



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 4

#### POLICE POWERS

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

#### **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>[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;

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 164. (See end of Document for details)*

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- (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).
- (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.

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**Textual Amendments**

- F1** 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)

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**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))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 164.