



Visiting Forces Act 1952

1952 CHAPTER 67

PART I

VISITING FORCES

5 Arrest, custody, etc. of offenders against United Kingdom law

- (1) Neither of the two last foregoing sections shall affect—
 - (a) any powers of arrest, search, entry, seizure or custody exercisable under United Kingdom law with respect to offences committed or believed to have been committed against that law ; or
 - (b) any obligation of any person in respect of a recognisance or bail bond entered into in consequence of his arrest, or the arrest of any other, person, for such an offence ; or
 - (c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.
- (2) Where a person has been taken into custody by a constable without a warrant for such an offence as aforesaid, and there is reasonable ground for Believing that in accordance with section two of this Act he is subject to the jurisdiction of the service courts of a country to which this section applies, then, with a view to its being determined whether he as to be dealt with for that offence under United Kingdom law or dealt with by the courts of that country for an offence under the law thereof, he may notwithstanding anything in section thirty-eight of the Summary Jurisdiction Act, 1879, be detained in custody for a period not exceeding three days without being brought before a court of summary jurisdiction; but if within that period he is not delivered into the custody of an authority of that country he shall, in accordance with the said section thirty-eight, be released on bail or brought before a court of summary jurisdiction as soon as practicable after the expiration of that period.
- (3) In the application of the last foregoing subsection to Scotland for the first reference to section thirty-eight of the Summary Jurisdiction Act, 1879, there shall be substituted a reference to section twenty-three of the Summary Jurisdiction (Scotland) Act, 1908, and for the words " in accordance with the said section thirty-eight, be released on

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bail or " there shall be substituted the words " if not released on bail in pursuance of section fourteen of the Summary Jurisdiction (Scotland) Act, 1908, be ".

- (4) In the application of subsection (2) of this section to Northern Ireland for the references to section thirty-eight of the Summary Jurisdiction Act, 1879, there shall be substituted references to section thirty-nine of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, and the references to a court of summary jurisdiction shall be construed as references to such a court or a resident magistrate out of petty sessions or a justice of the peace.