



Criminal Law Act 1977

1977 CHAPTER 45

PART III

CRIMINAL PROCEDURE, PENALTIES, ETC.

Cross-border enforcement

38 Execution throughout United Kingdom of warrants of arrest.

- (1) A warrant issued in Scotland or Northern Ireland for the arrest of a person charged with an offence may be executed in England or Wales by any constable acting within his police area; and [^{F1}subsection (3) of section 125 of the Magistrates' Courts Act 1980] (execution without possession of the warrant) shall apply to the execution in England or Wales of any such warrant.
- (2) A warrant issued in England, Wales or Northern Ireland for the arrest of a person charged with an offence may be executed in Scotland by any constable appointed for a police area in like manner as any such warrant issued in Scotland.
- (3) A warrant issued in England, Wales or Scotland for the arrest of a person charged with an offence may be executed in Northern Ireland by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve; [^{F2}and subsections (4) and (5) of section 159 of the ^{M1}Magistrates' Courts Act (Northern Ireland) 1964] (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such warrant.
- (4) A warrant may be executed by virtue of this section whether or not it has been endorsed under section 12, 14 or 15 of the ^{M2}Indictable Offences Act 1848 or under section 27, 28 or 29 of the ^{M3}Petty Sessions (Ireland) Act 1851.
- (5) ^{F3}

Textual Amendments

F1 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 150](#)

Status: Point in time view as at 01/02/1991.

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- F2** Words substituted (N.I.) by S.I. 1981/1675 (N.I. 26), **Sch. 6 Pt. I para. 45**
F3 S. 38(5) repealed by **Insolvency Act 1985 (c. 65, SIF 66), s. 235(3), Sch. 10 Pt. IV**

Modifications etc. (not altering text)

- C1** S. 38 extended by **Insolvency Act 1986 (c. 45, SIF 66), s. 426(7)**

Marginal Citations

- M1** 1964 c. 21 (N.I.)
M2 1848 c. 42.
M3 1851 c. 93.

38A Execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine.

- (1) Subject to subsection (6) below, a person against whom an extract conviction is issued in Scotland for imprisonment in default of payment of a fine may be arrested—
- (a) in England and Wales, by any constable acting within his police area;
 - (b) in Northern Ireland, by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve;
- and subsections (4) and (5) of section 159 of the Magistrates' Courts Act (Northern Ireland) 1964 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such extract conviction as those subsections apply in relation to the execution of a warrant for arrest.
- (2) Subject to subsection (6) below, a person against whom there has been issued in England, Wales or Northern Ireland a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in Scotland, by any constable appointed for a police area, in like manner as if the warrant were an extract conviction for imprisonment issued in Scotland in default of payment of a fine.
- (3) A person arrested by virtue of subsection (1) above under an extract conviction or by virtue of subsection (2) above under a warrant of commitment may be detained under it in any prison in the part of the United Kingdom in which he was arrested; and while so detained he shall be treated for all purposes as if he were detained under a warrant of commitment or extract conviction issued in that part of the United Kingdom.
- (4) An extract conviction or a warrant of commitment may be executed by virtue of this section whether or not it has been endorsed under section 4 of the Summary Jurisdiction (Process) Act 1881 or under section 27 of the Petty Sessions (Ireland) Act 1851.
- (5) In this section—
- “fine” includes any sum treated by any enactment as a fine for the purposes of its enforcement and any sum to be found as caution;
 - “imprisonment” includes, in the case of a person who is under the age of 21 years, detention;
 - “part of the United Kingdom” means England and Wales, Scotland or Northern Ireland;
 - “prison” means—
- (i) in the case of a person who is under the age of 21 years arrested in Scotland, a young offenders institution; and

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- (ia) [^{F4}in the case of a person under that age arrested in England and Wales, any place in which he could be detained under section 12(10) of the Criminal Justice Act 1982;]
 - (ii) in the case of a person under that age arrested in Northern Ireland, a young offenders centre; and
- “sum adjudged to be paid by a conviction” has the meaning given by section 150(3) of the Magistrates’ Courts Act 1980 or, in Northern Ireland, section 169(2) of the Magistrates’ Courts (Northern Ireland) Act 1964.

