



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 4

#### POLICE POWERS

##### *General*

##### **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))

#### **174 Interpretation**

- (1) Subsections (2) to (8) apply for the purposes of this Part.
- (2) Each of these is an extradition arrest power—
  - (a) a Part 1 warrant in respect of which a certificate under section 2 has been issued;
  - (b) section 5;
  - (c) a warrant issued under section 71;
  - (d) a provisional warrant;
  - [<sup>F1</sup>(e) section 74A.]
- (3) “Excluded material”—
  - (a) in England and Wales, has the meaning given by section 11 of the 1984 Act;
  - (b) in Northern Ireland, has the meaning given by Article 13 of the 1989 Order.
- (4) “Items subject to legal privilege”—
  - (a) in England and Wales, has the meaning given by section 10 of the 1984 Act;
  - (b) in Scotland, has the meaning given by section 412 of the 2002 Act;
  - (c) in Northern Ireland, has the meaning given by Article 12 of the 1989 Order.

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

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- (5) “Premises”—
- (a) in England and Wales, has the meaning given by section 23 of the 1984 Act;
  - (b) in Scotland, has the meaning given by section 412 of the 2002 Act;
  - (c) in Northern Ireland, has the meaning given by Article 25 of the 1989 Order.
- (6) “Special procedure material”—
- (a) in England and Wales, has the meaning given by section 14 of the 1984 Act;
  - (b) in Northern Ireland, has the meaning given by Article 16 of the 1989 Order.
- (7) The expressions in subsection (8) have the meanings given—
- (a) in England and Wales, by section 65 of the 1984 Act;
  - (b) in Northern Ireland, by Article 53 of the 1989 Order.
- (8) The expressions are—
- (a) appropriate consent;
  - (b) fingerprints;
  - (c) intimate search;
  - (d) non-intimate sample.
- (9) The 1984 Act is the Police and Criminal Evidence Act 1984 (c. 60).
- (10) The 1989 Order is the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (11) The 2002 Act is the Proceeds of Crime Act 2002 (c. 29).

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**Textual Amendments**

- F1** S. 174(2)(e) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 19](#); S.I. 2020/1652, reg. 2(1)(b)

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**Commencement Information**

- 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))

## 175 Customs officers

The Treasury may by order provide for any provision of this Part which applies in relation to police officers or persons arrested by police officers to apply with specified modifications in relation to customs officers or persons arrested by customs officers.

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**Commencement Information**

- 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))

## 176 Service policemen

The Secretary of State may by order provide for any provision of this Part which applies in relation to police officers or persons arrested by police officers to apply

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

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with specified modifications in relation to service policemen or persons arrested by service policemen.

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**Commencement Information**

**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))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: General.