



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Arrest*

### **3 Arrest under certified Part 1 warrant**

- (1) This section applies if a certificate is issued under section 2 in respect of a Part 1 warrant issued in respect of a person.
- (2) The warrant may be executed by a constable or a customs officer in any part of the United Kingdom.
- (3) The warrant may be executed by a service policeman, but only if the service policeman would have power to arrest the person under the appropriate service law if the person had committed an offence under that law.
- (4) If a service policeman has power to execute the warrant under subsection (3), he may execute the warrant in any place where he would have power to arrest the person under the appropriate service law if the person had committed an offence under that law.
- (5) The warrant may be executed even if neither the warrant nor a copy of it is in the possession of the person executing it at the time of the arrest.
- (6) The appropriate service law is—
  - (a) the Army Act 1955 (3 & 4 Eliz. 2 c. 18), if the person in respect of whom the warrant is issued is subject to military law;
  - (b) the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), if that person is subject to air-force law;
  - (c) the Naval Discipline Act 1957 (c. 53), if that person is subject to that Act.

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*Status: This is the original version (as it was originally enacted).*

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#### **4 Person arrested under Part 1 warrant**

- (1) This section applies if a person is arrested under a Part 1 warrant.
- (2) A copy of the warrant must be given to the person as soon as practicable after his arrest.
- (3) The person must be brought as soon as practicable before the appropriate judge.
- (4) If subsection (2) is not complied with and the person applies to the judge to be discharged, the judge may order his discharge.
- (5) If subsection (3) is not complied with and the person applies to the judge to be discharged, the judge must order his discharge.
- (6) A person arrested under the warrant must be treated as continuing in legal custody until he is brought before the appropriate judge under subsection (3) or he is discharged under subsection (4) or (5).

#### **5 Provisional arrest**

- (1) A constable, a customs officer or a service policeman may arrest a person without a warrant if he has reasonable grounds for believing—
  - (a) that a Part 1 warrant has been or will be issued in respect of the person by an authority of a category 1 territory, and
  - (b) that the authority has the function of issuing arrest warrants in the category 1 territory.
- (2) A constable or a customs officer may arrest a person under subsection (1) in any part of the United Kingdom.
- (3) A service policeman may arrest a person under subsection (1) only if the service policeman would have power to arrest the person under the appropriate service law if the person had committed an offence under that law.
- (4) If a service policeman has power to arrest a person under subsection (1), the service policeman may exercise the power in any place where he would have power to arrest the person for an offence under the appropriate service law if the person had committed an offence under that law.
- (5) The appropriate service law is—
  - (a) the Army Act 1955 (3 & 4 Eliz. 2 c. 18), if the person to be arrested is subject to military law;
  - (b) the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), if that person is subject to air-force law;
  - (c) the Naval Discipline Act 1957 (c. 53), if that person is subject to that Act.

#### **6 Person arrested under section 5**

- (1) This section applies if a person is arrested under section 5.
- (2) The following must occur within the required period—
  - (a) the person must be brought before the appropriate judge;
  - (b) the documents specified in subsection (4) must be produced to the judge.
- (3) The required period is 48 hours starting with the time when the person is arrested.

- (4) The documents are—
  - (a) a Part 1 warrant in respect of the person;
  - (b) a certificate under section 2 in respect of the warrant.
- (5) A copy of the warrant must be given to the person as soon as practicable after his arrest.
- (6) If subsection (2) is not complied with and the person applies to the judge to be discharged, the judge must order his discharge.
- (7) If subsection (5) is not complied with and the person applies to the judge to be discharged, the judge may order his discharge.
- (8) The person must be treated as continuing in legal custody until he is brought before the appropriate judge under subsection (2) or he is discharged under subsection (6) or (7).
- (9) Subsection (10) applies if—
  - (a) a person is arrested under section 5 on the basis of a belief that a Part 1 warrant has been or will be issued in respect of him;
  - (b) the person is discharged under subsection (6) or (7).
- (10) The person must not be arrested again under section 5 on the basis of a belief relating to the same Part 1 warrant.