

*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 173: Codes of practice

498. This section requires the Secretary of State to issue codes of practice to cover the use of powers given in this Part of the Act. These codes of practice must cover the use of police powers under Part 4 of the Act, the use, return, access to and copying of anything seized during a search or produced under a production order, and the retention, use and destruction of any fingerprints, samples or photographs taken under this Part (*subsection (1)*).
499. *Subsections (2) and (3)* explain the process by which the Secretary of State issues a code of practice under this section. He is required to publish the code in draft form, consider any representations made on the draft and, if considered appropriate, amend the code accordingly. The Secretary of State can then bring the code into effect by order (*subsection (4)*).
500. The Secretary of State may revise or replace any such code, using the same procedures as described above (*subsection (5)*). Failure by a police constable to adhere to any code issued under this section will not of itself make him liable under either criminal or civil law (*subsection (6)*). A code of practice made under this section can be admitted in court as evidence in an extradition case. Under *subsection (7)* a judge or court must take account of the code where it appears that it is relevant.
501. *Subsection (8)* provides for the publication of a draft code and the consultation process outlined above to be carried out before these provisions of the Act come into force. In these circumstances, the process is as valid as if it were conducted after the provisions have come into force. This subsection enabled the publication of a draft code and consultation process to take place before this Act received Royal Assent.