



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

The initial hearing

7 Identity of person arrested

- (1) This section applies if—
 - (a) a person arrested under a Part 1 warrant is brought before the appropriate judge under section 4(3), or
 - (b) a person [^{F1}arrested under section 5 is brought before the appropriate judge under section 6 and section 6(2A)]^{F1} is complied with in relation to him.
- (2) The judge must decide whether the person brought before him is the person in respect of whom—
 - (a) the warrant referred to in subsection (1)(a) was issued, or
 - (b) the warrant referred to in section 6(4) was issued.
- (3) The judge must decide the question in subsection (2) on a balance of probabilities.
- (4) If the judge decides the question in subsection (2) in the negative he must order the person's discharge.
- (5) If the judge decides that question in the affirmative he must proceed under section 8.
- (6) In England and Wales, the judge has the same powers (as nearly as may be) as a magistrates' court would have if the proceedings were the summary trial of an information against the person.
- (7) In Scotland—
 - (a) the judge has the same powers (as nearly as may be) as if the proceedings were summary proceedings in respect of an offence alleged to have been committed by the person; but

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 7. (See end of Document for details)

- (b) in his making any decision under subsection (2) evidence from a single source shall be sufficient.
- (8) In Northern Ireland, the judge has the same powers (as nearly as may be) as a magistrates' court would have if the proceedings were the hearing and determination of a complaint against the person.
- (9) If the judge exercises his power to adjourn the proceedings he must remand the person in custody or on bail.
- (10) [^{F2}If the person is remanded in custody, the appropriate judge may]^{F2} later grant bail.

Textual Amendments

- F1** Words in s. 7(1)(b) substituted (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](#))
- F2** Words in s. 7(10) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 42, 53](#), [Sch. 13 para. 16](#); S.I. 2006/3364, [art. 2\(d\)\(e\)](#)
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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:

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