



Extradition Act 2003

2003 CHAPTER 41

PART 4

POLICE POWERS

Codes of practice

173 Codes of practice

- (1) The Secretary of State must issue codes of practice in connection with—
 - (a) the exercise of the powers conferred by this Part;
 - (b) the retention, use and return of anything seized or produced under this Part;
 - (c) access to and the taking of photographs and copies of anything so seized or produced;
 - (d) the retention, use, disclosure and destruction of fingerprints, a sample or a photograph taken under this Part.
- (2) If the Secretary of State proposes to issue a code of practice under this section he must—
 - (a) publish a draft of the code;
 - (b) consider any representations made to him about the draft;
 - (c) if he thinks it appropriate, modify the draft in the light of any such representations.
- (3) The Secretary of State must lay the code before Parliament.
- (4) When he has done so he may bring the code into operation by order.
- (5) The Secretary of State may revise the whole or any part of a code issued under this section and issue the code as revised; and subsections (2) to (4) apply to such a revised code as they apply to the original code.
- (6) A failure by a constable to comply with a provision of a code issued under this section does not of itself make him liable to criminal or civil proceedings.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 173. (See end of Document for details)

- (7) A code issued under this section is admissible in evidence in proceedings under this Act and must be taken into account by a judge or court in determining any question to which it appears to the judge or the court to be relevant.
- (8) If the Secretary of State publishes a draft code of practice in connection with a matter specified in subsection (1) before the date on which this section comes into force—
- (a) the draft is as effective as one published under subsection (2) on or after that date;
 - (b) representations made to the Secretary of State about the draft before that date are as effective as representations made to him about it after that date;
 - (c) modifications made by the Secretary of State to the draft in the light of any such representations before that date are as effective as any such modifications made by him on or after that date.

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))

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