

SCHEDULE 1

Cross-border enforcement by constables of territorial police forces

Modification of Part 10 of the Criminal Justice and Public Order Act 1994

3. In section 137 (cross-border powers of arrest etc.)—
- (a) in subsection (2), the words “or detention” are repealed;
 - (b) in subsection (7)—
 - (i) the words “or, as the case may be detained,” are repealed;
 - (ii) for paragraph (b) substitute—
 - “(ba) if he arrested him in England or Wales under subsection (2) above and has charged him with an offence, to take the person arrested to the nearest convenient police station in Scotland or to a police station within a sheriffdom in which the offence is being investigated;
 - (bb) if he arrested him in England or Wales under subsection (2) above and has not charged him with an offence, to take the person arrested either to a police station in Scotland mentioned in paragraph (ba) above, or to the nearest convenient designated police station in England or Wales;
 - (bc) if he arrested him in England or Wales under subsection (3) above, to take the person arrested to the nearest convenient designated police station in Northern Ireland or to a designated police station in Northern Ireland in which the offence is being investigated;”;
 - (iii) paragraph (c) is repealed;
 - (iv) in paragraph (d)—
 - (aa) after the word “Ireland” insert “under subsection (1) above”;
 - (bb) the words from “or to the nearest” to the end of the paragraph are repealed;
 - (v) after paragraph (d) insert—
 - “(da) if he arrested him in Northern Ireland under subsection (2) above and has charged him with an offence, to take the person arrested to such police station in Scotland as is mentioned in paragraph (ba) above;
 - (db) if he arrested him in Northern Ireland under subsection (2) above and has not charged him with an offence, to take the person arrested either to such police station in Scotland as is mentioned in paragraph (ba) above, or to the nearest convenient designated police station in Northern Ireland;”;
 - (vi) paragraph (e) is repealed;
 - (c) before subsection (8) insert—
 - “(7B) Where a constable arrests a person under a power exercised by virtue of subsection (2) above, any enactment or rule of law which concerns—
 - (a) the powers and duties of a constable who effects an arrest under the power;
 - (b) the rights of a person arrested under the power;
 - (c) the procedures to be followed after an arrest under the power,

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applies in relation to the arrest (subject to the modifications set out in section 137ZA) as though the arrest had been effected in Scotland and, if the constable who executed it is not a constable of a police force in Scotland, as though the constable were⁽¹⁾.”;

(d) in subsection (8), paragraphs (b) and (c) are repealed.

(1) A new subsection (7A) is to be inserted into section 137 (on a date to be appointed) by the Policing and Crime Act 2017, Schedule 17, paragraph 8.