

## SCHEDULE 3

### PART I

#### POWERS OF OFFICERS

##### **Persons arrested by French officers**

**4.—(1) Where—**

- (a) an officer belonging to the French Republic has made an arrest falling within Article 39 or 40 of the international articles, and
- (b) he and the person arrested enter the United Kingdom,

the person arrested shall be taken to a police station.

**(2) The custody officer at the police station to which the person is taken shall determine—**

- (a) whether the offence is one over which the United Kingdom has jurisdiction by virtue of Article 38(1), and
- (b) if he determines that it is not, whether it is one over which the United Kingdom may exercise jurisdiction by virtue of Article 38(2) and if so whether jurisdiction is to be exercised,

and may for the purpose of determining those questions detain the person at the police station for not longer than the permitted period.

**(3) The permitted period is the period of 48 hours beginning at the time at which the person arrives at the police station.**

**(4) Subject to sub-paragraph (6), the person shall be treated—**

- (a) as not being detained at the police station for the purposes of section 37 of the 1984 Act, and
- (b) as not being in police detention for the purposes of sections 40 to 43 of the 1984 Act.

**(5) Where the custody officer determines that the United Kingdom does not have jurisdiction by virtue of Article 38(1) and—**

- (a) that jurisdiction is not exercisable by virtue of Article 38(2), or
- (b) that jurisdiction is exercisable by virtue of Article 38(2) but is not to be exercised,

he shall immediately inform the competent French authorities of his determination and shall arrange for the person to be transferred to France within the permitted period.

**(6) Where the custody officer determines that the United Kingdom has jurisdiction by virtue of Article 38(1) or that jurisdiction is exercisable by virtue of Article 38(2) and is to be exercised—**

- (a) he shall immediately inform the person of his determination,
- (b) the person shall be treated as being in police detention for all purposes of Part IV of the 1984 Act, and
- (c) that Part shall have effect in relation to him as if the relevant time mentioned in section 41(1) were the time at which he is informed of the determination.

**(7) Where the police station to which the person is taken is not a police station designated under section 35 of the 1984 Act, references in this paragraph to the custody officer are to be construed as references to an officer not below the rank of sergeant.**