



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 4

#### POLICE POWERS

##### *Warrants and orders*

#### **160 Warrants: special procedure material and excluded material**

- (1) A judge may, on an application made to him by a constable, issue a warrant under this section if he is satisfied that—
  - (a) the requirements for the making of a production order are fulfilled, and
  - (b) the further requirement for the issue of a warrant under this section is fulfilled.
- (2) The application for a warrant under this section must state that—
  - (a) the extradition of a person specified in the application is sought under Part 1 or Part 2;
  - (b) the warrant is sought in relation to premises specified in the application;
  - (c) the warrant is sought in relation to material, or material of a description, specified in the application;
  - (d) the material is special procedure material or excluded material.
- (3) If the application states that the extradition of the person is sought under Part 1, the application must also state that the person is accused in a category 1 territory specified in the application of the commission of an offence—
  - (a) which is specified in the application, and
  - (b) which is an extradition offence within the meaning given by section 64.
- (4) If the application states that the extradition of the person is sought under Part 2, the application must also state that the person is accused in a category 2 territory specified in the application of the commission of an offence—
  - (a) which is specified in the application, and
  - (b) which is an extradition offence within the meaning given by section 137.

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*Status: This is the original version (as it was originally enacted).*

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- (5) A warrant under this section authorises a constable to enter and search the premises specified in the application for the warrant and—
- (a) to seize and retain any material found there which falls within subsection (6) and which is special procedure material, if the application for the warrant states that the warrant is sought in relation to special procedure material;
  - (b) to seize and retain any material found there which falls within subsection (6) and which is excluded material, if the application for the warrant states that the warrant is sought in relation to excluded material.
- (6) Material falls within this subsection if it would be likely to be admissible evidence at a trial in the relevant part of the United Kingdom for the offence specified in the application for the warrant (on the assumption that conduct constituting that offence would constitute an offence in that part of the United Kingdom).
- (7) The relevant part of the United Kingdom is the part of the United Kingdom where the judge exercises jurisdiction.
- (8) The further requirement for the issue of a warrant under this section is that any of these conditions is satisfied—
- (a) it is not practicable to communicate with a person entitled to grant entry to the premises;
  - (b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with a person entitled to grant access to the material referred to in section 158(2)(d);
  - (c) the material contains information which is subject to a restriction on disclosure or an obligation of secrecy contained in an enactment (including one passed after this Act) and is likely to be disclosed in breach of the restriction or obligation if a warrant is not issued.
- (9) In this section “judge”—
- (a) in England and Wales, means a circuit judge;
  - (b) in Northern Ireland, means a Crown Court judge.