



Visiting Forces Act 1952

1952 CHAPTER 67 15 and 16 Geo 6 and 1 Eliz 2

PART I

VISITING FORCES

5 Arrest, custody, etc. of offenders against United Kingdom law.

- (1) Neither of the two last foregoing sections shall affect—
- (a) any powers of arrest, search, entry, seizure or custody exercisable under United Kingdom law with respect to offences committed or believed to have been committed against that law; or
 - (b) any obligation of any person in respect of a recognisance or bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence; or
 - (c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.

- (2) Where a person has been taken into custody by a constable without a warrant for such an offence as aforesaid, and there is reasonable ground for believing that in accordance with section two of this Act he is subject to the jurisdiction of the service courts of a country to which this section applies, then, with a view to its being determined whether he is to be dealt with for that offence under United Kingdom law or dealt with by the courts of that country for an offence under the law thereof, he may notwithstanding anything in section thirty-eight of the ^{M1}Summary Jurisdiction Act, 1879, be detained in custody for a period not exceeding three days without being brought before a court of summary jurisdiction; but if within that period he is not delivered into the custody of an authority of that country he shall, in accordance with the said section thirty-eight, be released on bail or brought before a court of summary jurisdiction as soon as practicable after the expiration of that period.

- [^{F1}(3) In the application of subsection (2) of this section to Scotland,—

- (a) for the first reference to Part IV of the Police and Criminal Evidence Act 1984 there shall be substituted a reference to section 32(3) of the ^{M2}Criminal Procedure (Scotland) Act 1975; and

Changes to legislation: There are currently no known outstanding effects for the Visiting Forces Act 1952, Section 5. (See end of Document for details)

- (b) for the words “in accordance with the said Part IV, be released on bail or” there shall be substituted the words “if not liberated under section 294(2) of that Act, be”.]
- (4) In the application of subsection (2) of this section to Northern Ireland for the references to section thirty-eight of the ^{M3}Summary Jurisdiction Act, 1879, there shall be substituted references to section thirty-nine of the ^{M4}Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, and the references to a court of summary jurisdiction shall be construed as references to such a court or a resident magistrate out of petty sessions or a justice of the peace.

Textual Amendments

- F1** S. 5(3) substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(1), **Sch. 15 para. 13(b)**

Modifications etc. (not altering text)

- C1** By virtue of [Magistrates' Courts Act 1952 \(c. 55\)](#), s. **132(4)**, [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. 17(2)(a) and [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), **Sch. 8 para. 5** references to s. 38 of the Summary Jurisdiction Act 1879 were to be construed as references to s. 43 of that 1980 Act and for each of the references in s. 5(2) and (4) to section 43 of the Magistrates' Courts Act 1980 there is expressed to be substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(1), **Sch. 15 para. 13(a)** references to Part IV of the Police and Criminal Evidence Act 1984

Marginal Citations

- M1** 1879 c. 49.
M2 1975 c.21 (39:1).
M3 1879 c. 49.
M4 1935 c. 13 (N.I.)

Changes to legislation:

There are currently no known outstanding effects for the Visiting Forces Act 1952, Section 5.