



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART X

#### CROSS-BORDER ENFORCEMENT

#### 136 Execution of warrants.

- (1) A warrant issued in England, Wales or Northern Ireland for the arrest of a person charged with an offence may (without any endorsement) be executed in Scotland by any constable of any police force of the country of issue or of the country of execution [<sup>F1</sup>or by a constable appointed under [<sup>F2</sup>section 24 of the Railways and Transport Safety Act 2003]] [<sup>F3</sup>or under section 55 of the Energy Act 2004] as well as by any other persons within the directions in the warrant.
- (2) A warrant issued in—
  - (a) Scotland; or
  - (b) Northern Ireland,for the arrest of a person charged with an offence may (without any endorsement) be executed in England or Wales by any constable of any police force of the country of issue or of the country of execution [<sup>F1</sup>or by a constable appointed under [<sup>F2</sup>section 24 of the Railways and Transport Safety Act 2003]] [<sup>F4</sup>or under section 55 of the Energy Act 2004] as well as by any other persons within the directions in the warrant.
- (3) A warrant issued in—
  - (a) England or Wales; or
  - (b) Scotland,for the arrest of a person charged with an offence may (without any endorsement) be executed in Northern Ireland by any constable of any police force of the country of issue or of the country of execution as well as by any other persons within the directions in the warrant.

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(4) A person arrested in pursuance of a warrant shall be taken, as soon as reasonably practicable, to any place to which he is committed by, or may be conveyed under, the warrant.

[<sup>F5</sup>(4A) The following provisions apply in relation to the execution under this section by a constable of a warrant issued in England and Wales or Northern Ireland—

- (a) where the warrant is executed under subsection (1), the constable has the same powers of entry and search for the purpose of executing the warrant as a constable of a police force in Scotland would have if the warrant had been issued in Scotland;
- (b) where the warrant is executed under subsection (2)(b) or (3)(a), the constable has the powers of entry and search conferred by section 137E;
- (c) where the warrant is executed under subsection (1), (2)(b) or (3)(a), the constable has the powers conferred by section 139 in relation to the arrested person;
- (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.]

[<sup>F6</sup>(4B) Where, under subsection (2)(a) or (3)(b), a constable executes a warrant issued in Scotland, any enactment or rule of law which concerns—

- (a) the powers and duties of a constable who executes such a warrant;
  - (b) the rights of a person arrested under such a warrant;
  - (c) the procedures to be followed after an arrest under such a warrant,
- applies in relation to the arrest (subject to the modifications set out in section 137ZA) as though the warrant had been executed in Scotland and, if the constable who executed it is not a constable of a police force in Scotland, as though the constable were.]

[<sup>F7</sup>(5) ...  
<sup>F8</sup>(a) .....  
<sup>F9</sup>(b) .....

(6) Any other person within the directions in a warrant executing that warrant under this section shall have the same powers and duties, and the person arrested the same rights, as they would have had if execution had been in the country of issue by the person within those directions.

(7) This section applies as respects—

- (a) a warrant of commitment and a warrant to arrest a witness issued by a judicial authority in England, Wales or Northern Ireland as it applies to a warrant for arrest; and
- (b) a warrant for committal, a warrant to imprison (or to apprehend and imprison) and a warrant to arrest a witness issued by a judicial authority in Scotland as it applies to a warrant for arrest.

[<sup>F10</sup>(7A) This section applies as respects a warrant issued under paragraph 3(2) of [<sup>F11</sup>Schedule 4 to the Sentencing Code] (warrant for arrest of offender referred back to court by youth offender panel) [<sup>F12</sup>or under [<sup>F13</sup>Schedule 7 to that Code] (youth rehabilitation orders: breach etc.)] as it applies to a warrant issued in England or Wales for the arrest of a person charged with an offence.]

(8) In this section “judicial authority” means any justice of the peace or the judge of any court exercising jurisdiction in criminal proceedings; and any reference to a part of

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the United Kingdom in which a warrant may be executed includes a reference to the adjacent sea and other waters within the seaward limits of the territorial sea.

[<sup>F14</sup>(9) Powers under this section and sections 137 to 139 may be exercised by an officer of Revenue and Customs in accordance with section 87 of the Finance Act 2007.]

#### Textual Amendments

- F1** Words in s. 136(1)(2) inserted (14.12.2001) by 2001 c. 24, ss. 101, 127, **Sch 7 para. 17**
- F2** Words in s. 136(1)(2) 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(a)**; S.I. 2018/227, art. 2(g)
- F3** Words in s. 136(1) inserted (26.10.2023) by Energy Act 2023 (c. 52), ss. 309(2)(a), 334(2)(n)
- F4** Words in s. 136(2) inserted (26.10.2023) by Energy Act 2023 (c. 52), ss. 309(2)(b), 334(2)(n)
- F5** S. 136(4A) inserted (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. 7(2)**; S.I. 2018/227, art. 2(g)
- F6** S. 136(4B) inserted (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. 2(a)** (with art. 5(2))
- F7** S. 136(5) repealed (S.) (1.3.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), **art. 14(3)** (with art. 14(2))
- F8** S. 136(5)(a) omitted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 7(3)**; S.I. 2018/227, art. 2(g)
- F9** S. 136(5)(b) repealed (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. 2(b)** (with art. 5(2))
- F10** S. 136(7A) inserted (26.6.2000) by 1999 c. 23, s. 67, **Sch. 4**, paras. 21, 23 (with Sch. 7 para. 5(2)); S.I. 2000/1587, **art. 2(b)**
- F11** Words in s. 136(7A) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 130(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F12** Words in s. 136(7A) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 42** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(v)
- F13** Words in s. 136(7A) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 130(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F14** S. 136(9) inserted (19.7.2007) by Finance Act 2007 (c. 11), s. 87(6)

