
STATUTORY INSTRUMENTS

2003 No. 2818

The Nationality, Immigration and Asylum
Act 2002 (Juxtaposed Controls) Order 2003

PART 2

PROVISIONS RELATING TO THE EXERCISE OF POWERS BY FRENCH
OFFICERS IN A CONTROL ZONE IN THE UNITED KINGDOM

Detention of arrested persons by a constable

5.—(1) Where—

- (a) an officer belonging to the French Republic has in a Control Zone in the United Kingdom arrested or detained a person in accordance with article 4 (1), and
- (b) such an officer so requests,

a constable may make arrangements for the person to be taken into temporary custody.

(2) A person taken into temporary custody under paragraph (1)—

- (a) shall be treated for all purposes as being in lawful custody, and
- (b) may be taken to a police station or such other place as may be appropriate in the circumstances, and shall in that case be treated as being a person in whose case sections 36(7) and (8), 54, 55, 56 and 58 of the 1984 Act⁽¹⁾ and, in the case of a child or young person, section 34(2) to (7), (8) and (9) of the Children and Young Persons Act 1933⁽²⁾ apply, and
- (c) must be returned to an officer belonging to the French Republic before the end of the period referred to in article 4(2), to a place where detention can be resumed under that article.

(3) Where a person falls to be treated as mentioned in paragraph (2)(b), section 56 of the 1984 Act shall be taken to apply as if he were detained for a serious arrestable offence.

⁽¹⁾ Section 54 of the 1984 Act was amended by section 147 of the Criminal Justice Act 1988 (c. 33) and there are amendments to sections 55, 56 and 58 of the 1984 Act which are not relevant to this Order.

⁽²⁾ 23 Geo 5 c. 12. Section 34(2) to (7) and (8) and (9) of the 1933 Act were substituted by section 57 of the 1984 Act.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- [art. 5\(3\)](#) words substituted by [S.I. 2005/3389 art. 20](#)

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

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

- [Sch. 2 para. 1A](#) inserted by [S.I. 2006/2908 art. 2\(c\)](#)
- [Sch. 2 para. 1\(3\)\(ca\)](#) inserted by [S.I. 2021/311 art. 2\(7\)\(a\)](#)
- [Sch. 2 para. 2\(1\)\(da\)](#) inserted by [S.I. 2021/311 art. 2\(7\)\(b\)\(i\)\(aa\)](#)
- [Sch. 2 para. 2\(1\)\(ea\)](#) inserted by [S.I. 2021/311 art. 2\(7\)\(b\)\(i\)\(bb\)](#)
- [Sch. 2 para. 2\(2\)\(d\)-\(h\)](#) inserted by [S.I. 2021/311 art. 2\(7\)\(b\)\(iii\)](#)
- [Sch. 2 para. 4\(ba\)\(bb\)](#) inserted by [S.I. 2021/311 art. 2\(7\)\(d\)\(i\)](#)
- [Sch. 2 para. 4\(ca\)\(cb\)](#) inserted by [S.I. 2021/311 art. 2\(7\)\(d\)\(ii\)](#)
- [Sch. 2 para. 4\(e\)](#) inserted by [S.I. 2021/311 art. 2\(7\)\(d\)\(iii\)](#)
- [Sch. 2 para. 5\(aa\)](#) inserted by [S.I. 2021/311 art. 2\(7\)\(e\)\(iv\)](#)
- [Sch. 2 para. 4A](#) inserted by [S.I. 2021/784 art. 3](#)
- [Sch. 2 para. 2\(1\)\(h\)\(ii\)-\(vi\)](#) substituted for [Sch. 2 para. 2\(1\)\(h\)\(ii\)](#) by [S.I. 2021/311 art. 2\(7\)\(b\)\(i\)\(ee\)](#)
- [art. 3\(3\)\(4\)](#) inserted by [S.I. 2021/311 art. 2\(3\)](#)
- [art. 8\(2A\)](#) inserted by [S.I. 2019/419 Sch. 3 para. 46\(3\)](#)
- [art. 11\(1\)\(f\)\(g\)](#) inserted by [S.I. 2006/2908 art. 2\(a\)](#)
- [art. 11\(1\)\(f\)](#) word deleted (temp.) by [S.I. 2011/1786 art. 2\(2\)](#)
- [art. 11\(1\)\(g\)](#) word inserted (temp.) by [S.I. 2011/1786 art. 2\(3\)](#)
- [art. 11\(1\)\(h\)](#) inserted (temp.) by [S.I. 2011/1786 art. 2\(4\)](#)
- [art. 11\(4A\)](#) inserted by [S.I. 2019/419 Sch. 3 para. 47\(3\)](#)
- [art. 12\(3\)\(4\)\(4a\)](#) omitted by [S.I. 2021/311 art. 2\(5\)\(b\)](#)
- [art. 12\(4A\)](#) inserted by [S.I. 2006/2908 art. 2\(b\)](#)
- [art. 12\(7\)](#) inserted by [S.I. 2021/311 art. 2\(5\)\(d\)](#)