



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Arrest

71 Arrest warrant following extradition request

- (1) This section applies if the Secretary of State sends documents to the appropriate judge under section 70.
- (2) The judge may issue a warrant for the arrest of the person whose extradition is requested if the judge has reasonable grounds for believing that—
 - (a) the offence in respect of which extradition is requested is an extradition offence, and
 - (b) there is evidence falling within subsection (3).
- (3) The evidence is—
 - (a) evidence that would justify the issue of a warrant for the arrest of a person accused of the offence within the judge's jurisdiction, if the person whose extradition is requested is accused of the commission of the offence;
 - (b) evidence that would justify the issue of a warrant for the arrest of a person unlawfully at large after conviction of the offence within the judge's jurisdiction, if the person whose extradition is requested is alleged to be unlawfully at large after conviction of the offence.
- (4) But if the category 2 territory to which extradition is requested is designated for the purposes of this section by order made by the Secretary of State, subsections (2) and (3) have effect as if "evidence" read "information".
- (5) A warrant issued under this section may—
 - (a) be executed by any person to whom it is directed or by any constable or customs officer;

Status: This is the original version (as it was originally enacted).

- (b) be executed even if neither the warrant nor a copy of it is in the possession of the person executing it at the time of the arrest.
- (6) If a warrant issued under this section in respect of a person is directed to a service policeman, it may be executed in any place where the service policeman would have power to arrest the person under the appropriate service law if the person had committed an offence under that law.
- (7) In any other case, a warrant issued under this section may be executed in any part of the United Kingdom.
- (8) The appropriate service law is—
 - (a) the Army Act 1955 (3 & 4 Eliz. 2 c. 18), if the person in respect of whom the warrant is issued is subject to military law;
 - (b) the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), if that person is subject to air-force law;
 - (c) the Naval Discipline Act 1957 (c. 53), if that person is subject to that Act.