

*These notes refer to the Extradition Act 2003 (c.41)
which received Royal Assent on 20th November 2003*

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 4

Police Powers

Section 172: Delivery of seized property

494. This section relates to the handing over of seized property to an authority of a category 1 or category 2 territory. This applies to anything seized or produced under this Part of the Act or anything seized under section 50 or 51 of the Criminal Justice and Police Act 2001 where a constable was relying on a power of seizure conferred by this Part of the Act (*subsection (1)*).
495. *Subsection (2)* allows a police constable to hand over any such items to a person acting on behalf of the relevant authority. A constable may do so if he has reasonable grounds to believe that the authority's functions make it appropriate to hand the items over to it.
496. Where anything has been seized under a warrant or order produced under this Part of the Act, the relevant territory is the one that is specified in the application for the warrant or order (*subsection (3)*). Where anything is seized without a specific search warrant (see sections 161 to 164), *subsections (4) to (6)* apply to determine the relevant territory. The relevant territory is the one in which the Part 1 warrant was issued, or in a provisional arrest case, the one in which a constable has reasonable grounds to believe such a warrant has been or will be issued. For category 2 the relevant territory is the one which has requested the person's extradition, or in a provisional arrest case, the one in which the person is accused or has been convicted of an offence.
497. *Subsections (7) to (9)* set out the necessary modifications in the application of this section to Scotland.