



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 4

#### POLICE POWERS

##### *Treatment following arrest*

#### Commencement Information

- II** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103, art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258 art. 2\(2\)](#) and [S.I. 2003/3312 art. 2\(2\)](#))

#### **166** Fingerprints and samples

- (1) This section applies if a person has been arrested under an extradition arrest power and is detained at a police station.
- (2) Fingerprints may be taken from the person only if they are taken by a constable—
  - (a) with the appropriate consent given in writing, or
  - (b) without that consent, under subsection (4).
- (3) A non-intimate sample may be taken from the person only if it is taken by a constable—
  - (a) with the appropriate consent given in writing, or
  - (b) without that consent, under subsection (4).
- (4) Fingerprints or a non-intimate sample may be taken from the person without the appropriate consent only if a police officer of at least the rank of inspector authorises the fingerprints or sample to be taken.

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Treatment following arrest. (See end of Document for details)*

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**Commencement Information**

- I2** Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, **art. 2** (subject to **arts. 3-5**) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

**167 Searches and examination**

- (1) This section applies if a person has been arrested under an extradition arrest power and is detained at a police station.
- (2) If a police officer of at least the rank of inspector authorises it, the person may be searched or examined, or both, for the purpose of facilitating the ascertainment of his identity.
- (3) An identifying mark found on a search or examination under this section may be photographed—
  - (a) with the appropriate consent, or
  - (b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it.
- (4) The only persons entitled to carry out a search or examination, or take a photograph, under this section are—
  - (a) constables;
  - (b) persons designated for the purposes of this section by the appropriate police officer.
- (5) A person may not under this section—
  - (a) carry out a search or examination of a person of the opposite sex;
  - (b) take a photograph of any part of the body (other than the face) of a person of the opposite sex.
- (6) An intimate search may not be carried out under this section.
- (7) Ascertaining a person's identity includes showing that he is not a particular person.
- (8) Taking a photograph includes using a process by means of which a visual image may be produced; and photographing a person must be construed accordingly.
- (9) Mark includes features and injuries and a mark is an identifying mark if its existence in a person's case facilitates the ascertainment of his identity.
- (10) The appropriate police officer is—
  - (a) in England and Wales, the chief officer of police for the police area in which the police station in question is situated;
  - (b) in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland.

**Commencement Information**

- I3** Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, **art. 2** (subject to **arts. 3-5**) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

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**Changes to legislation:** There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Treatment following arrest. (See end of Document for details)

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## 168 Photographs

- (1) This section applies if a person has been arrested under an extradition arrest power and is detained at a police station.
- (2) The person may be photographed—
  - (a) with the appropriate consent, or
  - (b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it.
- (3) A person proposing to take a photograph of a person under this section—
  - (a) may for the purpose of doing so require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed, and
  - (b) if the requirement is not complied with may remove the item or substance himself.
- (4) The only persons entitled to take a photograph under this section are—
  - (a) constables;
  - (b) persons designated for the purposes of this section by the appropriate police officer.
- (5) Taking a photograph includes using a process by means of which a visual image may be produced; and photographing a person must be construed accordingly.
- (6) The appropriate police officer is—
  - (a) in England and Wales, the chief officer of police for the police area in which the police station in question is situated;
  - (b) in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland.

### Commencement Information

- 14** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

## 169 Evidence of identity: England and Wales

- (1) The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.
- (2) In section 54A (searches and examination to ascertain identity) at the end insert—

“(13) Nothing in this section applies to a person arrested under an extradition arrest power.”
- (3) In section 61 (fingerprinting) at the end insert—

“(10) Nothing in this section applies to a person arrested under an extradition arrest power.”
- (4) In section 63 (non-intimate samples) at the end insert—

“(11) Nothing in this section applies to a person arrested under an extradition arrest power.”

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- (5) In section 64A (photographing of suspects etc.) at the end insert—
- “(7) Nothing in this section applies to a person arrested under an extradition arrest power.”
- (6) In section 65 (interpretation of Part 5) after the definition of “appropriate consent ” insert—
- ““extradition arrest power” means any of the following—
- (a) a Part 1 warrant (within the meaning given by the Extradition Act 2003) in respect of which a certificate under section 2 of that Act has been issued;
  - (b) section 5 of that Act;
  - (c) a warrant issued under section 71 of that Act;
  - (d) a provisional warrant (within the meaning given by that Act).”

#### **Commencement Information**

**I5** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103, art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258 art. 2\(2\)](#) and [S.I. 2003/3312 art. 2\(2\)](#))

### **170 Evidence of identity: Northern Ireland**

- (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/ 1341 (N.I. 12)) is amended as follows.
- (2) In Article 55A (searches and examination to ascertain identity) at the end insert—
- “(13) Nothing in this Article applies to a person arrested under an extradition arrest power.”
- (3) In Article 61 (fingerprinting) at the end insert—
- “(10) Nothing in this Article applies to a person arrested under an extradition arrest power.”
- (4) In Article 63 (non-intimate samples) at the end insert—
- “(12) Nothing in this Article applies to a person arrested under an extradition arrest power.”
- (5) In Article 64A (photographing of suspects etc.) at the end insert—
- “(7) Nothing in this Article applies to a person arrested under an extradition arrest power.”
- (6) In Article 53 (interpretation) after the definition of “drug trafficking” and “drug trafficking offence” insert—
- ““extradition arrest power” means any of the following—
- (a) a Part 1 warrant (within the meaning given by the Extradition Act 2003) in respect of which a certificate under section 2 of that Act has been issued;
  - (b) section 5 of that Act;

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- (c) a warrant issued under section 71 of that Act;
- (d) a provisional warrant (within the meaning given by that Act).”

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**Commencement Information**

**I6** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

## 171 Other treatment and rights

- (1) This section applies in relation to cases where a person—
  - (a) is arrested under an extradition arrest power at a police station;
  - (b) is taken to a police station after being arrested elsewhere under an extradition arrest power;
  - (c) is detained at a police station after being arrested under an extradition arrest power.
- (2) In relation to those cases the Secretary of State may by order apply the provisions mentioned in subsections (3) and (4) with specified modifications.
- (3) The provisions are these provisions of the Police and Criminal Evidence Act 1984 (c. 60)—
  - (a) section 54 (searches of detained persons);
  - (b) section 55 (intimate searches);
  - (c) section 56 (right to have someone informed when arrested);
  - (d) section 58 (access to legal advice).
- (4) The provisions are these provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))—
  - (a) Article 55 (searches of detained persons);
  - (b) Article 56 (intimate searches);
  - (c) Article 57 (right to have someone informed when arrested);
  - (d) Article 59 (access to legal advice).

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**Commencement Information**

**I7** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading:  
Treatment following arrest.