



Criminal Justice Act 1988

1988 CHAPTER 33

PART XI

MISCELLANEOUS

Provisions relating to Customs and Excise

150 Bail for persons in customs detention

At the end of section 114(2)(b) of the Police and Criminal Evidence Act 1984 there shall be added the words “and

- (c) that in relation to customs detention (as defined in any order made under this subsection) the Bail Act 1976 shall have effect as if references in it to a constable were references to an officer of Customs and Excise of such grade as may be specified in the order.”.

151 Customs and Excise power of arrest

- (1) If—
 - (a) a person—
 - (i) has been released on bail in criminal proceedings for an offence falling within subsection (4) below; and
 - (ii) is under a duty to surrender into customs detention; and
 - (b) an officer of Customs and Excise has reasonable grounds for believing that that person is not likely to surrender to custody,he may be arrested without warrant by an officer of Customs and Excise.
- (2) A person arrested in pursuance of subsection (1) above shall be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area in which he was arrested.
- (3) In reckoning for the purposes of subsection (2) above any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

Status: This is the original version (as it was originally enacted).

- (4) The offences that fall within this subsection are—
- (a) an offence against section 5(2) of the Misuse of Drugs Act 1971 (possession of controlled drugs); and
 - (b) a drug trafficking offence.
- (5) In this section and section 152 below “drug trafficking offence” means a drug trafficking offence as defined by section 38(1) of the Drug Trafficking Offences Act 1986 other than an offence under section 24 of that Act (assisting another to retain the benefit of drug trafficking).

152 Remands of suspected drug offenders to customs detention

- (1) Subject—
- (a) to subsection (2) below; and
 - (b) to section 4 of the Bail Act 1976,
- where—
- (i) a person is brought before a magistrates' court on a charge of an offence against section 5(2) of the Misuse of Drugs Act 1971 or a drug trafficking offence; and
 - (ii) the court has power to remand him,
- it shall have power, if it considers it appropriate to do so, to remand him to customs detention, that is to say, commit him to the custody of a customs officer for a period not exceeding 192 hours.
- (2) This section does not apply where a charge is brought against a person under the age of 17.
- (3) In the application of this section to Northern Ireland, for the words from the beginning of subsection (1) above to “1976” there shall be substituted the words “Subject to subsection (2) below,”.
- (4) The definition of “drug trafficking offence” in section 38(1) of the Drug Trafficking Offences Act 1986 shall extend to Northern Ireland for the purposes of this section but shall have effect in relation to Northern Ireland as if—
- (a) the reference in paragraph (e) to section 1 of the Criminal Law Act 1977 were a reference to Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983; and
 - (b) the reference in paragraph (f) to section 1 of the Criminal Attempts Act 1981 were a reference to Article 3 of that Order.