007 (c. 11)**, s. **87(6)**

Modifications etc. (not altering text)

- C1** S. 136 applied (with modifications) (19.7.2007) by **Finance Act 2007 (c. 11)**, s. **87(2)-(5)**
- C2** Ss. 136-139 applied (with modifications) (25.6.2013) by **Crime and Courts Act 2013 (c. 22)**, s. **55(7)(8)61(2)** (with Sch. 21 paras. 40, 42, 43); S.I. 2013/1042, art. 4(g)

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