

*Changes to legislation: Policing and Crime Act 2017, Part 1 is up to date with all changes known to be in force on or before 14 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*

## SCHEDULES

### SCHEDULE 17

#### CROSS-BORDER ENFORCEMENT: MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

##### AMENDMENTS OF PART 10 OF THE CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

- 1 Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement) is amended in accordance with paragraphs 2 to 8.

##### Commencement Information

- I1** Sch. 17 para. 1 in force for specified purposes at Royal Assent, see s. 183  
**I2** Sch. 17 para. 1 in force at 1.3.2018 in so far as not already in force by S.I. 2018/227, reg. 2(g)

##### *Powers of constables of PSNI etc under section 137*

- 2 (1) Section 137 (cross-border powers of arrest etc.) is amended as follows.  
(2) In subsection (3), for “the conditions applicable to this subsection are satisfied” substitute “the condition applicable to this subsection is satisfied”.  
(3) For subsection (6) substitute—  
“(6) The condition applicable to subsection (3) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in Northern Ireland.”  
(4) In subsection (9), omit the definition of “arrestable offence”.

##### Commencement Information

- I3** Sch. 17 para. 2 in force for specified purposes at Royal Assent, see s. 183  
**I4** Sch. 17 para. 2 in force at 1.3.2018 in so far as not already in force by S.I. 2018/227, reg. 2(g)

- 3 In section 138 (powers of arrest: supplementary provisions), omit subsections (3) to (5).

##### Commencement Information

- I5** Sch. 17 para. 3 in force for specified purposes at Royal Assent, see s. 183  
**I6** Sch. 17 para. 3 in force at 1.3.2018 in so far as not already in force by S.I. 2018/227, reg. 2(g)

---

*Changes to legislation: Policing and Crime Act 2017, Part 1 is up to date with all changes known to be in force on or before 14 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*

---

*Powers to search premises under section 139*

- 4 (1) Section 139 (search powers available on arrests under sections 136 and 137) is amended as follows.
- (2) In the heading, for “sections 136 and 137” substitute “ sections 136, 137 and 137A ”.
- (3) For subsection (1) substitute—
- “(1) The powers conferred by subsections (2) and (3) are available to a constable in relation to—
- (a) a person arrested under section 136(1), (2)(b) or (3)(a);
- (b) a person arrested under section 137(1) or (3);
- (c) a person arrested under section 137A in respect of a specified offence committed in England and Wales or Northern Ireland.”
- (4) Omit subsection (3)(b).
- (5) After subsection (3) insert—
- “(3A) The powers conferred by subsection (3B) are available to a constable in relation to—
- (a) a person arrested under section 136(1) or (3)(a) in the execution of a warrant issued in England and Wales in respect of an offence that is an indictable offence in England and Wales;
- (b) a person arrested under section 136(1) or (2)(b) in the execution of a warrant issued in Northern Ireland in respect of an offence that is an indictable offence in Northern Ireland;
- (c) a person arrested under section 137(1) in respect of an offence that is an indictable offence in England and Wales;
- (d) a person arrested under section 137(3) in respect of an offence that is an indictable offence in Northern Ireland;
- (e) a person arrested under section 137A(2) or (4) in respect of a specified offence committed in England and Wales;
- (f) a person arrested under section 137A(1) or (2) in respect of a specified offence committed in Northern Ireland.
- (3B) The constable may enter and search any premises in which the person was when arrested or immediately before he was arrested for evidence relating to the offence.”
- (6) In subsection (4), after “subsection (3)” insert “ or (3B) ”.
- (7) In subsection (7)—
- (a) for “subsection (3)(b)” substitute “ subsection (3B) ”;
- (b) for “that paragraph” substitute “ that subsection ”.
- (8) In subsection (8), for “subsection (3)(b)” substitute “ subsection (3B) ”.
- (9) After subsection (10) insert—
- “(10A) Where a constable of a police force in England and Wales searches premises in the exercise of the power conferred by subsection (3B) or where a constable of the British Transport Police searches premises in England and Wales in the exercise of that power—

---

**Changes to legislation:** Policing and Crime Act 2017, Part 1 is up to date with all changes known to be in force on or before 14 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

