



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Arrest*

#### **71 Arrest warrant following extradition request**

- (1) This section applies if the Secretary of State sends documents to the appropriate judge under section 70.
- (2) The judge may issue a warrant for the arrest of the person whose extradition is requested if the judge has reasonable grounds for believing that—
  - (a) the offence in respect of which extradition is requested is an extradition offence, and
  - (b) there is evidence falling within subsection (3).
- (3) The evidence is—
  - (a) evidence that would justify the issue of a warrant for the arrest of a person accused of the offence within the judge's jurisdiction, if the person whose extradition is requested is accused of the commission of the offence;
  - (b) evidence that would justify the issue of a warrant for the arrest of a person unlawfully at large after conviction of the offence within the judge's jurisdiction, if the person whose extradition is requested is alleged to be unlawfully at large after conviction of the offence.
- (4) But if the category 2 territory to which extradition is requested is designated for the purposes of this section by order made by the Secretary of State, subsections (2) and (3) have effect as if "evidence" read "information".
- (5) A warrant issued under this section may—
  - (a) be executed by any person to whom it is directed or by any constable or customs officer;

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 71. (See end of Document for details)*

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- (b) be executed even if neither the warrant nor a copy of it is in the possession of the person executing it at the time of the arrest.

[<sup>F1</sup>(6) If a warrant issued under this section—

- (a) is directed to a service policeman, and  
(b) is in respect of a person subject to service law or a civilian subject to service discipline,

it may be executed anywhere.]

<sup>F1</sup>(7) In any other case, a warrant issued under this section may be executed in any part of the United Kingdom.

(8) <sup>F2</sup> .....

#### **Textual Amendments**

- F1** S. 71(6) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 202\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions (24.4.2009 for certain purposes otherwise 31.10.2009) in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F2** S. 71(8) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 202\(b\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions (24.4.2009 for certain purposes otherwise 31.10.2009) in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

#### **Commencement Information**

- I1** 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 71.