

2003 No. 3106

EXTRADITION

The Extradition Act 2003 (Police Powers) Order 2003

Made - - - - - 1st December 2003

Laid before Parliament 3rd December 2003

Coming into force - - 1st January 2004

The Secretary of State, in exercise of the powers conferred on him by section 171(2) and (3) of the Extradition Act 2003(a), hereby makes the following Order:

1. This Order may be cited as the Extradition Act 2003 (Police Powers) Order 2003 and shall come into force on 1st January 2004.

2.—(1) Sections 54, 55, 56 and 58 of the Police and Criminal Evidence Act 1984(b) apply in the circumstances described in section 171(1) of the Extradition Act 2003 with the following modifications.

(2) In sections 54(4)(b) and 55(12)(b) for “an offence” there is substituted “a relevant offence (within the meaning of section 164(3) of the Extradition Act 2003)”.

(3) In sections 56(2)(a), 56(5)(a), 58(6)(a) and 58(8)(a) for “a serious arrestable offence” there is substituted “a relevant offence (within the meaning of section 164(3) of the Extradition Act 2003) that would be a serious arrestable offence if it had been committed in England and Wales”.

(4) Sections 56(5A), 56(5B), 58(8A) and 58(8B) are omitted.

Home Office
1st December 2003

Caroline Flint
Parliamentary Under-Secretary of State

(a) 2003 c. 41.
(b) 1984 c. 60.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 4 of the Extradition Act 2003 sets out powers available to the police in extradition cases. Article 2 of this Order applies sections 54, 55, 56 and 58 of the Police and Criminal Evidence Act 1984 to extradition cases where the circumstances described in section 171(1) of the Extradition Act 2003 apply. This is where a person is arrested under an extradition arrest power and is detained at a police station.

The sections are modified to substitute “offence” with “relevant offence”. A relevant offence is the offence for which extradition is sought. Provisions in the Police and Criminal Evidence Act 1984 relating to the proceeds of crime have been omitted.

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