



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 4

#### POLICE POWERS

##### *Delivery of seized property*

#### **172 Delivery of seized property**

- (1) This section applies to—
  - (a) anything which has been seized or produced under this Part, or
  - (b) anything which has been seized under section 50 or 51 of the Criminal Justice and Police Act 2001 (c. 16) in reliance on a power of seizure conferred by this Part.
- (2) A constable may deliver any such thing to a person who is or is acting on behalf of an authority if the constable has reasonable grounds for believing that the authority—
  - (a) is an authority of the relevant territory, and
  - (b) has functions such that it is appropriate for the thing to be delivered to it.
- (3) If the relevant seizure power was a warrant issued under this Part, or the thing was produced under an order made under this Part, the relevant territory is the category 1 or category 2 territory specified in the application for the warrant or order.
- (4) If the relevant seizure power was section 161(4), 162(6) or (7), 163(6) or (7) or 164(6) or (7), the relevant territory is—
  - (a) the territory in which the Part 1 warrant was issued, in a case where the applicable extradition arrest power is a Part 1 warrant in respect of which a certificate under section 2 has been issued;
  - (b) the territory in which a constable has reasonable grounds for believing that a Part 1 warrant has been or will be issued, in a case where the applicable extradition arrest power is section 5;

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 172. (See end of Document for details)*

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- (c) the territory to which a person’s extradition is requested, in a case where the applicable extradition arrest power is a warrant issued under section 71;
  - (d) the territory in which a person is accused of the commission of an offence or has been convicted of an offence, in a case where the applicable extradition arrest power is a provisional warrant [<sup>F1</sup>or section 74A.]
- (5) The applicable extradition arrest power is—
- (a) the extradition arrest power under which a constable had a power of arrest, if the relevant seizure power was section 161(4);
  - (b) the extradition arrest power under which a person was arrested, if the relevant seizure power was section 162(6) or (7), 163(6) or (7) or 164(6) or (7).
- (6) The relevant seizure power is—
- (a) the power under which the thing was seized, or
  - (b) the power in reliance on which the thing was seized under section 50 or 51 of the Criminal Justice and Police Act 2001 (c. 16).
- (7) Subsection (1)(a) applies to Scotland with the insertion after “Part” of “ (so far as it applies to Scotland) or for the purposes of this Act (as it so applies) by virtue of any enactment or rule of law ”.
- (8) Subsection (2) applies to Scotland with the substitution of “ procurator fiscal ” for “constable”.
- (9) In subsection (7) “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

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**Textual Amendments**

- F1** Words in s. 172(4)(d) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 18](#); [S.I. 2020/1652](#), reg. 2(1)(b)

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**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))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 172.