



# Criminal Law Act 1977

## 1977 CHAPTER 45

### PART III

#### CRIMINAL PROCEDURE, PENALTIES, ETC.

##### *Cross-border enforcement*

<sup>F1</sup>  
<sup>F2</sup>  
<sup>F3</sup>**38B** **Further provision for execution of warrants of commitment for non-payment of sum adjudged to be paid by conviction in England and Wales or Northern Ireland.**

- (1) Subject to subsection (6) below, a person against whom there has been issued in England and Wales a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in Northern Ireland by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in Northern Ireland; and article 158(4) and (5) of the Magistrates' Courts (Northern Ireland) Order 1981 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such warrant which has been issued in England and Wales as they apply in relation to the execution of a warrant for arrest.
- (2) Subject to subsection (6) below, a person against whom there has been issued in Northern Ireland a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in England and Wales by any constable acting within his police area in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in England and Wales.
- (3) A person arrested by virtue of subsection (1) or (2) above under a warrant of commitment may be detained under it in any prison in the part of the United Kingdom in which he was arrested; and while so detained he shall be treated for all purposes as if he were detained under a warrant of commitment issued in that part of the United Kingdom.

*Status: Point in time view as at 25/08/2000.*

*Changes to legislation: Criminal Law Act 1977, Section 38B is up to date with all changes known to be in force on or before 24 May 2023. 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)*

- (4) A warrant of commitment issued by a court in Northern Ireland may be executed in England and Wales by virtue of this section whether or not it has been endorsed under section 27 of the Petty Sessions (Ireland) Act 1851.
- (5) In this section
- “part of the United Kingdom” means England and Wales or Northern Ireland;
- “prison” means—
- (a) in the case of a person who is under the age of 21 years arrested in England and Wales, any place in which he could be detained under [<sup>F4</sup>section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000]; and
- (b) in the case of a person under that age arrested in Northern Ireland, a young offenders centre; and
- “sum adjudged to be paid by a conviction” has the meaning given by section 150(3) of the Magistrates’ Courts Act 1980 or, in Northern Ireland, Article 2(5) of the Magistrates’ Courts (Northern Ireland) Order 1981.
- (6) This section shall not apply to the arrest of persons under [<sup>F5</sup>the age of 18 years].]]]

#### Textual Amendments

- F1** S. 38A inserted by Criminal Justice (Scotland) Act 1980 (c. 62), s. 51
- F2** S. 38A inserted by Criminal Justice (Scotland) Act 1980 (c. 62), s. 51
- F3** S. 38B inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 52
- F4** Words in s. 38B(5)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 57**
- F5** Words in s. 38B(6) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 14(2)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A.

**Status:**

Point in time view as at 25/08/2000.

**Changes to legislation:**

Criminal Law Act 1977, Section 38B is up to date with all changes known to be in force on or before 24 May 2023. 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.