



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Arrest

Commencement Information

- II** 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\(2\)](#))

3 Arrest under certified Part 1 warrant

- (1) This section applies if a certificate is issued under section 2 in respect of a Part 1 warrant issued in respect of a person.
- (2) The warrant may be executed by a constable or a customs officer in any part of the United Kingdom.
- [^{F1}(3) The warrant may be executed by a service policeman anywhere, but only if the person is subject to service law or is a civilian subject to service discipline.]
- ^{F1}(5) The warrant may 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.
- (6) ^{F2}

Textual Amendments

- F1** [S. 3\(3\)](#) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) for [s. 3\(3\)\(4\)](#) by [Armed Forces Act 2006 \(c. 52\), ss. 378, 383, Sch. 16 para. 200\(a\)](#); [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](#)

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

F2 S. 3(6) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 200\(b\)](#), [Sch. 17](#); S.I.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](#)

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I2 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))

4 Person arrested under Part 1 warrant

- (1) This section applies if a person is arrested under a Part 1 warrant.
- (2) A copy of the warrant must be given to the person as soon as practicable after his arrest.
- (3) The person must be brought as soon as practicable before the appropriate judge.
- (4) If subsection (2) is not complied with and the person applies to the judge to be discharged, the judge may order his discharge.
- (5) If subsection (3) is not complied with and the person applies to the judge to be discharged, the judge must order his discharge.
- (6) A person arrested under the warrant must be treated as continuing in legal custody until he is brought before the appropriate judge under subsection (3) or he is discharged under subsection (4) or (5).

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I3 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))

5 Provisional arrest

- (1) A constable, a customs officer or a service policeman may arrest a person without a warrant if he has reasonable grounds for believing—
 - (a) that a Part 1 warrant has been or will be issued in respect of the person by an authority of a category 1 territory, and
 - (b) that the authority has the function of issuing arrest warrants in the category 1 territory.
- (2) A constable or a customs officer may arrest a person under subsection (1) in any part of the United Kingdom.
- [^{F3}(3) A service policeman may arrest a person under subsection (1) only if the person is subject to service law or is a civilian subject to service discipline.
- (4) If a service policeman has power to arrest a person under subsection (1) he may exercise the power anywhere.]^{F3}

Textual Amendments

F3 S. 5(3)(4) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) for s. 5(3)-(5) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 201](#); S.I. 2009/812, [art. 3](#) (with transitional

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provisions (24.4.2009 for certain purposes otherwise 31.10.2009) in [S.I. 2009/1059](#); [S.I. 2009/1167](#), [art. 4](#)

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I4 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))

6 Person arrested under section 5

(1) This section applies if a person is arrested under section 5.

[^{F4}(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.

(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.]

[^{F4}(4) The documents are—

- (a) a Part 1 warrant in respect of the person;
- (b) a certificate under section 2 in respect of the warrant.

(5) A copy of the warrant must be given to the person as soon as practicable after his arrest.

[^{F5}(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)).]

[^{F5}(6) If subsection (2) [^{F6}, (2A) or (3)]^{F6} is not complied with and the person applies to the judge to be discharged, the judge must order his discharge.

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- (7) If subsection (5) is not complied with and the person applies to the judge to be discharged, the judge may order his discharge.
- (8) The person must be treated as continuing in legal custody until he is brought before the appropriate judge under subsection (2) or he is discharged under subsection (6) or (7).
- [^{F7}(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.]

^{F7}(9) Subsection (10) applies if—

 - (a) a person is arrested under section 5 on the basis of a belief that a Part 1 warrant has been or will be issued in respect of him;
 - (b) the person is discharged under subsection (6) or (7).

(10) The person must not be arrested again under section 5 on the basis of a belief relating to the same Part 1 warrant.

Textual Amendments

- F4** S. 6(2)-(3D) substituted (25.1.2010) for s. 6(2)(3) by *Policing and Crime Act 2009 (c. 26)*, **ss. 77(2)**, 116; S.I. 2009/3096, **art. 3(t)** (with art. 4)
- F5** S. 6(5A)(5B) inserted (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)
- F6** Words in s. 6(6) inserted (25.1.2010) by *Policing and Crime Act 2009 (c. 26)*, **ss. 77(4)**, 116; S.I. 2009/3096, **art. 3(t)** (with art. 4)
- F7** S. 6(8A)(8B) inserted (25.1.2010) by *Policing and Crime Act 2009 (c. 26)*, **ss. 77(5)**, 116; S.I. 2009/3096, **art. 3(t)** (with art. 4)

Commencement Information

- I5** 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))

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