



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 4

MISCELLANEOUS

Arrest warrants

153 Restriction on issue of arrest warrants in private prosecutions

(1) In section 1 of the Magistrates' Courts Act 1980 (issue of summons or warrant), after subsection (4) insert—

“(4A) Where a person who is not a public prosecutor lays an information before a justice of the peace in respect of an offence to which this subsection applies, no warrant shall be issued under this section without the consent of the Director of Public Prosecutions.

(4B) In subsection (4A) “public prosecutor” has the same meaning as in section 29 of the Criminal Justice Act 2003.

(4C) Subsection (4A) applies to—

- (a) a qualifying offence which is alleged to have been committed outside the United Kingdom, or
- (b) an ancillary offence relating to a qualifying offence where it is alleged that the qualifying offence was, or would have been, committed outside the United Kingdom.

(4D) In subsection (4C) “qualifying offence” means any of the following—

- (a) piracy or an offence under section 2 of the Piracy Act 1837 (piracy where murder is attempted);
- (b) an offence under section 1 of the Geneva Conventions Act 1957 (grave breaches of Geneva conventions);

Status: This is the original version (as it was originally enacted).

- (c) an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from section 1 of the Internationally Protected Persons Act 1978 (attacks and threats of attacks on protected persons);
 - (d) an offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking);
 - (e) an offence under section 1, 2 or 6 of the Aviation Security Act 1982 (hijacking etc);
 - (f) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 2A of the Nuclear Material (Offences) Act 1983 (offences relating to nuclear material);
 - (g) an offence under section 134 of the Criminal Justice Act 1988 (torture);
 - (h) an offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);
 - (i) an offence under sections 9 to 14 of that Act (hijacking ships etc);
 - (j) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 3 of the United Nations Personnel Act 1997 (attacks on UN workers etc).
- (4E) In subsection (4C) “ancillary offence”, in relation to an offence, means—
- (a) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence (including, in relation to times before the commencement of that Part, an offence of incitement);
 - (b) attempting or conspiring to commit the offence.”.
- (2) In section 25 of the Prosecution of Offences Act 1985 (consents to prosecutions etc), after subsection (2) insert—
- “(2A) Subsection (2)(a) is subject to section 1(4A) of the Magistrates’ Courts Act 1980.”.