



# Extradition Act 2003

## CHAPTER 41

### EXTRADITION ACT 2003

#### PART 1

##### EXTRADITION TO CATEGORY 1 TERRITORIES

###### *Introduction*

- 1 Extradition to category 1 territories
- 2 Part 1 warrant and certificate

###### *Arrest*

- 3 Arrest under certified Part 1 warrant
- 4 Person arrested under Part 1 warrant
- 5 Provisional arrest
- 6 Person arrested under section 5

###### *The initial hearing*

- 7 Identity of person arrested
- 8 Remand etc.
- 8A Person charged with offence in United Kingdom before extradition hearing
- 8B Person serving sentence in United Kingdom before extradition hearing

###### *The extradition hearing*

- 9 Judge's powers at extradition hearing
- 10 Initial stage of extradition hearing
- 11 Bars to extradition
- 12 Rule against double jeopardy

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- 12A Absence of prosecution decision
- 13 Extraneous considerations
- 14 Passage of time
- 15 Age
- 16 Hostage-taking considerations
- 17 Speciality
- 18 Earlier extradition to United Kingdom from category 1 territory
- 19 Earlier extradition to United Kingdom from non-category 1 territory
- 19A Earlier transfer to United Kingdom by International Criminal Court
- 19B Forum
- 19C Effect of prosecutor's certificates on forum proceedings
- 19D Prosecutor's certificates
- 19E Questioning of prosecutor's certificate
- 19F Interpretation of sections 19B to 19E
- 20 Case where person has been convicted
- 21 Person unlawfully at large: human rights
- 21A Person not convicted: human rights and proportionality
- 21B Request for temporary transfer etc

*Matters arising before end of extradition hearing*

- 22 Person charged with offence in United Kingdom
- 23 Person serving sentence in United Kingdom
- 24 Extradition request
- 25 Physical or mental condition

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- 26 Appeal against extradition order
- 27 Court's powers on appeal under section 26
- 28 Appeal against discharge at extradition hearing
- 29 Court's powers on appeal under section 28
- 30 Detention pending conclusion of appeal under section 28
- 30A Detention pending conclusion of appeal under section 28: Scotland
- 31 Appeal to High Court: time limit for start of hearing
- 32 Appeal to Supreme Court
- 33 Powers of Supreme Court on appeal under section 32
- 33ZA Scottish devolution issue: remand in custody or on bail
- 33A Detention pending conclusion of certain appeals under section 32
- 33B Detention pending conclusion of appeals relating to devolution issues
- 34 Appeals: general

*Time for extradition*

- 35 Extradition where no appeal
- 36 Extradition following appeal
- 36A Extradition following appeal: Scotland
- 36B Judge informed after extradition hearing that person is charged with offence in United Kingdom
- 36C Judge informed after extradition hearing that person is serving sentence in United Kingdom
- 37 Undertaking in relation to person serving sentence in United Kingdom
- 38 Extradition following deferral for competing claim
- 39 Asylum claim

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40 Certificate in respect of asylum claimant

*Withdrawal of Part 1 warrant*

- 41 Withdrawal of warrant before extradition
- 42 Withdrawal of warrant while appeal to High Court pending
- 43 Withdrawal of warrant while appeal to Supreme Court pending

*Competing Part 1 warrants*

- 44 Competing Part 1 warrants

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- 45 Consent to extradition
- 46 Extradition order following consent
- 47 Extradition to category 1 territory following consent
- 48 Other warrant issued following consent
- 49 Other warrant issued: extradition to category 1 territory
- 50 Other warrant issued: proceedings deferred
- 51 Extradition request following consent
- 52 Undertaking in relation to person serving sentence
- 53 Extradition following deferral for competing claim

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- 55 Questions for decision at consent hearing
- 56 Request for consent to further extradition to category 1 territory
- 57 Questions for decision at consent hearing
- 58 Consent to further extradition to category 2 territory
- 59 Return of person to serve remainder of sentence

