
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 18

WARRANTS

Warrant of arrest

18.3.—(1) A warrant issued by a justice of the peace for the arrest of any person shall require the persons to whom it is directed, that is to say, the constables of the police area in which the warrant is issued, or the civilian enforcement officers for the area in which they are employed, or any persons named in that behalf in the warrant, to arrest the person against whom the warrant is issued.

(2) The warrant shall name or otherwise describe the person for whose arrest it is issued, and shall contain a statement of the offence charged in the information or, as the case may be, the ground on which the warrant is issued.

(3) A warrant to which this rule applies may be executed by the persons to whom it was directed or by any of the following persons, whether or not the warrant was directed to them—

- (a) a constable for any police area in England and Wales, acting in his own police area;
- (b) where the warrant is one to which section 125A of the Magistrates' Courts Act 1980(1) applies, a civilian enforcement officer within the meaning of that section; and
- (c) where the warrant is one to which section 125A of the 1980 Act applies, any of the individuals described in section 125B(1) of that Act(2),

and in this rule any reference to the person charged with the execution of a warrant includes any of the above persons who is for the time being authorised to execute the warrant, whether or not they have the warrant in their possession at the time.

(4) A person executing a warrant of arrest shall, upon arresting the person against whom the warrant is issued—

- (a) either
 - (i) if he has the warrant with him, show it to the person against whom the warrant is issued, or
 - (ii) otherwise, state where the warrant is and what arrangements may be made to allow the person arrested to inspect it;
- (b) explain, in ordinary language, the offence or default with which the person is charged and the reason for the arrest;
- (c) where the person executing the warrant is one of the persons referred to in paragraph (3) (b) or (c), show the person arrested a written statement under section 125A(4) or 125B(4) of the 1980 Act as appropriate; and
- (d) in any case, show documentary proof of his identity.

(1) Section 125A was inserted by section 92 of the Access to Justice Act 1999 (c. 22).

(2) Section 125B was inserted by section 93(2) of the Access to Justice Act 1999 (c. 22).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) A warrant of arrest issued under any of the provisions in paragraph (6) shall cease to have effect when—

- (a) the sum in respect of which the warrant is issued is paid to the person charged with the execution of the warrant;
- (b) that sum is tendered to and refused by the person charged with the execution of the warrant; or
- (c) a receipt for that sum given by—
 - (i) the court officer for the court which issued the warrant, or
 - (ii) the charging or billing authority,

is produced to the person charged with the execution of the warrant.

(6) Those provisions are sections 83(1), 83(2), and 86(4) of the 1980 Act⁽³⁾.

[Note. Formerly rule 96 of the Magistrates' Courts Rules 1981.]

⁽³⁾ Section 86(4) was amended by section 51(2) of the Criminal Justice Act 1982 (c. 48) and section 97(3) of the Access to Justice Act 1999 (c. 22).