



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART X

CROSS-BORDER ENFORCEMENT

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 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.
- (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.

Status: This is the original version (as it was originally enacted).

- (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;
- 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 Police and Criminal Evidence Act 1984 and, in relation to Northern Ireland, have the same meaning as in the 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.