



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Custody and bail

197 Custody

- (1) If a judge remands a person in custody under this Act, the person must be committed to the institution to which he would have been committed if charged with an offence before the judge.^[F1] This is subject to the power to order the temporary transfer of a person under section 21B.]
- (2) If a person in custody following his arrest under Part 1 or Part 2 ^[F2], or kept in custody by virtue of a power under Part 3,] escapes from custody, he may be retaken in any part of the United Kingdom in the same way as he could have been if he had been in custody following his arrest or apprehension under a relevant domestic warrant.
- (3) A relevant domestic warrant is a warrant for his arrest or apprehension issued in the part of the United Kingdom in question in respect of an offence committed there.
- (4) Subsection (5) applies if—
 - (a) a person is in custody in one part of the United Kingdom (whether under this Act or otherwise);
 - (b) he is required to be removed to another part of the United Kingdom after being remanded in custody under this Act;
 - (c) he is so removed by sea or air.
- (5) The person must be treated as continuing in legal custody until he reaches the place to which he is required to be removed.
- (6) An order for a person's extradition under this Act is sufficient authority for an appropriate person—
 - (a) to receive him;

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 197. (See end of Document for details)*

- (b) to keep him in custody until he is extradited under this Act;
- (c) to convey him to the territory to which he is to be extradited under this Act.

[^{F3}(6A) An order for a person's temporary transfer under section 21B is sufficient authority for an appropriate person—

- (a) to receive him;
- (b) to keep him in custody until he is transferred in accordance with the order;
- (c) to convey him to and from the territory to which he is to be transferred;
- (d) on his return from that territory, to keep him in custody until he is brought back to the institution to which he was committed.]

(7) An appropriate person is—

- (a) a person to whom the order is directed;
- (b) a constable.

Textual Amendments

- F1** Words in s. 197(1) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 119\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)
- F2** Words in s. 197(2) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 74\(5\)](#), 116; S.I. 2009/3096, [art. 3\(q\)](#)
- F3** S. 197(6A) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 119\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)

Commencement Information

- I1** 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 197.