#### Modifications etc. (not altering text)

- C1** S. 136 applied (with modifications) (19.7.2007) by Finance Act 2007 (c. 11), s. 87(2)-(5)
- C2** Ss. 136-139 applied (with modifications) (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 55(7)(8)61(2) (with Sch. 21 paras. 40, 42, 43); S.I. 2013/1042, art. 4(g)

### 137 Cross-border powers of arrest etc.

- (1) If the [<sup>F15</sup>condition applicable to this subsection is] satisfied, any constable of a police force in England and Wales who has reasonable grounds for suspecting that an offence has been committed or attempted in England or Wales and that the suspected person is in Scotland or in Northern Ireland may arrest without a warrant the suspected person wherever he is in Scotland or in Northern Ireland.
- (2) If the condition applicable to this subsection is satisfied, any constable of a police force in Scotland who has reasonable grounds for suspecting that an offence has been committed or attempted in Scotland and that the suspected person is in England or Wales or in Northern Ireland may, as respects the suspected person, wherever he is in

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England or Wales or in Northern Ireland, exercise the same powers of arrest <sup>F16</sup>... as it would be competent for him to exercise were the person in Scotland.

[<sup>F17</sup>(2A) The powers conferred by subsections (1) and (2) may be exercised in England and Wales and Scotland by a constable appointed under [<sup>F18</sup>section 24 of the Railways and Transport Safety Act 2003][<sup>F19</sup>or under section 55 of the Energy Act 2004].]

(3) If [<sup>F20</sup>the condition applicable to this subsection is satisfied], any constable of a police force in Northern Ireland who has reasonable grounds for suspecting that an offence has been committed or attempted in Northern Ireland and that the suspected person is in England or Wales or in Scotland may arrest without a warrant the suspected person wherever he is in England or Wales or in Scotland.

[<sup>F21</sup>(4) The condition applicable to subsection (1) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in England and Wales.]

(5) The condition applicable to subsection (2) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in Scotland.

[<sup>F22</sup>(6) The condition applicable to subsection (3) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in Northern Ireland.]

(7) It shall be the duty of a constable who has arrested <sup>F23</sup>... a person under this section—

(a) if he arrested him in Scotland, to take the person arrested either to the nearest convenient designated police station in England or in Northern Ireland or to a designated police station in a police area in England and Wales or in Northern Ireland in which the offence is being investigated;

[<sup>F24</sup>(ba) if he arrested him in England or Wales under subsection (2) above and has charged him with an offence, to take the person arrested to the nearest convenient police station in Scotland or to a police station within a sheriffdom in which the offence is being investigated;

(bb) if he arrested him in England or Wales under subsection (2) above and has not charged him with an offence, to take the person arrested either to a police station in Scotland mentioned in paragraph (ba) above, or to the nearest convenient designated police station in England or Wales;

(bc) if he arrested him in England or Wales under subsection (3) above, to take the person arrested to the nearest convenient designated police station in Northern Ireland or to a designated police station in Northern Ireland in which the offence is being investigated;]

<sup>F25</sup>(c) .....

(d) if he arrested him in Northern Ireland [<sup>F26</sup>under subsection (1) above], to take the person arrested either to the nearest convenient designated police station in England or Wales or to a designated police station in a police area in England and Wales in which the offence is being investigated <sup>F27</sup>...;

[<sup>F28</sup>(da) if he arrested him in Northern Ireland under subsection (2) above and has charged him with an offence, to take the person arrested to such police station in Scotland as is mentioned in paragraph (ba) above;

(db) if he arrested him in Northern Ireland under subsection (2) above and has not charged him with an offence, to take the person arrested either to such police

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station in Scotland as is mentioned in paragraph (ba) above, or to the nearest convenient designated police station in Northern Ireland;]

<sup>F29</sup>(e) .....

and to do so as soon as reasonably practicable.

[<sup>F30</sup>(7A) ] The following provisions apply in relation to an arrest under this section by a constable under subsection (1) or (3)—

- (a) where the arrest is under subsection (1) in Northern Ireland or under subsection (3) in England and Wales, the constable has the powers of entry and search conferred by section 137E;
- (b) where the arrest is under subsection (1) or (3) in Scotland, the constable has the same powers of entry and search for the purpose of the arrest as a constable of a police force in Scotland would have if there were reasonable grounds for suspecting that the offence had been committed or attempted in Scotland;
- (c) the constable has the powers conferred by section 139 in relation to the arrested person;
- (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.]

[<sup>F31</sup>(7B) ] Where a constable arrests a person under a power exercised by virtue of subsection (2) above, any enactment or rule of law which concerns—

- (a) the powers and duties of a constable who effects an arrest under the power;
- (b) the rights of a person arrested under the power;
- (c) the procedures to be followed after an arrest under the power,

applies in relation to the arrest (subject to the modifications set out in section 137ZA) as though the arrest had been effected in Scotland and, if the constable who executed it is not a constable of a police force in Scotland, as though the constable were.]