(6) This section shall not apply to the arrest of persons under the age of 17 years.

Textual Amendments

F4 S. 38A(5)(ia) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 14 para. 39](#)

38B Further provision for execution of warrants of commitment for non-payment of sum adjudged to be paid by conviction in England and Wales or Northern Ireland.

- (1) Subject to subsection (6) below, a person against whom there has been issued in England and Wales a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in Northern Ireland by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in Northern Ireland; and article 158(4) and (5) of the Magistrates’ Courts (Northern Ireland) Order 1981 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such warrant which has been issued in England and Wales as they apply in relation to the execution of a warrant for arrest.
- (2) Subject to subsection (6) below, a person against whom there has been issued in Northern Ireland a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in England and Wales by any constable acting within his police area in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in England and Wales.
- (3) A person arrested by virtue of subsection (1) or (2) above under a warrant of commitment may be detained under it in any prison in the part of the United Kingdom in which he was arrested; and while so detained he shall be treated for all purposes as if he were detained under a warrant of commitment issued in that part of the United Kingdom.
- (4) A warrant of commitment issued by a court in Northern Ireland may be executed in England and Wales by virtue of this section whether or not it has been endorsed under section 27 of the Petty Sessions (Ireland) Act 1851.
- (5) In this section
 - “part of the United Kingdom” means England and Wales or Northern Ireland;
 - “prison” means—

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- (a) in the case of a person who is under the age of 21 years arrested in England and Wales, any place in which he could be detained under section 12(10) of the Criminal Justice Act 1982; and
 - (b) in the case of a person under that age arrested in Northern Ireland, a young offenders centre; and
- “sum adjudged to be paid by a conviction” has the meaning given by section 150(3) of the Magistrates’ Courts Act 1980 or, in Northern Ireland, Article 2(5) of the Magistrates’ Courts (Northern Ireland) Order 1981.

(6) This section shall not apply to the arrest of persons under the age of 17 years.

^{F5} **Service of summonses and citation throughout United Kingdom.**

- ^{F6} ^{F7} ^{F8} 39
- (1) A summons requiring a person charged with an offence to appear before a court in England or Wales may, in such manner as may be prescribed by rules of court, be served on him in Scotland or Northern Ireland.
 - (2) A summons requiring a person charged with an offence to appear before a court in Northern Ireland may, in such manner as may be prescribed by rules of court, be served on him in England, Wales or Scotland.
 - (3) Citation of a person charged with a crime or offence to appear before a court in Scotland may be effected in any other part of the United Kingdom in like manner as it may be done in Scotland, and for this purpose the persons authorised to effect such citation shall include
 - ^{F9}(a) [, in England and Wales and Northern Ireland, constables and prison officers serving in those parts of the United Kingdom
 - ^{F10}(b) [persons authorised by a chief officer of police in England or Wales to serve summonses there.]

Textual Amendments

- F5** S. 38A inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\)](#), **s. 51**
- F6** S. 38A inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\)](#), **s. 51**
- F7** S. 38B inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 52**
- F8** S. 38B inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 52**
- F9** “(a)” inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\)](#), **Sch. 7 para. 79(a)**
- F10** S. 39(3)(b) added by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 7 para. 79(b)**

40 Transfer of fine orders.

Schedule 7 to this Act (which confers powers on courts in Northern Ireland, and extends the existing powers of courts in England, Wales and Scotland, to make transfer of fine orders) shall have effect.]]]]

Textual Amendments

- F5** S. 38A inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\)](#), **s. 51**
- F6** S. 38A inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\)](#), **s. 51**
- F7** S. 38B inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 52**
- F8** S. 38B inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 52**

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