



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

[^{F1}Provisional arrest without warrant

[^{F1}74B Certificates enabling provisional arrest under section 74A

- (1) The designated authority may issue a certificate under this section in respect of a person if—
- (a) it receives a valid request, made by an authority of a specified category 2 territory, for the person's arrest (for more about requests, see section 74C),
 - (b) it is satisfied that the request is made under arrangements which allow such a request to be made only if—
 - (i) a warrant for the person's arrest has been issued in the category 2 territory in respect of an offence, or
 - (ii) the person is alleged to be unlawfully at large after conviction of an offence by a court in the category 2 territory,
 - (c) it has reasonable grounds for believing that the offence specified in the request is a serious extradition offence, and
 - (d) it is satisfied that the seriousness of the conduct constituting the offence makes it appropriate to issue the certificate.
- (2) A certificate issued by the designated authority under this section must—
- (a) state the category 2 territory in respect of which the request is made, the form of the request and the date on which the request was made,
 - (b) certify that the category 2 territory is a specified category 2 territory,
 - (c) certify that the request is a valid request,
 - (d) certify the matters in subsection (1)(c) and (d), and
 - (e) set out the statement and information mentioned in section 74C(1)(a) or (b) (as the case may be).

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 74B. (See end of Document for details)*

- (3) A certificate (or purported certificate) may be withdrawn and a new one issued on the basis of the same request at any time before the person has been arrested in reliance on it.
- (4) The “designated authority” is the National Crime Agency.
- (5) The Secretary of State may by regulations amend this section so as to change the meaning of “designated authority”.
- (6) Regulations made under subsection (5) may—
 - (a) designate more than one authority;
 - (b) designate different authorities for different parts of the United Kingdom.
- (7) A “specified category 2 territory” is a category 2 territory that is specified in Schedule A1.
- (8) The Secretary of State may by regulations—
 - (a) amend Schedule A1 so as to add, vary or remove a reference to a territory, and
 - (b) in consequence, amend section 74C so as to change what it means to make a request in the approved way for the purposes of that section.
- (9) The reference in subsection (1)(b) to a warrant for a person's arrest includes a reference to a judicial document authorising the person's arrest.
- (10) For the purposes of determining whether an offence is a “serious extradition offence”, sections 137 and 138 apply as if—
 - (a) a reference to an “extradition offence” were to a “serious extradition offence”,
 - (b) a reference to the relevant part of the United Kingdom were to any part of the United Kingdom (and, accordingly, each of sections 137 and 138 have effect as if subsection (8) were omitted),
 - (c) a reference to the request for the person's extradition were a reference to the request for the person's arrest,
 - (d) the references in sections 137(3)(b) and (4)(b) and 138(3)(b) to “12 months” were to “3 years”, and
 - (e) the references in section 137(3)(c) and (4)(c) to conduct that is “so punishable” were to conduct that is punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment.]

Textual Amendments

F1 Ss. 74A-74E and cross-heading inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020](#) (c. 18), s. 2(4), **Sch. para. 2** (with Sch. para. 6); S.I. 2020/1652, reg. 2(1)(b)

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 74B.