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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 13**

**WARRANTS FOR ARREST, DETENTION OR IMPRISONMENT**

**Execution of a warrant**

**13.5.**—(1) A warrant may be executed—

- (a) by any person to whom it is directed; or
- (b) if the warrant was issued by a magistrates' court, by anyone authorised to do so by section 125(1) (warrants), 125A(2) (civilian enforcement officers) or 125B(3) (execution by approved enforcement agency) of the Magistrates' Courts Act 1980.

(2) The person who executes a warrant must—

- (a) explain, in terms the defendant can understand, what the warrant requires, and why;
- (b) show the defendant the warrant, if that person has it; and
- (c) if the defendant asks—
  - (i) arrange for the defendant to see the warrant, if that person does not have it, and
  - (ii) show the defendant any written statement of that person's authority required by section 125A or 125B of the 1980 Act.

(3) The person who executes a warrant of arrest that requires the defendant to be released on bail must—

- (a) make a record of—
  - (i) the defendant's name,
  - (ii) the reason for the arrest,
  - (iii) the defendant's release on bail, and
  - (iv) when and where the warrant requires the defendant to attend court; and
- (b) serve the record on—
  - (i) the defendant, and
  - (ii) the court officer.

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- (1) 1980 c. 43; section 125 was amended by section 33 of the Police and Criminal Evidence Act 1984 (c. 60), section 65(1) of the Criminal Justice Act 1988 (c. 33), sections 95(1), 97(4) and 106 of, and Part V of Schedule 15 and Table (8) to, the Access to Justice Act 1999 (c. 22), section 109(1) of, and paragraph 238 of Schedule 8 to, the Courts Act 2003 (c. 39) and sections 62(3), 86 and 146 of and paragraphs 45 and 57 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
- (2) 1980 c. 43; section 125A was inserted by section 92 of the Access to Justice Act 1999 (c. 22) and amended by articles 46 and 52 of S.I. 2006/1737 and article 8 of, and paragraph 5 of the Schedule to, S.I. 2007/2128 and section 62 of, and paragraphs 45 and 58 of Schedule 13 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
- (3) 1980 c. 43; section 125B was inserted by section 93(2) of the Access to Justice Act 1999 (c. 22) and amended by paragraph 239 of Schedule 8 to the Courts Act 2003 (c. 39) and section 62 of, and paragraphs 45, 59 and 61 of Schedule 13 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

- (4) The person who executes a warrant of detention or imprisonment must—
- (a) take the defendant—
    - (i) to any place specified in the warrant, or
    - (ii) if that is not immediately practicable, to any other place at which the defendant may be lawfully detained (and the warrant then has effect as if it specified that place);
  - (b) obtain a receipt from the custodian; and
  - (c) notify the court officer that the defendant has been taken to that place.

*[Note. Under section 125 of the Magistrates' Courts Act 1980, a warrant issued by a magistrates' court may be executed by any person to whom it is directed or by any constable acting within that constable's police area.*

*Certain warrants issued by a magistrates' court may be executed anywhere in England and Wales by a civilian enforcement officer, under section 125A of the 1980 Act; or by an approved enforcement agency, under section 125B of the Act. In either case, the person executing the warrant must, if the defendant asks, show a written statement indicating: that person's name; the authority or agency by which that person is employed, or in which that person is a director or partner; that that person is authorised to execute warrants; and, where section 125B applies, that the agency is registered as one approved by the Lord Chancellor.*

*See also section 125D of the 1980 Act(4), under which—*

- (a) *a warrant to which section 125A applies may be executed by any person entitled to execute it even though it is not in that person's possession at the time; and*
- (b) *certain other warrants, including any warrant to arrest a person in connection with an offence, may be executed by a constable even though it is not in that constable's possession at the time.]*

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(4) 1980 c. 43; section 125D was inserted by section 96 of the Access to Justice Act 1999 (c. 22) and amended by sections 62 and 146 of, and paragraphs 45 and 61 of Schedule 13 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).