



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 4

#### POLICE POWERS

##### *Search and seizure without warrant*

#### 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))

#### **161 Entry and search of premises for purposes of arrest**

- (1) This section applies if a constable has power to arrest a person under an extradition arrest power.
- (2) A constable may enter and search any premises for the purpose of exercising the power of arrest if he has reasonable grounds for believing that the person is on the premises.
- (3) The power to search conferred by subsection (2) is exercisable only to the extent that is reasonably required for the purpose of exercising the power of arrest.
- (4) A constable who has entered premises in exercise of the power conferred by subsection (2) may seize and retain anything which is on the premises if he has reasonable grounds for believing—
  - (a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence, and
  - (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.
- (5) An offence includes an offence committed outside the United Kingdom.

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Search and seizure without warrant. (See end of Document for details)*

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- (6) If the premises contain 2 or more separate dwellings, the power conferred by subsection (2) is a power to enter and search only—
- (a) any parts of the premises which the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other dwelling comprised in the premises, and
  - (b) any dwelling comprised in the premises in which the constable has reasonable grounds for believing that the person may be.

**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))

**162 Entry and search of premises on arrest**

- (1) This section applies if a person has been arrested under an extradition arrest power at a place other than a police station.
- (2) A constable may enter and search any premises in which the person was at the time of his arrest or immediately before his arrest if he has reasonable grounds for believing—
  - (a) if the person has not been convicted of the relevant offence, that there is on the premises evidence (other than items subject to legal privilege) relating to the relevant offence;
  - (b) in any case, that there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.
- (3) The relevant offence is the offence—
  - (a) referred to in the Part 1 warrant, if the arrest was under a Part 1 warrant;
  - (b) in respect of which the constable has reasonable grounds for believing that a Part 1 warrant has been or will be issued, if the arrest was under section 5;
  - (c) in respect of which extradition is requested, if the arrest was under a warrant issued under section 71;
  - (d) of which the person is accused, if the arrest was under a provisional warrant [<sup>F1</sup>or under section 74A].
- (4) The power to search conferred by subsection (2)—
  - (a) if the person has not been convicted of the relevant offence, is a power to search for evidence (other than items subject to legal privilege) relating to the relevant offence;
  - (b) in any case, is a power to search for evidence (other than items subject to legal privilege) relating to the identity of the person.
- (5) The power to search conferred by subsection (2) is exercisable only to the extent that it is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of subsection (4).
- (6) A constable may seize and retain anything for which he may search by virtue of subsections (4) and (5).

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- (7) A constable who has entered premises in exercise of the power conferred by subsection (2) may seize and retain anything which is on the premises if he has reasonable grounds for believing—
- (a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence, and
  - (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.
- (8) An offence includes an offence committed outside the United Kingdom.
- (9) If the premises contain 2 or more separate dwellings, the power conferred by subsection (2) is a power to enter and search only—
- (a) any dwelling in which the arrest took place or in which the person was immediately before his arrest, and
  - (b) any parts of the premises which the occupier of any such dwelling uses in common with the occupiers of any other dwelling comprised in the premises.

#### Textual Amendments

- F1** Words in s. 162(3)(d) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 16](#); [S.I. 2020/1652](#), reg. 2(1)(b)

#### 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))

## 163 Search of person on arrest

- (1) This section applies if a person has been arrested under an extradition arrest power at a place other than a police station.
- (2) A constable may search the person if he has reasonable grounds for believing that the person may present a danger to himself or others.
- (3) A constable may search the person if he has reasonable grounds for believing that the person may have concealed on him anything—
- (a) which he might use to assist him to escape from lawful custody;
  - (b) which might be evidence relating to an offence or to the identity of the person.
- (4) The power to search conferred by subsection (3)—
- (a) is a power to search for anything falling within paragraph (a) or (b) of that subsection;
  - (b) is exercisable only to the extent that is reasonably required for the purpose of discovering such a thing.
- (5) The powers conferred by subsections (2) and (3)—
- (a) do not authorise a constable to require a person to remove any of his clothing in public, other than an outer coat, jacket or gloves;
  - (b) authorise a search of a person's mouth.
- (6) A constable searching a person in exercise of the power conferred by subsection (2) may seize and retain anything he finds, if he has reasonable grounds for believing that

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the person searched might use it to cause physical injury to himself or to any other person.

