



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART XI

#### MISCELLANEOUS

##### *Provisions relating to Customs and Excise*

PROSPECTIVE

#### **150 Bail for persons in customs detention.**

At the end of section 114(2)(b) of the <sup>M1</sup>Police and Criminal Evidence Act 1984 there shall be added the words “and

- (c) that in relation to customs detention (as defined in any order made under this subsection) the Bail Act 1976 shall have effect as if references in it to a constable were references to an officer of Customs and Excise of such grade as may be specified in the order.”

#### **Marginal Citations**

M1 1984 c. 60.

#### **151 Customs and Excise power of arrest.**

(1) If—

(a) a person—

- (i) has been released on bail in criminal proceedings for an offence falling within subsection (4) below; and
- (ii) is under a duty to surrender into customs detention; and

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Criminal Justice Act 1988, Cross Heading: Provisions relating to Customs and Excise is up to date with all changes known to be in force on or before 28 April 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) View outstanding changes*

- (b) an officer of Customs and Excise has reasonable grounds for believing that that person is not likely to surrender to custody,  
he may be arrested without warrant by an officer of Customs and Excise.
- (2) A person arrested in pursuance of subsection (1) above shall be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace<sup>F1</sup> . . . .
- (3) In reckoning for the purposes of subsection (2) above any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.
- (4) The offences that fall within this subsection are—
- (a) an offence against section 5(2) of the<sup>M2</sup> Misuse of Drugs Act 1971 (possession of controlled drugs);<sup>F2</sup> . . .
  - (b) a drug trafficking offence.
  - [<sup>F3</sup>(c) a money laundering offence;]
- (5) In this section and section 152 below “drug trafficking offence” means [<sup>F4</sup>any offence which is specified in—
- (a) paragraph 1 of Schedule 2 to the Proceeds of Crime Act 2002 (drug trafficking offences), or
  - (b) so far as it relates to that paragraph, paragraph 10 of that Schedule.]
- [<sup>F5</sup>(6) In this section “money laundering offence” means any offence which by virtue of section 415 of the Proceeds of Crime Act 2002 is a money laundering offence for the purposes of Part 8 of that Act.]

#### Textual Amendments

- F1** Words in s. 151(2) omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 45](#)
- F2** Word in s. 151(4) repealed (24.2.2003) by [2002 c. 29](#), [ss. 456, 457, 458](#), [Sch. 11 para. 17\(3\)](#), [Sch. 12](#); [S.I. 2003/120](#), [art. 2\(1\)](#), [Sch.](#) (subject to transitional provisions and savings in [arts. 3-7](#) (as amended (24.3.2003) by [S.I. 2003/333](#), [art. 14](#) and [S.I. 2003/531](#), [art. 3](#)))
- F3** S. 151(4)(c) inserted (24.2.2003) by [2002 c. 29](#), [ss. 456, 458](#), [Sch. 11 para. 17\(3\)](#); [S.I. 2003/120](#), [art. 2\(1\)](#), [Sch.](#) (subject to transitional provisions and savings in [arts. 3-7](#) (as amended (24.3.2003) by [S.I. 2003/333](#), [art. 14](#) and [S.I. 2003/531](#), [art. 3](#)))
- F4** S. 151(5)(a)(b) substituted (24.3.2003) for words by [2002 c. 29](#), [ss. 456, 458](#), [Sch. 11 para. 17\(4\)](#); [S.I. 2003/333](#), [art. 2\(1\)](#), [Sch.](#) (subject to transitional provisions and savings in [arts. 3-14](#) (as amended by [S.I. 2003/531](#), [art. 3](#)))
- F5** S. 151(6) inserted (24.2.2003) by [2002 c. 29](#), [ss. 456, 458](#), [Sch. 11 para. 17\(5\)](#); [S.I. 2003/120](#), [art. 2\(1\)](#), [Sch.](#) (subject to transitional provisions and savings in [arts. 3-7](#) (as amended (24.3.2003) by [S.I. 2003/333](#), [art. 14](#) and [S.I. 2003/531](#), [art. 3](#)))

#### Commencement Information

- I1** S. 151 partly in force; s. 151 not in force at Royal Assent, see s. 171; s. 151(5) in force at 3.4.1989 by [S.I. 1989/264](#), [art. 2](#), [Sch. Pt. II](#)

#### Marginal Citations

- M2** [1971 c. 38](#).

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## 152 Remands of suspected drug offenders to <sup>F6</sup> . . . detention.

(1) Subject—

- (a) to subsection (2) below; and
- (b) to section 4 of the Bail Act 1976,

where—

- (i) a person is brought before a magistrates' court on a charge of an offence against section 5(2) of the Misuse of Drugs Act 1971 or a drug trafficking offence; and
- (ii) the court has power to remand him,

it shall have power, if it considers it appropriate to do so, to remand him to customs detention, that is to say, commit him to the custody of a customs officer for a period not exceeding 192 hours.

[<sup>F7</sup>(1A) In subsection (1) the power of a magistrates' court to remand a person to customs detention for a period not exceeding 192 hours includes power to commit the person to the custody of a constable to be detained for such a period.]

(2) This section does not apply where a charge is brought against a person under the age of 17.

(3) In the application of this section to Northern Ireland, for the words from the beginning of subsection (1) above to "1976" there shall be substituted the words "Subject to subsection (2) below,".

<sup>F8</sup>(4) In the application of this section to Northern Ireland, "drug trafficking offence" means][<sup>F9</sup>any offence which is specified in—

- (a) paragraph 1 of Schedule 5 to the Proceeds of Crime Act 2002 (drug trafficking offences), or
- (b) so far as it relates to that paragraph, paragraph 10 of that Schedule.]

### Textual Amendments

**F6** S. 152: word in title left out (1.1.2006) by [Drugs Act 2005 \(c. 17\)](#), [ss. 8\(a\)](#), 24; [S.I. 2005/3053](#), [art. 3\(d\)](#)

**F7** S. 152(1A) inserted (1.1.2006) by [Drugs Act 2005 \(c. 17\)](#) {[ss. 8\(b\)](#)}, 24; [S.I. 2005/3053](#), [art. 3\(d\)](#)

**F8** S. 152(4) substituted (25.8.1996) by [S.I. 1996/1299 \(N.I.9\)](#), [art. 57\(1\)](#), [Sch. 3 para. 7](#)

**F9** S. 152(4)(a)(b) substituted (24.3.2003) for words by [2002 c. 29](#), [ss. 456](#), 458, [Sch. 11 para. 17\(6\)](#); [S.I. 2003/333](#), [art. 2\(1\)](#), [Sch.](#) (subject to transitional provisions and savings in [arts. 3-14](#)) (as amended by [S.I. 2003/531](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)