



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART X

CROSS-BORDER ENFORCEMENT

[^{F1}137C Detention for the purpose of re-arrest

- (1) A person arrested under section 137A in respect of a specified offence may be detained but only for the purpose of—
 - (a) enabling a warrant for the person's arrest in respect of the offence to be obtained and then executed under section 136, or
 - (b) enabling the person to be re-arrested under section 137.
- (2) The person may be detained for that purpose—
 - (a) for an initial period of 3 hours beginning with the time of the arrest;
 - (b) for a second period of no more than 21 hours beginning with the end of the initial period, but only if detention for that period is authorised by both an officer of at least the rank of inspector in the arresting force and an officer of at least the rank of inspector in the investigating force;
 - (c) for a third period of no more than 12 hours beginning with the end of the second period, but only if detention for that period is authorised by both an officer of a rank above that of inspector in the arresting force and an officer of a rank above that of inspector in the investigating force.
- (3) An officer of the arresting force may give an authorisation for the purpose of subsection (2)(b) or (c) only if satisfied that it is in the interests of justice to do so.
- (4) An officer of the investigating force may give an authorisation for the purpose of subsection (2)(b) only if satisfied that—
 - (a) there are reasonable grounds to suspect that the person has committed the specified offence,

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- (b) a constable intends that the person be arrested as soon as is reasonably practicable (whether by the obtaining and execution of a warrant under section 136 or under section 137) and is acting expeditiously for that purpose, and
 - (c) it is in the interests of justice to give the authorisation.
- (5) An officer of the investigating force may give an authorisation for the purpose of subsection (2)(c) only if satisfied that—
 - (a) there continue to be reasonable grounds to suspect that the person has committed the specified offence,
 - (b) a constable intends that the person be arrested as soon as is reasonably practicable (whether by the obtaining and execution of a warrant under section 136 or under section 137) and is acting expeditiously for that purpose, and
 - (c) it is in the interests of justice to give the authorisation.
- (6) If, at any time while the person is detained, an appropriate officer in the investigating force is satisfied that it is no longer in the interests of justice for the person to be detained—
 - (a) the officer must notify the arresting force, and
 - (b) the person must be released immediately.
- (7) In subsection (6), “appropriate officer” means—
 - (a) in relation to the person’s detention for the initial period, any constable;
 - (b) in relation to the person’s detention for the second period, an officer of at least the rank of inspector;
 - (c) in relation to the person’s detention for the third period, an officer of a rank above that of inspector.
- (8) In this section—
 - “arresting force” means the police force of which the constable who arrested the person under section 137A is a member;
 - “investigating force” means the police force that is investigating the specified offence which the person arrested under section 137A is suspected of having committed;
 - “specified offence” has the same meaning as in section 137A (see sections 137A(8) and 137B).
- (9) In subsection (8), in the definition of “investigating force”, the reference to a police force includes a reference to—
 - (a) the National Crime Agency;
 - (b) any of the following (to the extent that their functions relate to the investigation of offences)—
 - (i) officers of Revenue and Customs;
 - (ii) immigration officers;
 - (iii) designated customs officials within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act).
- (10) In the application of this section in a case where the investigating force is a police force mentioned in subsection (9)(a) or (b)—

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- (a) the reference to a constable in subsections (4)(b) and (5)(b), and the reference to a constable in the investigating force in subsection (7)(a), is to be read as a reference to a National Crime Agency officer designated under section 9 or 10 of the Crime and Courts Act 2013 (“a designated NCA officer”), an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be);
- (b) any reference to an officer of at least, or above, the rank of inspector in the investigating force is to be read as a reference to a designated NCA officer, an officer of Revenue and Customs, an immigration officer or a designated customs official (as the case may be) of at least, or above, the equivalent grade.]

Textual Amendments

- F1** Ss. 137A-137D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 116(1)**, 183(1)(5)(e); S.I. 2018/227, art. 2(f)
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Modifications etc. (not altering text)

- C1** S. 137C applied (with modifications) by 2007 c. 11, s. 87(2A)(2C) (as 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. 9(2)**; S.I. 2018/227, art. 2(g))
- C2** S. 137C applied (with modifications) by 2013 c. 22, Sch. 21 para. 42A, 42C (as 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. 10(3)**; S.I. 2018/227, art. 2(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\(3\)](#)