

## SCHEDULE 4

Application of Part 1 of 2016 Act in relation to service offences etc.

### **Arrest under warrant under section 317 of Armed Forces Act 2006**

**8.**—(1) The following provisions of Part 1 of the 2016 Act apply where a person is arrested by a constable under a warrant under section 317 of the Armed Forces Act 2006 (failure to comply with condition to enable person to be taken into service custody).

(2) Section 3 (information to be given on arrest) applies with the following modifications—

- (a) omit paragraph (b);
- (b) in paragraph (d) omit “other than to give the information specified in section 34(4),”;
- (c) after paragraph (d) add—
  - “(da) of the person’s right to have intimation sent under section 38;”;
- (d) omit paragraph (e)(ii).

(3) Section 5 (information to be given at police station) applies with the following modifications—

- (a) in subsection (1)(b) omit “in accordance with section 4”;
- (b) in subsection (2)(a) omit “other than to give the information specified in section 34(4),”;
- (c) omit subsection (2)(b)(ii) and (iv).

(4) In section 6 (information to be recorded by police)—

- (a) subsection (1) applies, omitting paragraph (b);
- (b) subsection (2) applies, omitting paragraphs (a) and (c).

(5) Section 38 (right to have intimation sent to other person) applies, omitting subsections (2)(a) and (3)(a) except for the purposes of section 41(7).

(6) Section 39 (right to have intimation sent: under 18s) applies with the following modifications—

- (a) omit subsections (2), (3) and (4)(b);
- (b) in subsection (6), in paragraph (a) omit from “and agrees to attend” to the end, and at the end of paragraph (b) add—
  - “, or
  - (c) the person is transferred to service custody.”;
- (c) in subsection (7) omit paragraph (a) except for the purposes of section 41(7).

(7) Section 41 (social work involvement in relation to under 18s) applies with the following modifications—

- (a) in subsection (4) omit “and 40”;
- (b) in subsection (7) for “to 40” substitute “and 39”.

(8) Section 42 (support for vulnerable persons) applies.

(9) Section 43 (right to have intimation sent to a solicitor) applies, omitting subsection (1)(c) and (d).

(10) Section 45 (use of reasonable force) applies.

(11) Section 46 (common law power of entry) applies.

(12) Section 50 (duty not to detain unnecessarily) applies.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(13) Section 51 (duty to consider child's wellbeing) applies, omitting subsection (1)(a), (c) and (d).

(14) Section 52 (duties in relation to children in custody) applies.