



Policing and Crime Act 2009

2009 CHAPTER 26

PART 6

EXTRADITION

Ancillary matters

77 **Provisional arrest**

- (1) Section 6 of the Extradition Act 2003 (c. 41) (requirements in relation to person subject to provisional arrest) is amended as follows.
- (2) For subsections (2) and (3) substitute—
 - “(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.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 77. (See end of Document for details)

- (3C) The judge must decide whether that subsection could reasonably be so complied with on a balance of probabilities.
- (3D) Notice of an application under subsection (3A) must be given in accordance with rules of court.”
- (3) After subsection (5) insert—
- “(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)).”
- (4) In subsection (6) after “subsection (2)” insert “, (2A) or (3) ”.
- (5) After subsection (8) insert—
- “(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.”

(6) In section 7(1)(b) of the Extradition Act 2003 (c. 41) (application of provisions for verifying the identity of the person arrested) for “is arrested under section 5 and section 6(2)” substitute “ arrested under section 5 is brought before the appropriate judge under section 6 and section 6(2A) ”.

Commencement Information

II S. 77 in force at 25.1.2010 by S.I. 2009/3096, art. 3(t) (with art. 4(3))

Changes to legislation:

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