



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Arrest

74 Person arrested under provisional warrant

- (1) This section applies if a person is arrested under a provisional warrant.
- (2) A copy of the warrant must be given to the person as soon as practicable after his arrest.
- (3) The person must be brought as soon as practicable before the appropriate judge.
- (4) But subsection (3) does not apply if—
 - (a) the person is granted bail by a constable following his arrest, or
 - (b) in a case where the Secretary of State has received a valid request for the person's extradition, the Secretary of State decides under section 126 that the request is not to be proceeded with.
- (5) If subsection (2) is not complied with and the person applies to the judge to be discharged, the judge may order his discharge.
- (6) If subsection (3) is not complied with and the person applies to the judge to be discharged, the judge must order his discharge.
- (7) When the person first appears or is brought before the appropriate judge, the judge must—
 - (a) inform him that he is accused of the commission of an offence in a category 2 territory or that he is alleged to be unlawfully at large after conviction of an offence by a court in a category 2 territory;
 - (b) give him the required information about consent;
 - (c) remand him in custody or on bail.

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 74. (See end of Document for details)*

- (8) The required information about consent is—
- (a) that the person may consent to his extradition to the category 2 territory in which he is accused of the commission of an offence or is alleged to have been convicted of an offence;
 - (b) an explanation of the effect of consent and the procedure that will apply if he gives consent;
 - (c) that consent must be given in writing and is irrevocable.
- (9) [^{F1}If the person is remanded in custody, the appropriate judge may]^{F1} later grant bail.
- (10) The judge must order the person’s discharge if the documents referred to in section 70(9) are not received by the judge within the required period.
- (11) The required period is—
- (a) 45 days starting with the day on which the person was arrested, or
 - (b) if the category 2 territory is designated by order made by the Secretary of State for the purposes of this section, any longer period permitted by the order.
- (12) Subsection (4)(a) applies to Scotland with the omission of the words “by a constable”.

Textual Amendments

- F1** Words in s. 74(9) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 16](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

Commencement Information

- I1** 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))

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 74.