

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 4

Police Powers

Section 163: Search of person on arrest

471. This section gives a police constable power to search a person on arrest under an extradition arrest power, unless the arrest takes place at a police station (*subsection (1)*).
472. A police constable is allowed to search the person if he reasonably believes that the person could be a danger to himself or anyone else (*subsection (2)*). The constable may also seize and retain anything he finds as a result of this search, in accordance with *subsection (6)*, if he reasonably believes that the person might use it to cause physical harm to himself or another person.
473. A police constable, under *subsection (3)*, is also allowed to search the person if he reasonably believes that the person may have something concealed on him that:
- might be used to enable escape from custody; or
 - might be evidence of an offence or of the person's identity.
474. A police constable may use the power to search a person under *subsection (3)* only for anything described in that subsection and only so far as is reasonably necessary to find any such thing (*subsection 4*). The police constable has power under *subsection (7)* to seize and retain anything found during such a search. The constable must have reasonable grounds for believing the person might use the item to assist in an escape from custody, that the item is evidence of an offence or of the person's identity, or that it has been obtained as the result of an offence.
475. *Subsection (5)* sets out the limits of the search powers under subsections (2) and (3). The constable may not require a person to remove in public any clothes other than an outer coat, jacket or gloves. However, the constable is allowed to conduct a search of the person's mouth under these powers.
476. The provisions of this section do not affect the powers of a police constable to search a person suspected of terrorist offences under section 43 of the Terrorism Act 2000 (*subsection (9)*).