
STATUTORY INSTRUMENTS

2018 No. 46

**The Criminal Justice (Scotland) Act 2016
(Consequential Provisions) Order 2018**

Criminal investigations

Cross-border enforcement by constables of territorial police forces

- 5.—(1) Schedule 1 modifies Part 10 of the Criminal Justice and Public Order Act 1994⁽¹⁾.
(2) Schedule 1 does not apply in relation to a case in which a person is arrested or detained before this article comes into force.

Exercise of functions by constables and members of non-territorial police organisations

6. Schedule 2 makes provision about the application of the 2016 Act in relation to—
(a) the Ministry of Defence Police;
(b) the British Transport Police Force; and
(c) the Civil Nuclear Constabulary.

Exercise of functions by other officials

- 7.—(1) Schedule 3 makes provision about the application of the 2016 Act in relation to—
(a) immigration officers;
(b) designated customs officials; and
(c) officers of Revenue and Customs.
(2) Nothing in Parts 2 to 5 of Schedule 3 causes a provision contained in Part 1 of the 2016 Act to apply in relation to a case in which a person is arrested before this article comes into force.
(3) Nothing in Parts 2 to 5 of Schedule 3 causes a provision of the 2016 Act to apply in relation to a case if—
(a) the provision is contained in Part 1 of the 2016 Act and it would not apply in relation to the case had the arrest of the person in question been effected in Scotland by a constable of the Police Service of Scotland under section 1 of that Act; or

(1) 1994 c.33. Part 10 of the 1994 Act is amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 93(6); the Youth Justice and Criminal Evidence Act 1999 (c.23), Schedule 4, paragraph 23; the Powers of Criminal Courts (Sentencing) Act 2000 (c.6), Schedule 9, paragraph 161; the Terrorism Act 2000 (c.11), Schedule 15, paragraph 9; the Anti-terrorism, Crime and Security Act 2001 (c.24), Schedule 7, paragraphs 17 to 19; the Proceeds of Crime Act 2002 (c.29), Schedule 11, paragraph 24; the Serious Organised Crime and Police Act 2005 (c.15), Schedule 7, paragraph 47; the Finance Act 2007 (c.11), section 87(6); the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288), Schedule 1, paragraph 28; the Criminal Justice and Immigration Act 2008 (c.4), Schedule 4, paragraph 42; the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 (Consequential Provisions) Order 2011 (S.I. 2011/1739), Schedule 2; the Policing and Crime Act 2017 (c.3), Part 4, Chapter 8.

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- (b) the provision is contained in Part 2 of the 2016 Act and it would not apply in relation to the case had the search of the person in question been carried out in Scotland by a constable of the Police Service of Scotland.