

# EXTRADITION ACT 2003

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## EXPLANATORY NOTES

### TERRITORIAL APPLICATION: WALES

#### Part 1

#### Extradition to Category 1 Territories

##### *Section 7: Identity of person arrested*

34. This section requires the judge to establish that the person brought before him is the person in respect of whom the warrant was issued.
35. *Subsection (1)* explains that this section applies where a person who has been arrested, either under a Part 1 warrant or provisionally, is brought before the judge. *Subsection (2)* requires the judge to decide if the person brought before him is the person in respect of whom the warrant was issued. The judge is required to make this decision on the balance of probabilities (*subsection (3)*). If the judge decides the person brought before him is not the person in respect of whom the warrant was issued, then he must order his discharge (*subsection (4)*). If the judge decides the person brought before him is the person in respect of whom the warrant was issued, then he must proceed under the provisions of section 8 (*subsection (5)*).
36. *Subsection (6)* gives the judge the same powers (as nearly as possible) as a magistrates' court would have if the proceedings were a summary trial in England and Wales. In Scotland the judge is to have the same powers (as nearly as possible) as if the proceedings were summary proceedings (*subsection (7)*). In Northern Ireland the judge has the same powers (as nearly as possible) as a magistrates' court would have if the proceedings were the hearing and determination of a complaint (*subsection (8)*). These powers include the power to adjourn the proceedings. If the judge does adjourn the proceedings he must remand the arrested person on bail or in custody (*subsection (9)*). If he remands the person in custody he may subsequently grant him bail (*subsection (10)*).