



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART X

CROSS-BORDER ENFORCEMENT

[^{F1}137D Rights of persons arrested under section 137A

- (1) A person arrested under section 137A must be informed of the following matters as soon as is practicable after the arrest—
 - (a) the purpose for which the person may be detained under section 137C;
 - (b) the provision made by that section about the periods for which the person may be detained.
- (2) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in England and Wales (subject to the modifications made by Part 1 of Schedule 7B)—
 - (a) section 28 of the Police and Criminal Evidence Act 1984 (information to be given on arrest);
 - (b) section 56 of that Act (right to have someone informed when arrested);
 - (c) section 58 of that Act (access to legal advice);
 - (d) section 31 of the Children and Young Persons Act 1933 (separation of children and young persons from adults in police stations, courts etc);
 - (e) section 34 of that Act (additional protection for children and young persons).
- (3) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in Scotland (subject to the modifications made by Part 2 of Schedule 7B)—
 - (a) section 3 of the Criminal Justice (Scotland) Act 2016 ([asp 1](#)) (information to be given on arrest);
 - (b) Chapter 5 of Part 1 of that Act (rights of suspects in police custody);
 - (c) section 51 of that Act (duty to consider child's well-being);

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 137D is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (d) section 52 of that Act (duties in relation to children in custody).
- (4) The following provisions apply in relation to persons arrested under section 137A in respect of a specified offence committed in Northern Ireland (subject to the modifications made by Part 3 of Schedule 7B)—
- (a) Article 30 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) (information to be given on arrest);
 - (b) Article 57 of that Order (right to have someone informed when arrested);
 - (c) Article 59 of that Order (access to legal advice);
 - (d) Article 9 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I.9)) (separation of child in police detention from adults charged with offences);
 - (e) Article 10 of that Order (additional protection for children and young persons).
- (5) The Secretary of State may by regulations made by statutory instrument—
- (a) amend this section so as to add to the provisions that for the time being apply as mentioned in subsection (2), (3) or (4);
 - (b) amend this section so as to remove any of those provisions that were added by virtue of paragraph (a);
 - (c) amend Schedule 7B so as to alter the modifications for the time being made by that Schedule, including by adding a modification or removing one;
 - (d) amend Schedule 7B so as to provide that any of the provisions that for the time being apply as mentioned in subsection (2), (3) or (4) do not apply in cases or circumstances set out in the Schedule.
- (6) Regulations under subsection (5) may include consequential provision, including provision amending any statutory provision; and, for that purpose, statutory provision has the same meaning as in section 137B (see subsection (10)(c) of that section).
- (7) The Secretary of State may not make regulations under subsection (5) unless the Scottish Ministers and the Department of Justice in Northern Ireland consent to the making of the regulations.
- (8) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (9) In the application of Schedule 7B in a case where the investigating force is a police force mentioned in section 137C(9)(a) or (b), any reference to an officer of at least, or above, a particular rank in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.]

Textual Amendments

- F1** Ss. 137A-137D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 116\(1\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2018/227](#), [art. 2\(f\)](#)

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

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

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)