



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 4

#### POLICE POWERS

##### *Warrants and orders*

#### **156 Search and seizure warrants**

- (1) A justice of the peace may, on an application made to him by a constable, issue a search and seizure warrant if he is satisfied that the requirements for the issue of a search and seizure warrant are fulfilled.
- (2) The application for a search and seizure warrant must state that—
  - (a) the extradition of a person specified in the application is sought under Part 1 or Part 2;
  - (b) the warrant is sought in relation to premises specified in the application;
  - (c) the warrant is sought in relation to material, or material of a description, specified in the application;
  - (d) that material, or material of that description, is believed to be on the premises.
- (3) If the application states that the extradition of the person is sought under Part 1, the application must also state that the person is accused in a category 1 territory specified in the application of the commission of an offence—
  - (a) which is specified in the application, and
  - (b) which is an extradition offence within the meaning given by section 64.
- (4) If the application states that the extradition of the person is sought under Part 2, the application must also state that the person is accused in a category 2 territory specified in the application of the commission of an offence—
  - (a) which is specified in the application, and
  - (b) which is an extradition offence within the meaning given by section 137.
- (5) A search and seizure warrant is a warrant authorising a constable—

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*Status: This is the original version (as it was originally enacted).*

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- (a) to enter and search the premises specified in the application for the warrant, and
  - (b) to seize and retain any material found there which falls within subsection (6).
- (6) Material falls within this subsection if—
- (a) it would be likely to be admissible evidence at a trial in the relevant part of the United Kingdom for the offence specified in the application for the warrant (on the assumption that conduct constituting that offence would constitute an offence in that part of the United Kingdom), and
  - (b) it does not consist of or include items subject to legal privilege, excluded material or special procedure material.
- (7) The relevant part of the United Kingdom is the part of the United Kingdom where the justice of the peace exercises jurisdiction.
- (8) The requirements for the issue of a search and seizure warrant are that there are reasonable grounds for believing that—
- (a) the offence specified in the application has been committed by the person so specified;
  - (b) the person is in the United Kingdom or is on his way to the United Kingdom;
  - (c) the offence is an extradition offence within the meaning given by section 64 (if subsection (3) applies) or section 137 (if subsection (4) applies);
  - (d) there is material on premises specified in the application which falls within subsection (6);
  - (e) any of the conditions referred to in subsection (9) is satisfied.
- (9) The conditions are—
- (a) that it is not practicable to communicate with a person entitled to grant entry to the premises;
  - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with a person entitled to grant access to the material referred to in subsection (8)(d);
  - (c) that entry to the premises will not be granted unless a warrant is produced;
  - (d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.
- (10) The preceding provisions of this section apply to Scotland with these modifications—
- (a) in subsections (1) and (7) for “justice of the peace” substitute “sheriff”;
  - (b) in subsection (1) for “constable” substitute “procurator fiscal”;
  - (c) for “search and seizure warrant” substitute “warrant to search”;
  - (d) in subsection (6)(b) omit the words “, excluded material or special procedure material”;
  - (e) subsections (8)(e) and (9) are omitted.