<sup>F32</sup>(8) ...

<sup>F33</sup>(a) .....

<sup>F34</sup>(b) .....

<sup>F34</sup>(c) .....

(9) In this section—

<sup>F35</sup> .....

[<sup>F36</sup>“designated police station” has the same meaning as in the Police and Criminal Evidence Act 1984 or, in relation to Northern Ireland, as in [<sup>F37</sup>the Police and Criminal Evidence (Northern Ireland) Order 1989]; and ]

“constable of a police force”, in relation to Northern Ireland, means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

(10) This section shall not prejudice any power of arrest conferred apart from this section.

#### Textual Amendments

**F15** Words in s. 137(1) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 para. 47\(2\)\(a\)](#); S.I. 2005/3495, [art. 2\(1\)\(m\)](#) (subject to art. 2)

**F16** Words in s. 137(2) repealed (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. 3\(a\)](#) (with art. 5(2))

**F17** S. 137(2A) inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), [Sch. 7 para. 18](#)

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- F18** Words in s. 137(2A) 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(b)**; S.I. 2018/227, art. 2(g)
- F19** Words in s. 137(2A) inserted (26.10.2023) by Energy Act 2023 (c. 52), **ss. 309(3)**, 334(2)(n)
- F20** Words in s. 137(3) 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. 2(2)**; S.I. 2018/227, art. 2(g)
- F21** S. 137(4) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, **Sch. 7 para. 47(2)(b)**; S.I. 2005/3495, **art. 2(1)(m)** (subject to art. 2)
- F22** S. 137(6) 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. 2(3)**; S.I. 2018/227, art. 2(g)
- F23** Words in s. 137(7) repealed (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. 3(b)(i)** (with art. 5(2))
- F24** S. 137(7)(ba)-(bc) substituted for s. 137(7)(b) (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. 3(b)(ii)** (with art. 5(2))
- F25** S. 137(7)(c) repealed (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. 3(b)(iii)** (with art. 5(2))
- F26** Words in s. 137(7)(d) inserted (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. 3(b)(iv)(aa)** (with art. 5(2))
- F27** Words in s. 137(7)(d) repealed (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. 3(b)(iv)(bb)** (with art. 5(2))
- F28** S. 137(7)(da)(db) inserted (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. 3(b)(v)** (with art. 5(2))
- F29** S. 137(7)(e) repealed (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. 3(b)(vi)** (with art. 5(2))
- F30** S. 137(7A) inserted (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. 8(2)**; S.I. 2018/227, art. 2(g)
- F31** S. 137(7B) inserted (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. 3(c)** (with art. 5(2))
- F32** S. 137(8) repealed (S.) (1.3.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), **art. 14(4)** (with art. 14(2))
- F33** S. 137(8)(a) omitted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 8(3)**; S.I. 2018/227, art. 2(g)
- F34** S. 137(8)(b)(c) repealed (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. 3(d)** (with art. 5(2))
- F35** Words in s. 137(9) omitted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 2(4)**; S.I. 2018/227, art. 2(g)
- F36** S. 137(9): definitions of "arrestable offence" and "designated police station" substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, **Sch. 7 para. 47(2)(c)**; S.I. 2005/3495, **art. 2(1)(m)** (subject to art. 2)
- F37** Words in s. 137(9) substituted (1.3.2018) by The Policing and Crime Act 2017 (Consequential Amendments) Regulations 2018 (S.I. 2018/226), regs. 1, **7(2)**

#### Modifications etc. (not altering text)

- C2** Ss. 136-139 applied (with modifications) (25.6.2013) by Crime and Courts Act 2013 (c. 22), **s. 55(7)(8)61(2)** (with **Sch. 21 paras. 40, 42, 43**); S.I. 2013/1042, art. 4(g)
- C3** S. 137 applied (with modifications) (19.7.2007) by Finance Act 2007 (c. 11), **s. 87(2)-(5)**

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### [<sup>F38</sup>137ZA] **Arrest under section 136 or 137 in connection with offence in Scotland**

- (1) This section makes provision about the application of Part 1 of the Criminal Justice (Scotland) Act 2016 (“the 2016 Act”) in relation to a person who is arrested by a constable—
  - (a) in execution of a warrant under section 136(2)(a) or (3)(b); or
  - (b) under section 137(2).
- (2) If, following the arrest, the arrested person is to be taken directly to a place in Scotland to be held in custody, at the same time as being informed in accordance with section 3 of the 2016 Act of the matters mentioned in that section, the person must also be informed of the person’s right to have intimation sent under section 38 of the 2016 Act.
- (3) Section 4 of the 2016 Act applies subject to the following modifications—
  - (a) subsection (1) does not apply;
  - (b) in subsection (2), as it applies in relation to a person arrested under section 137(2) of this Act, the reference to subsection (1) and the words “this section” in paragraph (b) are to be read as references to section 137(7) of this Act;
  - (c) in subsection (3), the reference to subsection (1) and the words “this section” are to be read as references to section 136(4) or (as the case may be) section 137(7) of this Act.
- (4) In each of sections 5(1)(b), 7(2)(b), 15(3) and 37(4)(b) of the 2016 Act, the reference to section 4 of that Act is to be read as a reference to section 136(4) or (as the case may be) section 137(7) of this Act.
- (5) References in Part 1 of the 2016 Act to a police station are to be read as including police stations in England, Wales and Northern Ireland.
- (6) If the arrested person is in a police station in England, Wales or Northern Ireland, sections 33(6)(b)(ii) and 42(5)(b)(ii) of the 2016 Act are to be read as though they referred to any person who performs at that police station a function which is equivalent to a function performed at police stations in Scotland by members of police staff appointed under section 26(1) of the Police and Fire Reform (Scotland) Act 2012.]

