



# 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 [F<sup>1</sup>section 24] of the <sup>M1</sup>Police and Criminal Evidence Act 1984 [F<sup>2</sup>(arrest without warrant)] 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, [F<sup>3</sup>any enactment or rule of law which concerns—

*Status: Point in time view as at 26/10/2023.*

*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 15 June 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)*

- (a) the powers and duties of a constable who effects an arrest under a power which a constable of the Police Service of Scotland could have exercised to effect the arrest;
  - (b) the rights of a person arrested under that power of arrest;
  - (c) the procedures to be followed after an arrest under that power,
- applies in relation to the arrest as though the constable who effected the arrest were 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 [<sup>F4</sup>Article 26] of the <sup>M2</sup>Police and Criminal Evidence (Northern Ireland) Order 1989 [<sup>F5</sup>(arrest without warrant)] 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>F6</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 [<sup>F7</sup>section 24 of the Railways and Transport Safety Act 2003][<sup>F8</sup>or under section 55 of the Energy Act 2004].]
- (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(1) 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. 5\(a\)](#); S.I. 2018/227, [art. 2\(g\)](#)
- F3** Words in s. 140(4) substituted (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. 6](#) (with [art. 5\(2\)](#))
- F4** 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\(3\)](#)
- F5** Words in s. 140(5) 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. 5\(b\)](#); S.I. 2018/227, [art. 2\(g\)](#)
- F6** S. 140(6A) inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), [Sch. 7 para. 19](#)
- F7** Words in s. 140(6A) 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\(c\)](#); S.I. 2018/227, [art. 2\(g\)](#)
- F8** Words in s. 140(6A) inserted (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), [ss. 309\(6\)](#), 334(2)(n)

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**Marginal Citations**

**M1** 1984 c. 60.

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

**Status:**

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