



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Arrest

6 Person arrested under section 5

- (1) This section applies if a person is arrested under section 5.
- [^{F1}(2) The person must be brought before the appropriate judge within 48 hours starting with the time when the person is arrested.
- (2A) The documents specified in subsection (4) must be produced to the judge within 48 hours starting with the time when the person is arrested but this is subject to any extension under subsection (3B).
- (2B) Subsection (3) applies if—
 - (a) the person has been brought before the judge in compliance with subsection (2); but
 - (b) documents have not been produced to the judge in compliance with subsection (2A).
- (3) The person must be brought before the judge when the documents are produced to the judge.
- (3A) While the person is before the judge in pursuance of subsection (2), the authority of the category 1 territory may apply to the judge for an extension of the 48 hour period mentioned in subsection (2A) by a further 48 hours.
- (3B) The judge may grant an extension if the judge decides that subsection (2A) could not reasonably be complied with within the initial 48 hour period.
- (3C) The judge must decide whether that subsection could reasonably be so complied with on a balance of probabilities.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 6. (See end of Document for details)

(3D) Notice of an application under subsection (3A) must be given in accordance with rules of court.]

^{F1}(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.

^{F2}(5A) Subsection (5B) applies if—

- (a) the person is before the judge in pursuance of subsection (2); and
- (b) the documents specified in subsection (4) have not been produced to the judge.

(5B) The judge must remand the person in custody or on bail (subject to subsection (6)).]

^{F2}(6) If subsection (2) [^{F3}, (2A) or (3)]^{F3} 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).

^{F4}(8A) In calculating a period of 48 hours for the purposes of this section no account is to be taken of—

- (a) any Saturday or Sunday;
- (b) Christmas Day;
- (c) Good Friday; or
- (d) any day falling within subsection (8B).

(8B) The following days fall within this subsection—

- (a) in Scotland, any day prescribed under section 8(2) of the Criminal Procedure (Scotland) Act 1995 as a court holiday in the court of the appropriate judge;
- (b) in any part of the United Kingdom, any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in that part of the United Kingdom.]

^{F4}(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.

Textual Amendments

- F1** S. 6(2)-(3D) substituted (25.1.2010) for s. 6(2)(3) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 77(2)**, 116; S.I. 2009/3096, **art. 3(t)** (with art. 4)
- F2** S. 6(5A)(5B) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 77(3)**, 116; S.I. 2009/3096, **art. 3(t)** (with art. 4)
- F3** Words in s. 6(6) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 77(4)**, 116; S.I. 2009/3096, **art. 3(t)** (with art. 4)

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 6. (See end of Document for details)

F4 S. 6(8A)(8B) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 77(5)**, 116; S.I. 2009/3096, **art. 3(t)** (with art. 4)

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 6.