



Extradition Act 2003

2003 CHAPTER 41

PART 4

POLICE POWERS

Treatment following arrest

167 Searches and examination

- (1) This section applies if a person has been arrested under an extradition arrest power and is detained at a police station.
- (2) If a police officer of at least the rank of inspector authorises it, the person may be searched or examined, or both, for the purpose of facilitating the ascertainment of his identity.
- (3) An identifying mark found on a search or examination under this section may be photographed—
 - (a) with the appropriate consent, or
 - (b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it.
- (4) The only persons entitled to carry out a search or examination, or take a photograph, under this section are—
 - (a) constables;
 - (b) persons designated for the purposes of this section by the appropriate police officer.
- (5) A person may not under this section—
 - (a) carry out a search or examination of a person of the opposite sex;
 - (b) take a photograph of any part of the body (other than the face) of a person of the opposite sex.
- (6) An intimate search may not be carried out under this section.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 167. (See end of Document for details)

- (7) Ascertaining a person's identity includes showing that he is not a particular person.
- (8) Taking a photograph includes using a process by means of which a visual image may be produced; and photographing a person must be construed accordingly.
- (9) Mark includes features and injuries and a mark is an identifying mark if its existence in a person's case facilitates the ascertainment of his identity.
- (10) The appropriate police officer is—
 - (a) in England and Wales, the chief officer of police for the police area in which the police station in question is situated;
 - (b) in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland.

Commencement Information

- II** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

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