#### **Textual Amendments**

**F38** S. 137ZA inserted (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. 4](#) (with art. 5(2))

### [<sup>F39</sup>137A] **Additional cross-border powers of arrest etc: urgent cases**

- (1) A constable of a police force in England and Wales may arrest a person in England and Wales without a warrant if—
  - (a) the constable has reasonable grounds for suspecting that the person has committed a specified offence in Scotland or in Northern Ireland, and
  - (b) the constable also has reasonable grounds for believing that it is necessary to arrest the person—
    - (i) to allow the prompt and effective investigation of the offence, or



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- (ii) to prevent any prosecution for the offence from being hindered by the disappearance of the person.
- (2) A constable of a police force in Scotland may arrest a person in Scotland without a warrant if—
  - (a) the constable has reasonable grounds for suspecting that the person has committed a specified offence in England and Wales or in Northern Ireland, and
  - (b) the constable is satisfied that it would not be in the interests of justice to delay the arrest either to enable a warrant for the person’s arrest to be obtained and then executed under section 136 or to enable a power of arrest under section 137 to be exercised.
- (3) Without prejudice to the generality of subsection (2)(b), it would not be in the interests of justice to delay an arrest for a purpose mentioned in that subsection if the constable reasonably believes that, unless the person is arrested without delay, the person will obstruct the course of justice in any way, including by seeking to avoid arrest or interfering with witnesses or evidence.
- (4) A constable of a police force in Northern Ireland may arrest a person in Northern Ireland without a warrant if—
  - (a) the constable has reasonable grounds for suspecting that the person has committed a specified offence in England and Wales or in Scotland, and
  - (b) the constable also has reasonable grounds for believing that it is necessary to arrest the person—
    - (i) to allow the prompt and effective investigation of the offence, or
    - (ii) to prevent any prosecution for the offence from being hindered by the disappearance of the person.
- (5) The power conferred by subsection (1) or (2) may be exercised by a constable appointed under section 24 of the Railways and Transport Safety Act 2003 <sup>[F40]</sup> or under section 55 of the Energy Act 2004] in England and Wales or (as the case may be) in Scotland.
- (6) The following provisions apply in relation to an arrest under this section by a constable of a person suspected of having committed a specified offence in England and Wales or in Northern Ireland—
  - (a) where the arrest is in England and Wales under subsection (1) or in Northern Ireland under subsection (4), the constable has the powers of entry and search conferred by section 137E;
  - (b) where the arrest is in Scotland under subsection (2), the constable has the same powers of entry and search for the purpose of the arrest as a constable of a police force in Scotland would have if there were reasonable grounds for suspecting that the offence had been committed in Scotland;
  - (c) the constable has the powers conferred by section 139 in relation to the arrested person;
  - (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.
- (7) Where a constable is arresting under this section a person suspected of having committed a specified offence in Scotland, the constable has the same powers as a constable of a police force in Scotland would have if arresting the person for the offence in Scotland.



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(8) In this section—

“constable of a police force”, in relation to Northern Ireland, means a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;

“specified offence” has the meaning given by section 137B.

#### Textual Amendments

- F39** Ss. 137A-137D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 116\(1\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2018/227](#), [art. 2\(f\)](#)
- F40** Words in [s. 137A\(5\)](#) inserted (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), [ss. 309\(4\)](#), [334\(2\)\(n\)](#)

### 137B Meaning of “specified offence” for the purposes of section 137A

- (1) In section 137A, “specified offence” has the meaning given by this section.
- (2) An offence committed in England and Wales is a specified offence if it is—
- an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
  - an offence specified in Part 1 of Schedule 7A,
  - an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b), or
  - an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence mentioned in paragraph (a) or (b).
- (3) An offence committed in Scotland is a specified offence if it is—
- an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
  - an offence specified in Part 2 of Schedule 7A, or
  - an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b).
- (4) An offence committed in Northern Ireland is a specified offence if it is—
- an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
  - an offence specified in Part 3 of Schedule 7A,
  - an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b), or
  - an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence mentioned in paragraph (a) or (b).
- (5) The Secretary of State may by regulations made by statutory instrument amend Part 1, 2 or 3 of Schedule 7A so as to add an offence to, or remove an offence from, the offences for the time being specified in the Part.
- (6) Regulations under subsection (5) may add an offence to a Part of Schedule 7A only if—

