*Draft Order laid before Parliament under section 223(5) of the Extradition Act 2003, for approval by resolution of each House of Parliament.*

D R A F T  S T A T U T O R Y  I N S T R U M E N T S

# 2021 No.

# EXTRADITION

## The Extradition Act 2003 (Codes of Practice and Transit Code of Practice) Order 2021

| | |
|---|---|
| *Made - - - -* | *2021* |
| *Coming into force - -* | *1st May 2021* |

The Secretary of State makes the following Order in exercise of the power conferred by sections 173(4) and 189D(4) of the Extradition Act 2003(**a**) ("the Act").

(1) Under section 173(1) of the Act, the Secretary of State is required to issue codes of practice ("the Police Powers Codes") in connection with—

(a) the exercise of the powers conferred by Part 4 of the Act;

(b) the retention, use and return of anything seized or produced under Part 4 of the Act;

(c) access to and the taking of photographs and copies of anything so seized or produced;

(d) the retention, use, disclosure and destruction of fingerprints, a sample or a photograph taken under Part 4.

(2) In accordance with section 173(2) of the Act, the Secretary of State has published a draft of the revised Police Powers Codes, has considered representations made about the draft and modified the draft of the codes in the light of the representations.

(3) In accordance with section 173(3) of the Act the Secretary of State has laid the revised Police Powers Codes before Parliament.

(4) Under section 189D(1)(**b**) of the Act, the Secretary of State is required to issue a code of practice ("the Transit Code") in connection with—

(a) the exercise of extradition transit powers;

(b) the retention, use and return of anything seized under a relevant search power.

(5) In accordance with section 189D(2) and (8) of the Act, the Secretary of State has published a draft of the Transit Code, has considered representations made about the draft and modified the draft of the code in the light of the representations.

(6) In accordance with section 189D(3) of the Act the Secretary of State has laid the Transit Code before Parliament.

(**a**) 2003 c.41
(**b**) Section 189D was inserted by section 168 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

In accordance with section 223(5)(**a**) of the Act, a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Extradition Act 2003 (Codes of Practice and Transit Code of Practice) Order 2021 and comes into force on 1st May 2021.

(2) This article and article 3 extend to England and Wales, Scotland and Northern Ireland.

(3) Article 2 extends to England and Wales and Northern Ireland.

**Date on which codes of practice come into operation**

**2.** The codes of practice entitled "Extradition Act 2003: Codes of Practice" laid before Parliament on 22nd February 2021 come into operation on 1st May 2021.

**3.** The code of practice entitled "Code of Practice for Non-UK Extradition Transit" laid before Parliament on 22nd February 2021 comes into operation on 1st May 2021.

*Name*
Parliamentary Under Secretary of State
Home Office

Date

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into operation, on 1st May 2021, codes of practice made under powers in the Extradition Act 2003 ("the Act").

The first codes are the Police Powers Codes (entitled "Extradition Act 2003: Codes of Practice") which are a revised version of existing codes made under section 173(1) of the Act in connection with the exercise by police officers and customs officers of the powers conferred by Part 4 of the Act. Part 4 of the Act sets out powers of search and seizure of premises and persons, application for warrants and production orders, entry to premises and the treatment of detained persons after arrest in extradition cases. These codes do not apply in Scotland.

The second code is the Transit Code (entitled "Code of Practice for Non-UK Extradition Transit") which is issued for the first time pursuant to section 189D of the Act and is made in connection with the transit through the UK of persons being extradited from one foreign country to another foreign country. Sections 189A to 189C of the Act provide powers to detain and search such persons and powers to seize, retain or return items seized. This code applies throughout the UK.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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(**a**) The effect of section 223(5) was modified by paragraph 122 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014.

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