



Extradition Act 2003

2003 CHAPTER 41

PART 4

POLICE POWERS

Delivery of seized property

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- (1) This section applies to—
 - (a) anything which has been seized or produced under this Part, or
 - (b) anything which has been seized under section 50 or 51 of the Criminal Justice and Police Act 2001 (c. 16) in reliance on a power of seizure conferred by this Part.
- (2) A constable may deliver any such thing to a person who is or is acting on behalf of an authority if the constable has reasonable grounds for believing that the authority—
 - (a) is an authority of the relevant territory, and
 - (b) has functions such that it is appropriate for the thing to be delivered to it.
- (3) If the relevant seizure power was a warrant issued under this Part, or the thing was produced under an order made under this Part, the relevant territory is the category 1 or category 2 territory specified in the application for the warrant or order.
- (4) If the relevant seizure power was section 161(4), 162(6) or (7), 163(6) or (7) or 164(6) or (7), the relevant territory is—
 - (a) the territory in which the Part 1 warrant was issued, in a case where the applicable extradition arrest power is a Part 1 warrant in respect of which a certificate under section 2 has been issued;
 - (b) the territory in which a constable has reasonable grounds for believing that a Part 1 warrant has been or will be issued, in a case where the applicable extradition arrest power is section 5;

Status: This is the original version (as it was originally enacted).

- (c) the territory to which a person’s extradition is requested, in a case where the applicable extradition arrest power is a warrant issued under section 71;
 - (d) the territory in which a person is accused of the commission of an offence or has been convicted of an offence, in a case where the applicable extradition arrest power is a provisional warrant.
- (5) The applicable extradition arrest power is—
- (a) the extradition arrest power under which a constable had a power of arrest, if the relevant seizure power was section 161(4);
 - (b) the extradition arrest power under which a person was arrested, if the relevant seizure power was section 162(6) or (7), 163(6) or (7) or 164(6) or (7).
- (6) The relevant seizure power is—
- (a) the power under which the thing was seized, or
 - (b) the power in reliance on which the thing was seized under section 50 or 51 of the Criminal Justice and Police Act 2001 (c. 16).
- (7) Subsection (1)(a) applies to Scotland with the insertion after “Part” of “(so far as it applies to Scotland) or for the purposes of this Act (as it so applies) by virtue of any enactment or rule of law”.
- (8) Subsection (2) applies to Scotland with the substitution of “procurator fiscal” for “constable”.
- (9) In subsection (7) “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.