

SCHEDULE 3

PART I

POWERS OF OFFICERS

Powers of arrest outside United Kingdom

2.—(1) A constable may in a control zone in France—

- (a) exercise any power of arrest conferred by a frontier control enactment or conferred by the 1984 Act in respect of an offence under such an enactment,
- (b) make any arrest authorised by a warrant issued by a court in the United Kingdom, and
- (c) arrest any person whose name or description or both, together with particulars of an arrestable offence (within the meaning of section 24 of the 1984 Act) of which there are reasonable grounds for suspecting him to be guilty, have been made available by a chief officer of police to other such officers.

(2) For the purposes of sub-paragraph (1)(a) the reference in sub-paragraph (1) to a constable shall be construed—

- (a) in relation to the powers of arrest conferred by section 25(3) of and paragraph 17(1) of Schedule 2 to the Immigration Act 1971(1), as including a reference both—
 - (i) to an immigration officer appointed for the purposes of that Act under paragraph 1 of that Schedule, and
 - (ii) to an officer of customs and excise who is the subject of arrangements for the employment of such officers as immigration officers made under that paragraph by the Secretary of State,
- (b) in relation to the power of arrest conferred by paragraph 6(4) of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989(2), as including a reference to any person who by virtue of paragraph 1(1) of that Schedule is an examining officer for the purposes of that Act, and
- (c) in relation to any arrest that may be made by a customs officer by virtue of section 138 of the Customs and Excise Management Act 1979 and an arrest for a drug trafficking offence as defined in section 38(1) of the Drug Trafficking Offences Act 1986(3), as including a reference to a customs officer.

(3) A customs officer may in a control zone in France arrest any person whose name or description or both, together with particulars of an arrestable offence (within the meaning of section 24 of the 1984 Act) which is an offence in relation to an assigned matter as defined in section 1(1) of the Customs and Excise Management Act 1979 and of which there are reasonable grounds for suspecting him to be guilty, have been made available to customs officers generally under the authority of the Commissioners of Customs and Excise.

(4) For the purpose of enabling constables to make arrests in France in the cases described in Article 40 of the international articles sections 24 and 25 of the 1984 Act shall extend to France.

(5) Where—

(1) 1971 c. 77.

(2) 1989 c. 4.

(3) 1986 c. 32; the definition was amended by the Criminal Justice (International Co—operation) Act 1990 (c. 5), section 31(1) and Schedule 4 paragraph 4(4).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) an arrest has been made for an offence of the kind mentioned in Article 39 of the international articles, and
- (b) it falls to the competent authorities in France to determine the exercise of jurisdiction in accordance with Article 38,

the person arrested shall be treated as continuing to be under arrest while in France until he is presented to those authorities as required by Article 41(a).

(6) Where—

- (a) an arrest falling within sub-paragraph (4) or (5) above has been made, and
- (b) the competent authorities in France determine under Article 41 of the international articles that jurisdiction is to be exercised by the United Kingdom,

the person arrested shall be treated as having continued to be under arrest throughout, even if he was for some period in the custody of those authorities, and sections 30 and 41 of the 1984 Act shall apply accordingly.

(7) Any power conferred by an enactment to search an arrested person may be exercised following an arrest authorised by this paragraph as if the person had been arrested in the United Kingdom.