



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART X

#### CROSS-BORDER ENFORCEMENT

#### **138 Powers of arrest etc.: supplementary provisions.**

- (1) The following provisions have effect to supplement section 137 (“the principal section”).
- (2) Where a person is detained under subsection (2) of the principal section, [<sup>F1</sup>subsections (2) to (8) of section 14 (detention and questioning at police station), subsections (1), (2) and (4) to (6) of section 15 (rights of person arrested or detained) and section 18 (prints, samples etc. in criminal investigations) of the Criminal Procedure (Scotland) Act 1995] shall apply to detention under that subsection of the principal section as they apply to detention under subsection (1) of the said section 2, but with the modifications mentioned in subsection (6) below.
- (3) The reasons referred to in [<sup>F2</sup>subsection (6)(b)] of the principal section are that—
  - (a) the name of the suspected person is unknown to, and cannot readily be ascertained by, the constable;
  - (b) the constable has reasonable grounds for doubting whether a name furnished by the suspected person as his name is his real name;
  - (c) either—
    - (i) the suspected person has failed to furnish a satisfactory address for service; or
    - (ii) the constable has reasonable grounds for doubting whether an address furnished by the suspected person is a satisfactory address for service;
  - (d) the constable has reasonable grounds for believing that arrest is necessary to prevent the suspected person—
    - (i) causing physical injury to himself or any other person;

*Status: Point in time view as at 02/05/2006. This version of this provision has been superseded.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Section 138 is up to date with all changes known to be in force on or before 09 April 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)

- (ii) suffering physical injury;
  - (iii) causing loss of or damage to property;
  - (iv) committing an offence against public decency; or
  - (v) causing an unlawful obstruction of a highway or road; or
  - (e) the constable has reasonable grounds for believing that arrest is necessary to protect a child or other vulnerable person from the suspected person.
- (4) For the purposes of subsection (3) above an address is a satisfactory address for service if it appears to the constable—
- (a) that the suspected person will be at it for a sufficiently long period for it to be possible to serve him with process; or
  - (b) that some other person specified by the suspected person will accept service of process for the suspected person at it.
- (5) Nothing in subsection (3)(d) above authorises the arrest of a person under subparagraph (iv) of that paragraph except where members of the public going about their normal business cannot reasonably be expected to avoid the person to be arrested.
- (6) The following are the modifications of [F3sections 14 and 15 of the said Act of 1995] which are referred to in subsection (2) above—
- (a) [F4in section 14]—
    - (i) in subsection (2), the reference to detention being terminated not more than six hours after it begins shall be construed as a reference to its being terminated not more than four hours after the person’s arrival at the police station to which he is taken under subsection (7)(c) of the principal section; and
    - (ii) [F4in subsections (6) and (9)], references to “other premises” shall be disregarded; and
  - (b) [F5in subsections (1) and (2) of section 15] , references to “other premises” shall be disregarded.

#### Textual Amendments

- F1** Words in s. 138(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(6)(a)** (with Sch. 3)
- F2** Words in s. 138(3) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, **Sch. 7 para. 47(3)**; S.I. 2005/3495, **art. 2(1)(m)** (subject to art. 2)
- F3** Words in s. 138(6) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(6)(b)(i)** (with Sch. 3)
- F4** Words in s. 138(6)(a) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(6)(b)(ii)** (with Sch. 3)
- F5** Words in s. 138(6)(b) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(6)(b)(iii)** (with Sch. 3)

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

- C1** S. 138 applied (with modifications) (19.7.2007) by Finance Act 2007 (c. 11), s. **87(2)-(5)**

**Status:**

Point in time view as at 02/05/2006. This version of this provision has been superseded.

**Changes to legislation:**

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