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- (a) the offence is indictable, and
  - (b) the Secretary of State considers that it is necessary in the interests of justice to add the offence to the Part.
- (7) For the purpose of subsection (6)(a), an offence is indictable if—
- (a) in the case of an offence under the law of England and Wales, it is an indictable offence in England and Wales;
  - (b) in the case of an offence under the law of Scotland, it may be tried on indictment in Scotland;
  - (c) in the case of an offence under the law of Northern Ireland, it is an indictable offence in Northern Ireland.
- (8) The Secretary of State may not make regulations under subsection (5) unless the Scottish Ministers and the Department of Justice in Northern Ireland consent to the making of the regulations.
- (9) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) In this section—
- (a) a description of an offence in subsection (2)(a) or (b) or (4)(a) or (b) includes such an offence committed by aiding, abetting, counselling or procuring;
  - (b) a description of an offence in subsection (3)(a) or (b) includes such an offence committed by involvement art and part or by aiding, abetting, counselling or procuring;
  - (c) “statutory provision” means any provision of—
    - (i) an Act or subordinate legislation within the meaning of the Interpretation Act 1978;
    - (ii) an Act of the Scottish Parliament or an instrument made under such an Act;
    - (iii) a Measure or Act of the National Assembly for Wales or an instrument made under such a Measure or Act;
    - (iv) Northern Ireland legislation or an instrument made under Northern Ireland legislation.

#### Textual Amendments

**F39** Ss. 137A-137D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 116\(1\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2018/227](#), [art. 2\(f\)](#)

### 137C Detention for the purpose of re-arrest

- (1) A person arrested under section 137A in respect of a specified offence may be detained but only for the purpose of—
- (a) enabling a warrant for the person’s arrest in respect of the offence to be obtained and then executed under section 136, or
  - (b) enabling the person to be re-arrested under section 137.
- (2) The person may be detained for that purpose—
- (a) for an initial period of 3 hours beginning with the time of the arrest;

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- (b) for a second period of no more than 21 hours beginning with the end of the initial period, but only if detention for that period is authorised by both an officer of at least the rank of inspector in the arresting force and an officer of at least the rank of inspector in the investigating force;
  - (c) for a third period of no more than 12 hours beginning with the end of the second period, but only if detention for that period is authorised by both an officer of a rank above that of inspector in the arresting force and an officer of a rank above that of inspector in the investigating force.
- (3) An officer of the arresting force may give an authorisation for the purpose of subsection (2)(b) or (c) only if satisfied that it is in the interests of justice to do so.
- (4) An officer of the investigating force may give an authorisation for the purpose of subsection (2)(b) only if satisfied that—
  - (a) there are reasonable grounds to suspect that the person has committed the specified offence,
  - (b) a constable intends that the person be arrested as soon as is reasonably practicable (whether by the obtaining and execution of a warrant under section 136 or under section 137) and is acting expeditiously for that purpose, and
  - (c) it is in the interests of justice to give the authorisation.
- (5) An officer of the investigating force may give an authorisation for the purpose of subsection (2)(c) only if satisfied that—
  - (a) there continue to be reasonable grounds to suspect that the person has committed the specified offence,
  - (b) a constable intends that the person be arrested as soon as is reasonably practicable (whether by the obtaining and execution of a warrant under section 136 or under section 137) and is acting expeditiously for that purpose, and
  - (c) it is in the interests of justice to give the authorisation.
- (6) If, at any time while the person is detained, an appropriate officer in the investigating force is satisfied that it is no longer in the interests of justice for the person to be detained—
  - (a) the officer must notify the arresting force, and
  - (b) the person must be released immediately.
- (7) In subsection (6), “appropriate officer” means—
  - (a) in relation to the person’s detention for the initial period, any constable;
  - (b) in relation to the person’s detention for the second period, an officer of at least the rank of inspector;
  - (c) in relation to the person’s detention for the third period, an officer of a rank above that of inspector.
- (8) In this section—
  - “arresting force” means the police force of which the constable who arrested the person under section 137A is a member;
  - “investigating force” means the police force that is investigating the specified offence which the person arrested under section 137A is suspected of having committed;

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“specified offence” has the same meaning as in section 137A (see sections 137A(8) and 137B).

- (9) In subsection (8), in the definition of “investigating force”, the reference to a police force includes a reference to—
- (a) the National Crime Agency;
  - (b) any of the following (to the extent that their functions relate to the investigation of offences)—
    - (i) officers of Revenue and Customs;
    - (ii) immigration officers;
    - (iii) designated customs officials within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act).
- (10) In the application of this section in a case where the investigating force is a police force mentioned in subsection (9)(a) or (b)—
- (a) the reference to a constable in subsections (4)(b) and (5)(b), and the reference to a constable in the investigating force in subsection (7)(a), is to be read as a reference to a National Crime Agency officer designated under section 9 or 10 of the Crime and Courts Act 2013 (“a designated NCA officer”), an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be);
  - (b) any reference to an officer of at least, or above, the rank of inspector in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.

#### Textual Amendments

- F39** Ss. 137A-137D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 116\(1\)](#), [183\(1\)\(5\)\(e\)](#); S.I. 2018/227, [art. 2\(f\)](#)

#### Modifications etc. (not altering text)

- C4** S. 137C applied (with modifications) by 2007 c. 11, s. 87(2A)(2C) (as inserted (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. 9\(2\)](#); S.I. 2018/227, [art. 2\(g\)](#))
- C5** S. 137C applied (with modifications) by 2013 c. 22, Sch. 21 para. 42A, 42C (as inserted (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. 10\(3\)](#); S.I. 2018/227, [art. 2\(g\)](#))

### 137D Rights of persons arrested under section 137A

- (1) A person arrested under section 137A must be informed of the following matters as soon as is practicable after the arrest—
- (a) the purpose for which the person may be detained under section 137C;
  - (b) the provision made by that section about the periods for which the person may be detained.
- (2) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in England and Wales (subject to the modifications made by Part 1 of Schedule 7B)—