- (7) A constable searching a person in exercise of the power conferred by subsection (3) may seize and retain anything he finds if he has reasonable grounds for believing—
- (a) that the person might use it to assist him to escape from lawful custody;
  - (b) that it is evidence of an offence or of the identity of the person or has been obtained in consequence of the commission of an offence.
- (8) An offence includes an offence committed outside the United Kingdom.
- (9) Nothing in this section affects the power conferred by section 43 of the Terrorism Act 2000 (c. 11).

#### **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))

## **164 Entry and search of premises after arrest**

- (1) This section applies if a person has been arrested under an extradition arrest power.
- (2) A constable may enter and search any premises occupied or controlled by the person if the constable has reasonable grounds for suspecting—
- (a) if the person has not been convicted of the relevant offence, that there is on the premises evidence (other than items subject to legal privilege) relating to the relevant offence;
  - (b) in any case, that there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.
- (3) The relevant offence is the offence—
- (a) referred to in the Part 1 warrant, if the arrest was under a Part 1 warrant;
  - (b) in respect of which the constable has reasonable grounds for believing that a Part 1 warrant has been or will be issued, if the arrest was under section 5;
  - (c) in respect of which extradition is requested, if the arrest was under a warrant issued under section 71;
  - (d) of which the person is accused, if the arrest was under a provisional warrant [<sup>F2</sup>or under section 74A].
- (4) The power to search conferred by subsection (2)—
- (a) if the person has not been convicted of the relevant offence, is a power to search for evidence (other than items subject to legal privilege) relating to the relevant offence;
  - (b) in any case, is a power to search for evidence (other than items subject to legal privilege) relating to the identity of the person.
- (5) The power to search conferred by subsection (2) is exercisable only to the extent that it is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of subsection (4).
- (6) A constable may seize and retain anything for which he may search by virtue of subsections (4) and (5).

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- (7) A constable who has entered premises in exercise of the power conferred by subsection (2) may seize and retain anything which is on the premises if he has reasonable grounds for believing—
- (a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence, and
  - (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.
- (8) An offence includes an offence committed outside the United Kingdom.
- (9) The powers conferred by subsections (2) and (6) may be exercised only if a police officer of the rank of inspector or above has given written authorisation for their exercise.
- (10) But the power conferred by subsection (2) may be exercised without authorisation under subsection (9) if—
- (a) it is exercised before the person arrested is taken to a police station, and
  - (b) the presence of the person at a place other than a police station is necessary for the effective exercise of the power to search.
- (11) Subsections (9) and (10) do not apply to Scotland.

#### Textual Amendments

- F2** Words in s. 164(3)(d) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 17](#); [S.I. 2020/1652](#), reg. 2(1)(b)

#### 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))

## 165 Additional seizure powers

- (1) The Criminal Justice and Police Act 2001 (c. 16) is amended as follows.
- (2) In Part 1 of Schedule 1 (powers of seizure to which section 50 of that Act applies) at the end add—

**“Extradition Act 2003 (c. 41)**

73D The powers of seizure conferred by sections 156(5), 160(5), 161(4), 162(6) and (7) and 164(6) and (7) of the Extradition Act 2003 (seizure in connection with extradition).”

- (3) In Part 2 of Schedule 1 (powers of seizure to which section 51 of that Act applies) at the end add—

**“Extradition Act 2003 (c. 41)**

83A The powers of seizure conferred by section 163(6) and (7) of the Extradition Act 2003 (seizure in connection with extradition).”

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#### Commencement Information

- I6** 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:**

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Search and seizure without warrant.