---

- (a) the constable has the same powers as the constable would have under section 19 of the Police and Criminal Evidence Act 1984 if the search had taken place under section 32(2)(b) of that Act, and
  - (b) sections 21 and 22 of that Act apply in relation to anything seized in the exercise of the powers conferred by paragraph (a) above.
- (10B) Where a constable of a police force in Northern Ireland searches premises in the exercise of the power conferred by subsection (3B)—
- (a) the constable has the same powers as the constable would have under Article 21 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) if the search had taken place under Article 34(2)(b) of that Order, and
  - (b) Articles 23 and 24 of that Order apply in relation to anything seized in the exercise of the powers conferred by paragraph (a) above.
- (10C) Where a constable of a police force in Scotland searches premises in the exercise of the power conferred by subsection (3B), or where a constable of the British Transport Police searches premises in Scotland in the exercise of that power, the constable has the same powers of seizure and retention as the constable would have if the search had taken place in the exercise of a power of the constable (by virtue of any rule of law) in relation to a person arrested and charged with an offence by the constable in Scotland.”
- (10) In subsection (12)—
- (a) in the definition of “premises”, at the end of paragraph (b) (before the “and”) insert—
    - “(ba) any renewable energy installation;”;
  - (b) omit the “and” after that definition;
  - (c) in the definition of “offshore installation” for “section 1 of the Mineral Workings (Offshore Installations) Act 1971” substitute “ section 44 of the Petroleum Act 1998 ”;
  - (d) at the end of the subsection insert “; and
    - renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act).”

---

#### Commencement Information

**I7** Sch. 17 para. 4 in force for specified purposes at Royal Assent, see s. 183

**I8** Sch. 17 para. 4 in force at 1.3.2018 in so far as not already in force by S.I. 2018/227, reg. 2(g)

#### *Reciprocal powers of arrest - minor correction*

- 5 In section 140 (reciprocal powers of arrest)—
- (a) in subsection (1), for the words in brackets substitute “ (arrest without warrant) ”;
  - (b) in subsection (5), for the words in the second set of brackets substitute “ (arrest without warrant) ”.

*Changes to legislation: Policing and Crime Act 2017, Part 1 is up to date with all changes known to be in force on or before 14 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*

**Commencement Information**

- I9** Sch. 17 para. 5 in force for specified purposes at Royal Assent, see s. 183  
**I10** Sch. 17 para. 5 in force at 1.3.2018 in so far as not already in force by S.I. 2018/227, reg. 2(g)

*References to the British Transport Commission Act 1949 - updating*

- 6 In each of the following places, for references to “section 53 of the British Transport Commission Act 1949” substitute “section 24 of the Railways and Transport Safety Act 2003 ”
- (a) section 136(1) and (2);
  - (b) section 137(2A);
  - (c) section 140(6A).

**Commencement Information**

- I11** Sch. 17 para. 6 in force for specified purposes at Royal Assent, see s. 183  
**I12** Sch. 17 para. 6 in force at 1.3.2018 in so far as not already in force by S.I. 2018/227, reg. 2(g)

*Other amendments*

- 7 (1) Section 136 (execution of warrants) is amended as follows.
- (2) After subsection (4) insert—
- “(4A) The following provisions apply in relation to the execution under this section by a constable of a warrant issued in England and Wales or Northern Ireland—
- (a) where the warrant is executed under subsection (1), the constable has the same powers of entry and search for the purpose of executing the warrant as a constable of a police force in Scotland would have if the warrant had been issued in Scotland;
  - (b) where the warrant is executed under subsection (2)(b) or (3)(a), the constable has the powers of entry and search conferred by section 137E;
  - (c) where the warrant is executed under subsection (1), (2)(b) or (3)(a), the constable has the powers conferred by section 139 in relation to the arrested person;
  - (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.”
- (3) In subsection (5), omit paragraph (a).

**Commencement Information**

- I13** Sch. 17 para. 7 in force for specified purposes at Royal Assent, see s. 183  
**I14** Sch. 17 para. 7 in force at 1.3.2018 in so far as not already in force by S.I. 2018/227, reg. 2(g)

- 8 (1) Section 137 (cross-border powers of arrest etc.) is amended as follows.

---

**Changes to legislation:** Policing and Crime Act 2017, Part 1 is up to date with all changes known to be in force on or before 14 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

---

(2) After subsection (7) insert—

“(7A) The following provisions apply in relation to an arrest under this section by a constable under subsection (1) or (3)—

- (a) where the arrest is under subsection (1) in Northern Ireland or under subsection (3) in England and Wales, the constable has the powers of entry and search conferred by section 137E;
- (b) where the arrest is under subsection (1) or (3) in Scotland, the constable has the same powers of entry and search for the purpose of the arrest as a constable of a police force in Scotland would have if there were reasonable grounds for suspecting that the offence had been committed or attempted in Scotland;
- (c) the constable has the powers conferred by section 139 in relation to the arrested person;
- (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.”

(3) In subsection (8), omit paragraph (a).

---

**Commencement Information**

**I15** Sch. 17 para. 8 in force for specified purposes at Royal Assent, see s. 183

**I16** Sch. 17 para. 8 in force at 1.3.2018 in so far as not already in force by S.I. 2018/227, reg. 2(g)

**Changes to legislation:**

Policing and Crime Act 2017, Part 1 is up to date with all changes known to be in force on or before 14 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)