

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 4

Police Powers

Section 174: Interpretation

502. This section contains definitions of certain terms used in this Part of the Act. *Subsection (2)* explains that an "extradition arrest power" is the power of arrest or provisional arrest given in Parts 1 and 2 of this Act.
503. *Subsection (3)* gives "excluded material" the meaning given in section 11 of PACE in England and Wales, and the corresponding provisions in Northern Ireland. This covers material, records or substances that are held in confidence (for example, personal records, medical samples or journalistic material).
504. *Subsection (4)* gives "items subject to legal privilege" the meaning given by section 10 of PACE in England and Wales, and the corresponding provisions in Scotland and Northern Ireland. This covers any communication between a lawyer and his client (or a person representing either party) that is in whole or part concerned with legal advice or proceedings. However, anything held with the intention of furthering a criminal cause is not covered.
505. *Subsection (5)* gives "premises" the meaning given in section 23 of PACE in England and Wales, and the corresponding provisions in Scotland and Northern Ireland. This covers any place, including any vehicle, vessel, aircraft, hovercraft, offshore installation, tent or movable structure.
506. *Subsection (6)* gives "special procedure material" the meaning given in section 14 of PACE in England and Wales, and the corresponding provisions in Northern Ireland. This is material which is neither "excluded material" nor "items subject to legal privilege", but which is held in a professional or official capacity. The material must also be held subject to an implied or express undertaking to hold it in confidence or subject to an obligation of secrecy.
507. *Subsections (7) and (8)* give other terms used in Part 4 the meanings given by section 65 of PACE in England and Wales, and the corresponding provisions in Northern Ireland. "Appropriate consent" is:
- the person's own consent (if he has reached the age of 17 years);
 - the person's consent and his parent or guardian's consent (if he has reached 14 but is not yet 17);
 - the consent of the person's parent or guardian (if he is not yet 14).

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

508. The term "fingerprints" includes palm prints. An "intimate search" is a search consisting of the physical examination of a person's body orifices other than the mouth. A "non-intimate sample" means a sample of hair other than pubic hair, a sample taken from a nail or under a nail, a swab taken from the body (but not an orifice), a footprint or other such impression (but not of the hand).