



Extradition Act 2003

2003 CHAPTER 41

PART 4

POLICE POWERS

Search and seizure without warrant

162 Entry and search of premises on arrest

- (1) This section applies if a person has been arrested under an extradition arrest power at a place other than a police station.
- (2) A constable may enter and search any premises in which the person was at the time of his arrest or immediately before his arrest if he has reasonable grounds for believing—
 - (a) if the person has not been convicted of the relevant offence, that there is on the premises evidence (other than items subject to legal privilege) relating to the relevant offence;
 - (b) in any case, that there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.
- (3) The relevant offence is the offence—
 - (a) referred to in the Part 1 warrant, if the arrest was under a Part 1 warrant;
 - (b) in respect of which the constable has reasonable grounds for believing that a Part 1 warrant has been or will be issued, if the arrest was under section 5;
 - (c) in respect of which extradition is requested, if the arrest was under a warrant issued under section 71;
 - (d) of which the person is accused, if the arrest was under a provisional warrant.
- (4) The power to search conferred by subsection (2)—
 - (a) if the person has not been convicted of the relevant offence, is a power to search for evidence (other than items subject to legal privilege) relating to the relevant offence;

Status: This is the original version (as it was originally enacted).

- (b) in any case, is a power to search for evidence (other than items subject to legal privilege) relating to the identity of the person.
- (5) The power to search conferred by subsection (2) is exercisable only to the extent that it is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of subsection (4).
- (6) A constable may seize and retain anything for which he may search by virtue of subsections (4) and (5).
- (7) A constable who has entered premises in exercise of the power conferred by subsection (2) may seize and retain anything which is on the premises if he has reasonable grounds for believing—
- (a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence, and
 - (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.
- (8) An offence includes an offence committed outside the United Kingdom.
- (9) If the premises contain 2 or more separate dwellings, the power conferred by subsection (2) is a power to enter and search only—
- (a) any dwelling in which the arrest took place or in which the person was immediately before his arrest, and
 - (b) any parts of the premises which the occupier of any such dwelling uses in common with the occupiers of any other dwelling comprised in the premises.