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- (a) section 28 of the Police and Criminal Evidence Act 1984 (information to be given on arrest);
  - (b) section 56 of that Act (right to have someone informed when arrested);
  - (c) section 58 of that Act (access to legal advice);
  - (d) section 31 of the Children and Young Persons Act 1933 (separation of children and young persons from adults in police stations, courts etc);
  - (e) section 34 of that Act (additional protection for children and young persons).
- (3) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in Scotland (subject to the modifications made by Part 2 of Schedule 7B)—
  - (a) section 3 of the Criminal Justice (Scotland) Act 2016 ([asp 1](#)) (information to be given on arrest);
  - (b) Chapter 5 of Part 1 of that Act (rights of suspects in police custody);
  - (c) section 51 of that Act (duty to consider child’s well-being);
  - (d) section 52 of that Act (duties in relation to children in custody).
- (4) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in Northern Ireland (subject to the modifications made by Part 3 of Schedule 7B)—
  - (a) Article 30 of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I.12\)](#)) (information to be given on arrest);
  - (b) Article 57 of that Order (right to have someone informed when arrested);
  - (c) Article 59 of that Order (access to legal advice);
  - (d) Article 9 of the Criminal Justice (Children) (Northern Ireland) Order 1998 ([S.I. 1998/1504 \(N.I.9\)](#)) (separation of child in police detention from adults charged with offences);
  - (e) Article 10 of that Order (additional protection for children and young persons).
- (5) The Secretary of State may by regulations made by statutory instrument—
  - (a) amend this section so as to add to the provisions that for the time being apply as mentioned in subsection (2), (3) or (4);
  - (b) amend this section so as to remove any of those provisions that were added by virtue of paragraph (a);
  - (c) amend Schedule 7B so as to alter the modifications for the time being made by that Schedule, including by adding a modification or removing one;
  - (d) amend Schedule 7B so as to provide that any of the provisions that for the time being apply as mentioned in subsection (2), (3) or (4) do not apply in cases or circumstances set out in the Schedule.
- (6) Regulations under subsection (5) may include consequential provision, including provision amending any statutory provision; and, for that purpose, statutory provision has the same meaning as in section 137B (see subsection (10)(c) of that section).
- (7) The Secretary of State may not make regulations under subsection (5) unless the Scottish Ministers and the Department of Justice in Northern Ireland consent to the making of the regulations.
- (8) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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- (9) In the application of Schedule 7B in a case where the investigating force is a police force mentioned in section 137C(9)(a) or (b), any reference to an officer of at least, or above, a particular rank in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.]

#### Textual Amendments

**F39** Ss. 137A-137D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 116(1)**, 183(1)(5)(e); S.I. 2018/227, art. 2(f)

### [<sup>F41</sup>137E Entry and search for the purposes of arrest

- (1) A constable may enter and search any premises—
- (a) for the purpose of executing in England and Wales under section 136(2)(b) a warrant issued in Northern Ireland;
  - (b) for the purpose of executing in Northern Ireland under section 136(3)(a) a warrant issued in England and Wales;
  - (c) for the purpose of arresting a person in Northern Ireland under section 137(1) in respect of a relevant England and Wales offence;
  - (d) for the purpose of arresting a person in England and Wales under section 137(3) in respect of a relevant Northern Ireland offence;
  - (e) for the purpose of arresting a person in England and Wales under section 137A(1) in respect of a specified offence committed in Northern Ireland;
  - (f) for the purpose of arresting a person in Northern Ireland under section 137A(4) in respect of a specified offence committed in England and Wales.
- (2) In subsection (1)—
- (a) “relevant England and Wales offence” means—
    - (i) an offence that is an indictable offence in England and Wales;
    - (ii) an offence mentioned in section 17(1)(c) or (caa) of the Police and Criminal Evidence Act 1984;
  - (b) “relevant Northern Ireland offence” means—
    - (i) an offence that is an indictable offence in Northern Ireland;
    - (ii) an offence mentioned in Article 19(1)(ba) to (c) of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I.12\)](#)).
- (3) The powers of entry and search conferred by subsection (1)—
- (a) are exercisable only if the constable has reasonable grounds for believing that the person whom he is seeking is on the premises, and
  - (b) are limited, in relation to premises consisting of two or more separate dwellings, to powers to enter and search—
    - (i) any part of the premises which the occupier of any dwelling comprised in the premises uses in common with the occupier of any other such dwelling, and

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- (ii) any such dwelling in which the constable has reasonable grounds for believing that the person whom he is seeking may be.
- (4) The power of search conferred by subsection (1) is only a power to search to the extent that is reasonably required for the purpose for which the power of entry is exercised.
- (5) In this section, “premises” includes any place and, in particular, includes—
  - (a) any vehicle, vessel, aircraft or hovercraft,
  - (b) any offshore installation,
  - (c) any renewable energy installation, and
  - (d) any tent or movable structure.

“Offshore installation” has the meaning given to it by section 44 of the Petroleum Act 1998.

“Renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act).]

**Textual Amendments**

- F41** S. 137E inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 117**, 183(1)(5)(e); S.I. 2018/227, art. 2(f)

**138 Powers of arrest etc.: supplementary provisions.**

- (1) The following provisions have effect to supplement section 137 (“the principal section”).

