



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Arrest

73 **Provisional warrant**

- (1) This section applies if a justice of the peace is satisfied on information in writing and on oath that a person within subsection (2)—
 - (a) is or is believed to be in the United Kingdom, or
 - (b) is or is believed to be on his way to the United Kingdom.
- (2) A person is within this subsection if—
 - (a) he is accused in a category 2 territory of the commission of an offence, or
 - (b) he is alleged to be unlawfully at large after conviction of an offence by a court in a category 2 territory.
- (3) The justice may issue a warrant for the arrest of the person (a provisional warrant) if he has reasonable grounds for believing that—
 - (a) the offence of which the person is accused or has been convicted is an extradition offence, and
 - (b) there is written evidence falling within subsection (4).
- (4) The evidence is—
 - (a) evidence that would justify the issue of a warrant for the arrest of a person accused of the offence within the justice's jurisdiction, if the person in respect of whom the warrant is sought is accused of the commission of the offence;
 - (b) evidence that would justify the issue of a warrant for the arrest of a person unlawfully at large after conviction of the offence within the justice's jurisdiction, if the person in respect of whom the warrant is sought is alleged to be unlawfully at large after conviction of the offence.

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 73. (See end of Document for details)*

- (5) But if the category 2 territory is designated for the purposes of this section by order made by the Secretary of State, subsections (3) and (4) have effect as if “evidence” read “information”.
- (6) A provisional warrant may—
- (a) be executed by any person to whom it is directed or by any constable or customs officer;
 - (b) be executed even if neither the warrant nor a copy of it is in the possession of the person executing it at the time of the arrest.
- [^{F1}(7) If a warrant issued under this section—
- (a) is directed to a service policeman, and
 - (b) is in respect of a person subject to service law or a civilian subject to service discipline,
- it may be executed anywhere.]
- ^{F1}(8) In any other case, a warrant issued under this section may be executed in any part of the United Kingdom.
- (9) ^{F2}
- (10) The preceding provisions of this section apply to Scotland with these modifications—
- (a) in subsection (1) for “justice of the peace is satisfied on information in writing and on oath” substitute “sheriff is satisfied, on an application by a procurator fiscal,”;
 - (b) in subsection (3) for “justice” substitute “sheriff”;
 - (c) in subsection (4) for “justice’s”, in paragraphs (a) and (b), substitute “sheriff’s”.
- (11) Subsection (1) applies to Northern Ireland with the substitution of “a complaint” for “information”.

Textual Amendments

- F1** S. 73(7) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 203\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions (24.4.2009 for certain purposes otherwise 31.10.2009) in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F2** S. 73(9) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 203\(b\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions (24.4.2009 for certain purposes otherwise 31.10.2009) in S.I. 2009/1059); S.I. 2009/1167, [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 73.