



# Criminal Law Act 1977

## 1977 CHAPTER 45

### PART III

#### CRIMINAL PROCEDURE, PENALTIES, ETC.

##### *Cross-border enforcement*

<sup>F1</sup>38 .....

#### Textual Amendments

<sup>F1</sup> S. 38 repealed (3.2.1995) by 1994 c. 33, s. 168(3), [Sch.11](#); S.I. 1995/127, art. 2(1), [Sch. 1](#) AppendixC.

#### <sup>F2</sup>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 [<sup>F3</sup>of the Police Service of Scotland] , in like manner as if the warrant

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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
    - (ia) [<sup>F4</sup>in the case of a person under that age arrested in England and Wales, any place in which he could be detained under [<sup>F5</sup>section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000];]
    - (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 [<sup>F6</sup>the age of 18 years].

#### Textual Amendments

- F2** S. 38A inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\), s. 51](#)
- F3** Words in s. 38A(2) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\), art. 1\(2\), Sch. 2 para. 14](#)
- F4** S. 38A(5)(ia) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), Sch. 14 para. 39](#)
- F5** Words in s. 38A(5)(ia) substituted (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\), Sch. 9 para. 56](#)
- F6** Words in s. 38A(6) substituted (3.5.1995) by [1994 c. 33, s. 168\(1\), Sch. 9 para. 14\(1\); S.I. 1995/127, art. 2\(1\), Sch. 1 Appendix A.](#)

#### [<sup>F7</sup>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

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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—

- (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 [<sup>F8</sup>section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000]; 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 [<sup>F9</sup>the age of 18 years].

#### Textual Amendments

**F7** S. 38B inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 52

**F8** Words in s. 38B(5)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), [Sch. 9 para. 57](#)

**F9** Words in s. 38B(6) substituted (3.2.1995) by 1994 c. 33, s. 168(1), [Sch. 9 para. 14\(2\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#) Appendix A.

### 39 Service of summonses and citation throughout United Kingdom.

[<sup>F10</sup>(1) The following documents, namely—

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- (a) a summons requiring a person charged with an offence to appear before a court in England or Wales,
  - (b) a written charge (within the meaning of section 29 of the Criminal Justice Act 2003) charging a person with an offence,
  - (c) a requisition (within the meaning of that section) requiring a person charged with an offence to appear before a court in England or Wales,
  - [<sup>F11</sup>(ca) a single justice procedure notice (within the meaning of that section) requiring a person charged with an offence to serve a written notification stating—
    - (i) whether or not the person desires to plead guilty, and
    - (ii) if the person desires to plead guilty, whether or not the person desires to be tried in accordance with section 16A of the Magistrates' Courts Act 1980,] and
  - (d) any other document which, by virtue of any enactment, may or must be served on a person with, or at the same time as, a document mentioned in paragraph (a), (b) [<sup>F12</sup>, (c) or (ca)] above,
- may, in such manner as may be prescribed by rules of court, be served on him in Scotland or Northern Ireland.]

[<sup>F13</sup>(1A) The documents falling within subsection (1)(a) include a summons directed to a person that is issued after the person's trial has begun.]

- (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
  - [<sup>F14</sup>(a)] , in England and Wales and Northern Ireland, constables and prison officers serving in those parts of the United Kingdom
  - [<sup>F15</sup>(b) persons authorised by a chief officer of police in England or Wales to serve summonses there.]

#### Textual Amendments

- F10** S. 39(1) substituted (1.10.2007) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 36 para. 6**; [S.I. 2007/2874](#), art. 2(1)(4)
- F11** S. 39(1)(ca) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 11 para. 1(2)**; [S.I. 2015/778](#), art. 3, Sch. 1 para. 77
- F12** Words in s. 39(1)(d) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 11 para. 1(3)**; [S.I. 2015/778](#), art. 3, Sch. 1 para. 77
- F13** S. 39(1A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 11 para. 1(4)**; [S.I. 2015/778](#), art. 3, Sch. 1 para. 77
- F14** “(a)” inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\)](#), **Sch. 7 para. 79(a)**
- F15** S. 39(3)(b) added by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\)](#), SIF 39:1, **Sch. 7 para. 79(b)**

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### **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**

- F2** 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](#)
- F16** S. 38A inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\), s. 51](#)
- F17** S. 38B inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 52](#)

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

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

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

- s. 38A(5)(ia) by [2000 c. 43 Sch. 7 para. 55](#)
- s. 38B(5)(a) by [2000 c. 43 Sch. 7 para. 56](#)