

SCHEDULE 3

PART I

POWERS OF OFFICERS

Arrests of French officers

5.—(1) This paragraph applies where an officer belonging to the French Republic (“the officer”) is arrested for an act performed in the United Kingdom in the tunnel system or a control zone.

(2) If the officer enters France while under arrest—

- (a) he shall without delay be handed over for custody to the competent French authorities and shall be treated as continuing to be under arrest until he has been handed over, and
- (b) if after consultation with those authorities it is then determined that the act was not performed by the officer whilst in the exercise of his functions and he accordingly does not by virtue of Article 30(2) of the international articles come under French jurisdiction, he shall be treated as having continued to be under arrest until sub-paragraph (3) has been complied with.

(3) Where—

- (a) sub-paragraph (2)(b) applies, or
- (b) the officer does not enter France while under arrest,

he shall be taken to a police station designated under section 35 of the 1984 Act.

(4) Sub-paragraphs (5) to (9) apply in a case falling within sub-paragraph (3)(b).

(5) The custody officer at the police station to which the officer is taken shall after consultation with the competent French authorities determine whether the act was performed by the officer whilst in the exercise of his functions, and may for the purpose of determining that question detain the officer at the police station for not longer than the permitted period.

(6) The permitted period is the period of 48 hours beginning at the time at which the officer arrives at the police station.

(7) Subject to sub-paragraph (9), the officer 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.

(8) Where the custody officer determines that the act was performed by the officer whilst in the exercise of his functions and the officer accordingly comes under French jurisdiction by virtue of Article 30(2), he shall immediately inform the competent French authorities and shall arrange for the officer to be transferred to France within the permitted period.

(9) In any other case—

- (a) the custody officer shall immediately inform the officer of his determination,
- (b) the officer 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.