



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART XI

#### MISCELLANEOUS AND SUPPLEMENTARY

#### 116 Meaning of “serious arrestable offence”.

- (1) This section has effect for determining whether an offence is a serious arrestable offence for the purposes of this Act.
- (2) The following arrestable offences are always serious—
  - (a) an offence (whether at common law or under any enactment) specified in Part I of Schedule 5 to this Act; and
  - <sup>F1</sup>(aa) .....
  - (b) an offence under an enactment specified in Part II of that Schedule
  - <sup>F2</sup>(c) any offence which is specified in paragraph 1 of Schedule 2 to the Proceeds of Crime Act 2002 (drug trafficking offences),
  - (d) any offence under section 327, 328 or 329 of that Act (certain money laundering offences).]
- (3) Subject to <sup>F3</sup>subsection (4)] below, any other arrestable offence is serious only if its commission—
  - (a) has led to any of the consequences specified in subsection (6) below; or
  - (b) is intended or is likely to lead to any of those consequences.
- (4) An arrestable offence which consists of making a threat is serious if carrying out the threat would be likely to lead to any of the consequences specified in subsection (6) below.
- <sup>F4</sup>(5) An offence under <sup>F5</sup>section 2, 8, 9, 10, or 11 of the Prevention of Terrorism (Temporary Provisions) Act 1989] is always a serious arrestable offence for the purposes of section 56 or 58 above, and an attempt to commit any such offence is also always a serious arrestable offence for those purposes.]
- (6) The consequences mentioned in subsections (3) and (4) above are

*Status: Point in time view as at 14/11/2005. This version of this provision has been superseded.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 116 is up to date with all changes known to be in force on or before 28 May 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)*

- (a) serious harm to the security of the State or to public order;
  - (b) serious interference with the administration of justice or with the investigation of offences or of a particular offence;
  - (c) the death of any person;
  - (d) serious injury to any person;
  - (e) substantial financial gain to any person; and
  - (f) serious financial loss to any person.
- (7) Loss is serious for the purposes of this section if, having regard to all the circumstances, it is serious for the person who suffers it.
- (8) In this section “injury” includes any disease and any impairment of a person’s physical or mental condition.

#### Textual Amendments

- F1** S. 116(2)(aa) repealed (3.2.1995) by 1994 c. 37, ss. 65(1), 67(1), 69(2), Sch. 1 para. 9, **Sch. 3**
- F2** S. 116(2)(c)(d) and preceding word substituted (24.2.2003) for s. 116(2)(c) by Proceeds of Crime Act 2002 (c. 29), ss. 456, 458(1)(3), **Sch. 11 para. 14(4)**; S.I. 2003/120, **art. 2**, Sch. (subject to transitional provisions and savings in arts. 3-7) (as amended by S.I. 2003/333, art. 14 (as amended by S.I. 2003/531, arts. 3, 4))
- F3** Words in s. 116(3) substituted (19.2.2001) by 2000 c. 11, s. 125(1), **Sch. 15 para. 5(11)(a)** (with s. 129(1)); S.I. 2001/421, **art. 2**
- F4** S. 116(5) repealed (19.2.2001) by 2000 c. 11, s. 125, Sch. 15 para. 5(11)(b), **Sch. 16 Pt. I** (with s. 129(1)); S.I. 2001/421, **art. 2**
- F5** Words substituted by Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4, SIF 39:2), s. 25(1), **Sch. 8 para. 6(7)**

#### Modifications etc. (not altering text)

- C1** S. 116 applied (1.11.1999) by 1999 c. 8, s. 24(10)(a); S.I. 1999/2793, art. 2(1)(b), **Sch. 2**

**Status:**

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