

*These notes refer to the Extradition Act 2003 (c.41)
which received Royal Assent on 20th November 2003*

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 5

Miscellaneous and General Provisions

Section 197: Custody

558. This section applies to any person being held in custody under a power given in this Act.
559. *Subsection (1)* provides that, where a judge remands a person in custody, the person must be taken into custody in the same way as if he had been charged with an offence and the judge had remanded him in custody. In addition, if a person escapes from custody following arrest under this Act, he can be retaken into custody lawfully in any part of the country, in the same way as if he had been in custody following arrest on a domestic warrant (*subsections (2) and (3)*).
560. Under *subsections (4) and (5)* where a person held in custody is required to be transferred to another part of the country (other than over land), after being remanded in custody under this Act, he must be treated as being in continuous legal custody until the transfer is complete.
561. *Subsection (6)* provides for an order for a person's extradition made under this Act to be sufficient authority for an appropriate person to receive him, hold him in custody pending extradition and then convey him to the relevant territory. This power is available to a constable or to the person to whom the order is directed (*subsection (7)*).