



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART X

CROSS-BORDER ENFORCEMENT

137 Cross-border powers of arrest etc.

- (1) If the [^{F1}condition applicable to this subsection is] satisfied, any constable of a police force in England and Wales who has reasonable grounds for suspecting that an offence has been committed or attempted in England or Wales and that the suspected person is in Scotland or in Northern Ireland may arrest without a warrant the suspected person wherever he is in Scotland or in Northern Ireland.
- (2) If the condition applicable to this subsection is satisfied, any constable of a police force in Scotland who has reasonable grounds for suspecting that an offence has been committed or attempted in Scotland and that the suspected person is in England or Wales or in Northern Ireland may, as respects the suspected person, wherever he is in England or Wales or in Northern Ireland, exercise the same powers of arrest ^{F2}... as it would be competent for him to exercise were the person in Scotland.
- [^{F3}(2A) The powers conferred by subsections (1) and (2) may be exercised in England and Wales and Scotland by a constable appointed under [^{F4}section 24 of the Railways and Transport Safety Act 2003].]
- (3) If [^{F5}the condition applicable to this subsection is satisfied], any constable of a police force in Northern Ireland who has reasonable grounds for suspecting that an offence has been committed or attempted in Northern Ireland and that the suspected person is in England or Wales or in Scotland may arrest without a warrant the suspected person wherever he is in England or Wales or in Scotland.
- [^{F6}(4) The condition applicable to subsection (1) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in England and Wales.]

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- (5) The condition applicable to subsection (2) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in Scotland.
- [^{F7}(6) The condition applicable to subsection (3) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in Northern Ireland.]
- (7) It shall be the duty of a constable who has arrested ^{F8}... a person under this section—
- (a) if he arrested him in Scotland, to take the person arrested either to the nearest convenient designated police station in England or in Northern Ireland or to a designated police station in a police area in England and Wales or in Northern Ireland in which the offence is being investigated;
 - [^{F9}(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;]
 - ^{F10}(c)
 - (d) if he arrested him in Northern Ireland [^{F11}under subsection (1) above] , to take the person arrested either to the nearest convenient designated police station in England or Wales or to a designated police station in a police area in England and Wales in which the offence is being investigated ^{F12}...;
 - [^{F13}(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;]
 - ^{F14}(e)
- and to do so as soon as reasonably practicable.
- [^{F15}(7A) The following provisions apply in relation to an arrest under this section by a constable under subsection (1) or (3)—
- (a) where the arrest is under subsection (1) in Northern Ireland or under subsection (3) in England and Wales, the constable has the powers of entry and search conferred by section 137E;
 - (b) where the arrest is under subsection (1) or (3) in Scotland, the constable has the same powers of entry and search for the purpose of the arrest as a constable of a police force in Scotland would have if there were reasonable grounds for suspecting that the offence had been committed or attempted in Scotland;
 - (c) the constable has the powers conferred by section 139 in relation to the arrested person;

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- (d) the constable may use reasonable force, if necessary, in arresting the person or in exercising the powers conferred by sections 137E and 139.]

[^{F16}(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,

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.]

^{F17}(8) ...

^{F18}(a)

^{F19}(b)

^{F19}(c)

(9) In this section—

^{F20}

[^{F21}“designated police station” has the same meaning as in the Police and Criminal Evidence Act 1984 or, in relation to Northern Ireland, as in [^{F22}the Police and Criminal Evidence (Northern Ireland) Order 1989]; and]

“constable of a police force”, in relation to Northern Ireland, means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

(10) This section shall not prejudice any power of arrest conferred apart from this section.

Textual Amendments

- F1** Words in s. 137(1) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 para. 47\(2\)\(a\)](#); [S.I. 2005/3495](#), [art. 2\(1\)\(m\)](#) (subject to art. 2)
- F2** Words in s. 137(2) repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), [Sch. 1 para. 3\(a\)](#) (with art. 5(2))
- F3** S. 137(2A) inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), [Sch. 7 para. 18](#)
- F4** Words in s. 137(2A) substituted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 17 para. 6\(b\)](#); [S.I. 2018/227](#), art. 2(g)
- F5** Words in s. 137(3) substituted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 17 para. 2\(2\)](#); [S.I. 2018/227](#), art. 2(g)
- F6** S. 137(4) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 para. 47\(2\)\(b\)](#); [S.I. 2005/3495](#), [art. 2\(1\)\(m\)](#) (subject to art. 2)
- F7** S. 137(6) substituted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 17 para. 2\(3\)](#); [S.I. 2018/227](#), art. 2(g)
- F8** Words in s. 137(7) repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), [Sch. 1 para. 3\(b\)\(i\)](#) (with art. 5(2))
- F9** S. 137(7)(ba)-(bc) substituted for s. 137(7)(b) (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), [Sch. 1 para. 3\(b\)\(ii\)](#) (with art. 5(2))
- F10** S. 137(7)(c) repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), [Sch. 1 para. 3\(b\)\(iii\)](#) (with art. 5(2))

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- F11** Words in s. 137(7)(d) inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 1 para. 3(b)(iv)(aa)** (with art. 5(2))
- F12** Words in s. 137(7)(d) repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 1 para. 3(b)(iv)(bb)** (with art. 5(2))
- F13** S. 137(7)(da)(db) inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 1 para. 3(b)(v)** (with art. 5(2))
- F14** S. 137(7)(e) repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 1 para. 3(b)(vi)** (with art. 5(2))
- F15** S. 137(7A) inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 17 para. 8(2)**; S.I. 2018/227, art. 2(g)
- F16** S. 137(7B) inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 1 para. 3(c)** (with art. 5(2))
- F17** S. 137(8) repealed (S.) (1.3.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), **art. 14(4)** (with art. 14(2))
- F18** S. 137(8)(a) omitted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 17 para. 8(3)**; S.I. 2018/227, art. 2(g)
- F19** S. 137(8)(b)(c) repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 1 para. 3(d)** (with art. 5(2))
- F20** Words in s. 137(9) omitted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 17 para. 2(4)**; S.I. 2018/227, art. 2(g)
- F21** S. 137(9): definitions of "arrestable offence" and "designated police station" substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, **Sch. 7 para. 47(2)(c)**; S.I. 2005/3495, **art. 2(1)(m)** (subject to art. 2)
- F22** Words in s. 137(9) substituted (1.3.2018) by [The Policing and Crime Act 2017 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/226\)](#), regs. 1, **7(2)**

Modifications etc. (not altering text)

- C1** S. 137 applied (with modifications) (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), **s. 87(2)-(5)**
- C2** Ss. 136-139 applied (with modifications) (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **s. 55(7)(8)61(2)** (with [Sch. 21 paras. 40, 42, 43](#)); S.I. 2013/1042, art. 4(g)

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

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

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)