

SCHEDULE 3

POWERS OF OFFICERS

5. In paragraph 4—

(a) for sub-paragraphs (1) and (2) substitute—

“(1) Where a constable is satisfied that an arrest made outside the United Kingdom on a through train was one falling within Article 13 or 14 of the Part I provisions (persons found committing, attempting to commit or just having committed an offence) he may arrange for the person arrested to be taken into temporary custody.

(2) A person taken into temporary custody under sub-paragraph (1)—

(a) shall be treated for all purposes as being in lawful custody, and

(b) may be taken to a police station or such other place as may be appropriate in the circumstances, and shall in that case be treated as being a person in whose case sections 36(7) and (8), 54 to 56 and 58 of the 1984 Act, and in the case of a child or young person section 34(2) to (7), (8) and (9) of the Children and Young Persons Act 1933, apply,

and arrangements must be made for him to be transferred within 24 hours from the time at which he was taken into custody to the State having jurisdiction by virtue of Article 11(1) of the Part I provisions.

(2A) Where an arrest has been made for an offence in respect of which the United Kingdom may have jurisdiction as the State of arrival by virtue of Article 11(2) of the Part I provisions the person arrested shall be taken to a police station.

(2B) The custody officer at the police station to which the person is taken shall consider whether the offence is one in respect of which the United Kingdom has jurisdiction by virtue of Article 11(2) of the Part I provisions and may for that purpose detain the person at the police station for not longer than the permitted period.”;

(b) in sub-paragraph (3) for the words “48 hours” substitute “24 hours”;

(c) for sub-paragraph (5) substitute—

“(5) Where the custody officer reaches the conclusion that the United Kingdom does not have jurisdiction by virtue of Article 11(2) he shall immediately inform the competent authorities of the State appearing to him to have jurisdiction by virtue of Article 11(1) that he has reached that conclusion and shall arrange for the person to be transferred to that State within the permitted period.”; and

(d) in sub-paragraph (6)—

(i) for the words from “determines” to “exercised” substitute “reaches the conclusion that the United Kingdom has jurisdiction by virtue of Article 11(2)”, and

(ii) for the word “determination”, wherever occurring, substitute “conclusion”.”.