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STATUTORY INSTRUMENTS

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**2003 No. 2818**

The Nationality, Immigration and Asylum  
Act 2002 (Juxtaposed Controls) Order 2003

PART 2

PROVISIONS RELATING TO THE EXERCISE OF POWERS BY FRENCH  
OFFICERS IN A CONTROL ZONE IN THE UNITED KINGDOM

**Arrest of French officer**

7.—(1) Where an officer belonging to the French Republic is arrested for an act performed in a Control Zone in the United Kingdom, the officer shall be taken to a police station designated under section 35 of the 1984 Act<sup>(1)</sup>.

(2) The custody officer at the police station to which the officer is taken shall, after consultation with the competent French authorities, determine whether the act was performed by the officer whilst in the exercise of his functions, and may for the purpose of determining that question detain the officer at the police station for not longer than the permitted period.

(3) The permitted period is the period of 48 hours beginning at the time at which the officer arrives at the police station.

(4) Subject to paragraph (6), the officer shall be treated—

- (a) as not being detained at the police station for the purposes of section 37 of the 1984 Act<sup>(2)</sup>, and
- (b) as not being in police detention for the purposes of sections 40 to 43 of the 1984 Act<sup>(3)</sup>.

(5) Where the custody officer determines that the act was performed by the officer whilst in the exercise of his functions, he shall immediately inform the competent French authorities and shall make arrangements within the permitted period for the transfer of the officer to France.

(6) In any other case—

- (a) the custody officer shall immediately inform the officer of his determination,
- (b) the officer shall be treated as being in police detention for all purposes of Part IV of the 1984 Act, and
- (c) that Part shall have effect in relation to him as if the relevant time mentioned in section 41(2) were the time at which he is informed of the determination.

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(1) Section 35 was amended by section 101 of, and paragraph 12 of Schedule 7 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24).

(2) There are amendments to section 37 of the 1984 Act which are not relevant to this Order.

(3) Section 40 of the 1984 Act was amended by section 42 of the Police Reform Act 2002 (c. 30) and section 40A of the 1984 Act was inserted by section 73 (1) of the Criminal Justice and Police Act 2001 (c. 16). There are amendments to sections 41 to 43 of the 1984 Act which are not relevant to this Order.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

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

- Sch. 2 para. 1A inserted by [S.I. 2006/2908 art. 2\(c\)](#)
- Sch. 2 para. 1(3)(ca) inserted by [S.I. 2021/311 art. 2\(7\)\(a\)](#)
- Sch. 2 para. 2(1)(da) inserted by [S.I. 2021/311 art. 2\(7\)\(b\)\(i\)\(aa\)](#)
- Sch. 2 para. 2(1)(ea) inserted by [S.I. 2021/311 art. 2\(7\)\(b\)\(i\)\(bb\)](#)
- Sch. 2 para. 2(2)(d)-(h) inserted by [S.I. 2021/311 art. 2\(7\)\(b\)\(iii\)](#)
- Sch. 2 para. 4(ba)(bb) inserted by [S.I. 2021/311 art. 2\(7\)\(d\)\(i\)](#)
- Sch. 2 para. 4(ca)(cb) inserted by [S.I. 2021/311 art. 2\(7\)\(d\)\(ii\)](#)
- Sch. 2 para. 4(e) inserted by [S.I. 2021/311 art. 2\(7\)\(d\)\(iii\)](#)
- Sch. 2 para. 5(aa) inserted by [S.I. 2021/311 art. 2\(7\)\(e\)\(iv\)](#)
- Sch. 2 para. 4A inserted by [S.I. 2021/784 art. 3](#)
- Sch. 2 para. 2(1)(h)(ii)-(vi) substituted for Sch. 2 para. 2(1)(h)(ii) by [S.I. 2021/311 art. 2\(7\)\(b\)\(i\)\(ee\)](#)
- art. 3(3)(4) inserted by [S.I. 2021/311 art. 2\(3\)](#)
- art. 8(2A) inserted by [S.I. 2019/419 Sch. 3 para. 46\(3\)](#)
- art. 11(1)(f)(g) inserted by [S.I. 2006/2908 art. 2\(a\)](#)
- art. 11(1)(f) word deleted (temp.) by [S.I. 2011/1786 art. 2\(2\)](#)
- art. 11(1)(g) word inserted (temp.) by [S.I. 2011/1786 art. 2\(3\)](#)
- art. 11(1)(h) inserted (temp.) by [S.I. 2011/1786 art. 2\(4\)](#)
- art. 11(4A) inserted by [S.I. 2019/419 Sch. 3 para. 47\(3\)](#)
- art. 12(3)(4)(4a) omitted by [S.I. 2021/311 art. 2\(5\)\(b\)](#)
- art. 12(4A) inserted by [S.I. 2006/2908 art. 2\(b\)](#)
- art. 12(7) inserted by [S.I. 2021/311 art. 2\(5\)\(d\)](#)