

POLICE AND CRIMINAL EVIDENCE ACT 1984

PART XI MISCELLANEOUS AND SUPPLEMENTARY

116. Meaning of “serious arrestable offence”

(1) This section has effect for determining whether an offence is a serious arrestable offence for the purposes of this Act.

(2) The following arrestable offences are always serious –

- (a) an offence (whether at common law or under any enactment) specified in Part I of Schedule 5 to this Act;
- (b) an offence under an enactment specified in Part II of that Schedule; and
- (c) any of the offences mentioned in paragraphs (a) to (f) of section 1(3) of the Drug Trafficking Act 1994.

(3) Subject to subsections (4) and (5) below, any other arrestable offence is serious only if its commission –

- (a) has led to any of the consequences specified in subsection (6) below; or
- (b) is intended or is likely to lead to any of those consequences.

(4) An arrestable offence which consists of making a threat is serious if carrying out the threat would be likely to lead to any of the consequences specified in subsection (6) below.

(5) An offence under section 2, 8, 9, 10 or 11 of the Prevention of Terrorism (Temporary Provisions) Act 1989 is always a serious arrestable offence for the purposes of section 56 or 58 above, and an attempt or conspiracy to commit any such offence is also always a serious arrestable offence for those purposes.

(6) The consequences mentioned in subsections (3) and (4) above are

- (a) serious harm to the security of the State or to public order;
- (b) serious interference with the administration of justice or with the investigation of offences or of a particular offence;
- (c) the death of any person;
- (d) serious injury to any person;
- (e) substantial financial gain to any person; and
- (f) serious financial loss to any person.

(7) Loss is serious for the purposes of this section if, having regard to all the circumstances, it is serious for the person who suffers it.

(8) In this section “injury” includes any disease and any impairment of a person’s physical or mental condition.

117. Power of constable to use reasonable force

Where any provision of this Act-

- (a) confers a power on a constable; and
 - (b) does not provide that the power may only be exercised with the consent of some person, other than a police officer,
- the officer may use reasonable force, if necessary, in the exercise of the power.