- F42(1A) .....
- F42(1B) .....
- F42(2) .....
- F42(2A) .....
- F43(3) .....
- F43(4) .....
- F43(5) .....
- F44(6) .....
- F44(7) .....
- F44(8) .....
- F44(9) .....

**Textual Amendments**

- F42** S. 138(1A)-(2A) repealed (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. 5(a)** (with art. 5(2))
- F43** S. 138(3)-(5) omitted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), Sch. 17 para. 3; S.I. 2018/227, art. 2(g)



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**F44** S. 138(6)-(9) repealed (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. 5(b)** (with art. 5(2))

**Modifications etc. (not altering text)**

**C2** Ss. 136-139 applied (with modifications) (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. **55(7)(8)61(2)** (with [Sch. 21 paras. 40, 42, 43](#)); [S.I. 2013/1042](#), art. 4(g)

**C6** S. 138 applied (with modifications) (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), s. **87(2)-(5)**

**139 Search powers available on arrests under [<sup>F45</sup>sections 136, 137 and 137A].**

[<sup>F46</sup>(1) The powers conferred by subsections (2) and (3) are available to a constable in relation to—

- (a) a person arrested under section 136(1), (2)(b) or (3)(a);
- (b) a person arrested under section 137(1) or (3);
- (c) a person arrested under section 137A in respect of a specified offence committed in England and Wales or Northern Ireland.]

(2) A constable to whom this section applies may search the person if the constable has reasonable grounds for believing that the person may present a danger to himself or others.

(3) Subject to subsections (4) to (6) below, a constable to whom this section applies may—

- (a) search the person for anything—
  - (i) which he might use to assist him to escape from lawful custody; or
  - (ii) which might be evidence relating to an offence; and

<sup>F47</sup>(b) .....

[<sup>F48</sup>(3A) The powers conferred by subsection (3B) are available to a constable in relation to—

- (a) a person arrested under section 136(1) or (3)(a) in the execution of a warrant issued in England and Wales in respect of an offence that is an indictable offence in England and Wales;
- (b) a person arrested under section 136(1) or (2)(b) in the execution of a warrant issued in Northern Ireland in respect of an offence that is an indictable offence in Northern Ireland;
- (c) a person arrested under section 137(1) in respect of an offence that is an indictable offence in England and Wales;
- (d) a person arrested under section 137(3) in respect of an offence that is an indictable offence in Northern Ireland;
- (e) a person arrested under section 137A(2) or (4) in respect of a specified offence committed in England and Wales;
- (f) a person arrested under section 137A(1) or (2) in respect of a specified offence committed in Northern Ireland.

(3B) The constable may enter and search any premises in which the person was when arrested or immediately before he was arrested for evidence relating to the offence.]

(4) The power to search conferred by subsection (3) [<sup>F49</sup>or (3B)] above is only a power to search to the extent that is reasonably required for the purpose of discovering any such thing or any such evidence.

(5) The powers conferred by this section to search a person are not to be construed as authorising a constable to require a person to remove any of his clothing in public

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other than an outer coat, jacket, headgear, gloves or footwear but they do authorise a search of a person's mouth.

- (6) A constable may not search a person in the exercise of the power conferred by subsection (3)(a) above unless he has reasonable grounds for believing that the person to be searched may have concealed on him anything for which a search is permitted under that paragraph.
- (7) A constable may not search premises in the exercise of the power conferred by [F50 subsection (3B)] above unless he has reasonable grounds for believing that there is evidence for which a search is permitted under [F51 that subsection].
- (8) In so far as the power of search conferred by [F52 subsection (3B)] above relates to premises consisting of two or more separate dwellings, it is limited to a power to search—
- (a) any dwelling in which the arrest took place or in which the person arrested was immediately before his arrest; and
  - (b) any parts of the premises which the occupier of any such dwelling uses in common with the occupiers of any other dwellings comprised in the premises.
- (9) A constable searching a person in the exercise of the power conferred by subsection (2) above may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person.
- (10) A constable searching a person in the exercise of the power conferred by subsection (3) (a) above may seize and retain anything he finds, other than an item subject to legal privilege, if he has reasonable grounds for believing—
- (a) that he might use it to assist him to escape from lawful custody; or
  - (b) that it is evidence of an offence, or has been obtained in consequence of the commission of an offence.
- [F53(10A) Where a constable of a police force in England and Wales searches premises in the exercise of the power conferred by subsection (3B) or where a constable of the British Transport Police [F54 or a constable appointed as a member of the Civil Nuclear Constabulary] searches premises in England and Wales in the exercise of that power—
- (a) the constable has the same powers as the constable would have under section 19 of the Police and Criminal Evidence Act 1984 if the search had taken place under section 32(2)(b) of that Act, and
  - (b) sections 21 and 22 of that Act apply in relation to anything seized in the exercise of the powers conferred by paragraph (a) above.
- (10B) Where a constable of a police force in Northern Ireland searches premises in the exercise of the power conferred by subsection (3B)—
- (a) the constable has the same powers as the constable would have under Article 21 of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I.12\)](#)) if the search had taken place under Article 34(2)(b) of that Order, and
  - (b) Articles 23 and 24 of that Order apply in relation to anything seized in the exercise of the powers conferred by paragraph (a) above.
- (10C) Where a constable of a police force in Scotland searches premises in the exercise of the power conferred by subsection (3B), or where a constable of the British Transport Police [F55 or a constable appointed as a member of the Civil Nuclear Constabulary]

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searches premises in Scotland in the exercise of that power, the constable has the same powers of seizure and retention as the constable would have if the search had taken place in the exercise of a power of the constable (by virtue of any rule of law) in relation to a person arrested and charged with an offence by the constable in Scotland.]

