



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART X

CROSS-BORDER ENFORCEMENT

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 [F¹section 24] of the ^{M1}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;
 - (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.

Status: Point in time view as at 01/01/2010. This version of this provision has been superseded.

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 140 is up to date with all changes known to be in force on or before 18 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)

- (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 [^{F2}Article 26] of the ^{M2}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.
- [^{F3}(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.

Textual Amendments

- F1** Words in s. 140(1) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 para. 47\(4\)](#); S.I. 2005/3495, [art. 2\(1\)\(m\)](#) (subject to art. 2)
- F2** Words in s. 140(5) substituted (N.I.) (1.3.2007) by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2)-(4), 15, [Sch. 1 para. 28\(3\)](#)
- F3** S. 140(6A) inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), [Sch. 7 para. 19](#)

Marginal Citations

- M1** [1984 c. 60](#).
- M2** [S.I. 1989/1341 \(N.I. 12\)](#).

Status:

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Changes to legislation:

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