

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 21

POWERS OF IMMIGRATION OFFICERS: FURTHER PROVISION

PART 2

MODIFICATION OF APPLIED ENACTMENTS

Criminal Justice and Public Order Act 1994

- 41 [F1 Paragraphs 42 to 43] have effect for the purposes of the application of sections 136 to 139 of the Criminal Justice and Public Order Act 1994 to immigration officers by virtue of section 55(7).

Textual Amendments

- F1** Words in Sch. 21 para. 41 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. 10\(2\)](#); [S.I. 2018/227](#), art. 2(g)

Commencement Information

- I1** Sch. 21 para. 41 in force at 25.6.2013 by [S.I. 2013/1042](#), [art. 4\(1\)](#)

- 42 A reference to a constable (including a reference to a constable of a police force in England and Wales, a constable of a police force in Scotland or a constable of a police force in Northern Ireland) is to be treated as a reference to an immigration officer.

Commencement Information

- I2** Sch. 21 para. 42 in force at 25.6.2013 by [S.I. 2013/1042](#), [art. 4\(1\)](#)

[F2]42A(1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence that is being investigated by an immigration officer.

- (2) Subsection (2)(b) is to be read as if (instead of requiring the detention to be 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) it required the detention to be authorised by an immigration officer of at least the grade equivalent to the rank of inspector.
- (3) Subsection (2)(c) is to be read as if (instead of requiring the detention to be 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) it required the

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detention to be authorised by an immigration officer of a grade above that equivalent to the rank of inspector.

- (4) Subsection (3) is omitted.
- (5) In subsections (4) and (5), the reference to an officer of the investigating force is to be read as a reference to an officer of Revenue and Customs.
- (6) In subsection (6), the reference to an appropriate officer in the investigating force is to be read as a reference to an appropriate immigration officer (as defined by subsection (7)).
- (7) Subsection (6)(a) is omitted.
- (8) In subsection (7)—
 - (a) in paragraph (b), the reference to an officer of at least the rank of inspector is a reference to an immigration officer of at least the equivalent grade;
 - (b) in paragraph (c), the reference to an officer of a rank above that of inspector is to be read as a reference to an immigration officer of above the equivalent grade.
- (9) Subsections (8) to (10) are omitted.

Textual Amendments

F2 Sch. 21 paras. 42A-42D 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)

- 42B (1) Where section 137C applies in accordance with paragraph 42A, Schedule 7B applies with the following modifications.
- (2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.
 - (3) 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 an immigration officer who is at least, or above, the equivalent grade.
 - (4) Any reference to the arresting force or to the investigating force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.
 - (5) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.

Textual Amendments

F2 Sch. 21 paras. 42A-42D 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)

- 42C (1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence other than one that is being investigated by an immigration officer.

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- (2) Any reference to an officer of at least, or above, the rank of inspector in the arresting force is to be read as a reference to an immigration officer of at least, or above, the equivalent grade.
- (3) The reference in subsection (6)(a) to the arresting force is to be read as a reference to any immigration officer.

Textual Amendments

F2 Sch. 21 paras. 42A-42D 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)

- 42D (1) Where section 137C applies in accordance with paragraph 42C, Schedule 7B applies with the following modifications.
- (2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.
 - (3) Any reference to the arresting force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.
 - (4) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.]

Textual Amendments

F2 Sch. 21 paras. 42A-42D 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)

^{F3}43

Textual Amendments

F3 Sch. 21 para. 43 repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), arts. 2(2)(d), [22\(4\)](#) (with art. 22(2))

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