(11) Nothing in this section shall be taken to affect the power conferred by [F56]section 43 of the Terrorism Act 2000].

(12) In this section—

“item subject to legal privilege” has the meaning given to it—

(a) as respects anything in the possession of a person searched in England and Wales, by section 10 of the M1Police and Criminal Evidence Act 1984;

(b) as respects anything in the possession of a person searched in Scotland, by [F57]section 412 of the Proceeds of Crime Act 2002];

(c) as respects anything in the possession of a person searched in Northern Ireland, by Article 12 of the M2Police and Criminal Evidence (Northern Ireland) Order 1989;

“premises” includes any place and, in particular, includes—

(a) any vehicle, vessel, aircraft or hovercraft;

(b) any offshore installation;

(ba) [F58]any any renewable energy installation;] and

(c) any tent or movable structure; F59 ...

“offshore installation” has the meaning given to it by [F60]section 44 of the Petroleum Act 1998][F61]; and

“renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act).]

#### Textual Amendments

**F45** Words in s. 139 heading 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. 4\(2\)](#); S.I. 2018/227, art. 2(g)

**F46** S. 139(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. 4\(3\)](#); S.I. 2018/227, art. 2(g)

**F47** S. 139(3)(b) omitted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 17 para. 4\(4\)](#); S.I. 2018/227, art. 2(g)

**F48** S. 139(3A)(3B) inserted (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. 4\(5\)](#); S.I. 2018/227, art. 2(g)

**F49** Words in s. 139(4) inserted (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. 4\(6\)](#); S.I. 2018/227, art. 2(g)

**F50** Words in s. 139(7) 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. 4\(7\)\(a\)](#); S.I. 2018/227, art. 2(g)

**F51** Words in s. 139(7) 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. 4\(7\)\(b\)](#); S.I. 2018/227, art. 2(g)

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- F52** Words in s. 139(8) 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. 4(8)**; S.I. 2018/227, art. 2(g)
- F53** S. 139(10A)-(10C) inserted (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. 4(9)**; S.I. 2018/227, art. 2(g)
- F54** Words in s. 139(10A) inserted (26.10.2023) by Energy Act 2023 (c. 52), **ss. 309(5)(a)**, 334(2)(n)
- F55** Words in s. 139(10C) inserted (26.10.2023) by Energy Act 2023 (c. 52), **ss. 309(5)(b)**, 334(2)(n)
- F56** Words in s. 139(11) substituted (19.2.2001) by 2000 c. 11, ss. 125, 128, **Sch. 15 para. 9**; S.I. 2001/421, **art. 2(a)**
- F57** Words in s. 139(12) substituted (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 24**; S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended by S.I. 2003/333, **art. 14**)
- F58** Words in s. 139(12) inserted (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. 4(10)(a)**; S.I. 2018/227, art. 2(g)
- F59** Word in s. 139(12) omitted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 4(10)(b)**; S.I. 2018/227, art. 2(g)
- F60** Words in s. 139(12) 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. 4(10)(c)**; S.I. 2018/227, art. 2(g)
- F61** Words in s. 139(12) inserted (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. 4(10)(d)**; S.I. 2018/227, art. 2(g)

#### Modifications etc. (not altering text)

- C2** Ss. 136-139 applied (with modifications) (25.6.2013) by Crime and Courts Act 2013 (c. 22), **s. 55(7)(8)61(2)** (with **Sch. 21 paras. 40, 42, 43**); S.I. 2013/1042, art. 4(g)
- C7** S. 139 applied (with modifications) (19.7.2007) by Finance Act 2007 (c. 11), **s. 87(2)-(5)**
- C8** S. 139(10): power of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, 138(2), **Sch. 1 Pt. 2 para. 81**; S.I. 2003/708, **art. 2(j)**

#### Marginal Citations

- M1** 1984 c. 60.
- M2** S.I. 1989/1341 (N.I. 12).

## 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 [F62section 24] of the M3Police and Criminal Evidence Act 1984 [F63(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

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- (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, [<sup>F64</sup>any enactment or rule of law which concerns—
- (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>F65</sup>Article 26] of the <sup>M4</sup>Police and Criminal Evidence (Northern Ireland) Order 1989 [<sup>F66</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>F67</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>F68</sup>section 24 of the Railways and Transport Safety Act 2003][<sup>F69</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

- F62** 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](#))
- F63** 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\(g\)](#)
- F64** 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\(2\)](#))

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- F65** 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)**
- F66** 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)
- F67** S. 140(6A) inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), **Sch. 7 para. 19**
- F68** 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)
- F69** 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**

- M3** [1984 c. 60](#).
- M4** [S.I. 1989/1341 \(N.I. 12\)](#).

<sup>F70</sup>**141** .....

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**Textual Amendments**

- F70** S. 141 repealed (22.8.1996) by [1996 c. 16](#), ss. 103, 104(1), **Sch. 9 Pt. I**

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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. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)