*Costs*

- 60 Costs where extradition ordered
- 61 Costs where discharge ordered
- 62 Costs where discharge ordered: supplementary
- 62A Appropriate amount: England and Wales
- 62B Legal costs: England and Wales

*Repatriation cases*

- 63 Persons serving sentences outside territory where convicted

*Interpretation*

- 64 Extradition offences: person not sentenced for offence
- 65 Extradition offences: person sentenced for offence
- 66 Extradition offences: supplementary
- 67 The appropriate judge
- 68 The extradition hearing
- 68A Unlawfully at large

**PART 2**

EXTRADITION TO CATEGORY 2 TERRITORIES

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### *Introduction*

- 69 Extradition to category 2 territories
- 70 Extradition request and certificate

### *Arrest*

- 71 Arrest warrant following extradition request
- 72 Person arrested under section 71
- 73 Provisional warrant
- 74 Person arrested under provisional warrant

### *The extradition hearing*

- 75 Date of extradition hearing: arrest under section 71
- 76 Date of extradition hearing: arrest under provisional warrant
- 76A Person charged with offence in United Kingdom before extradition hearing
- 76B Person serving sentence in United Kingdom before extradition hearing
- 77 Judge's powers at extradition hearing
- 78 Initial stages of extradition hearing
- 79 Bars to extradition
- 80 Rule against double jeopardy
- 81 Extraneous considerations
- 82 Passage of time
- 83 Hostage-taking considerations
- 83A Forum
- 83B Effect of prosecutor's certificates on forum proceedings
- 83C Prosecutor's certificates
- 83D Questioning of prosecutor's certificate
- 83E Interpretation of sections 83A to 83D
- 84 Case where person has not been convicted
- 85 Case where person has been convicted
- 86 Conviction in person's absence
- 87 Human rights
- 88 Person charged with offence in United Kingdom
- 89 Person serving sentence in United Kingdom
- 90 Competing extradition claim
- 91 Physical or mental condition
- 92 Case sent to Secretary of State

### *Secretary of State's functions*

- 93 Secretary of State's consideration of case
- 94 Death penalty
- 95 Speciality
- 96 Earlier extradition to United Kingdom from other territory
- 96A Earlier transfer to United Kingdom by International Criminal Court
- 97 Deferral: person charged with offence in United Kingdom
- 98 Deferral: person serving sentence in United Kingdom
- 99 Time limit for order for extradition or discharge
- 100 Information
- 101 Making of order for extradition or discharge
- 102 The appropriate day

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### *Appeals*

- 103 Appeal where case sent to Secretary of State
- 104 Court's powers on appeal under section 103
- 105 Appeal against discharge at extradition hearing
- 106 Court's powers on appeal under section 105
- 107 Detention pending conclusion of appeal under section 105
- 107A Detention pending conclusion of appeal under section 105: Scotland
- 108 Appeal against extradition order
- 109 Court's powers on appeal under section 108
- 110 Appeal against discharge by Secretary of State
- 111 Court's powers on appeal under section 110
- 112 Detention pending conclusion of appeal under section 110
- 112A Detention pending conclusion of appeal under section 110: Scotland
- 113 Appeal to High Court: time limit for start of hearing
- 114 Appeal to Supreme Court
- 115 Powers of Supreme Court on appeal under section 114
- 115A Detention pending conclusion of certain appeals under section 114
- 115B Detention pending conclusion of appeals relating to devolution issues
- 116 Appeals: general

### *Time for extradition*

- 117 Extradition where no appeal
- 118 Extradition following appeal
- 118A Extradition following appeal: Scotland
- 118B Scottish devolution issue: remand in custody or on bail
- 118C Judge informed after extradition order that person is charged with offence in United Kingdom
- 118D Judge informed after extradition order that person is serving sentence in United Kingdom
- 119 Undertaking in relation to person serving sentence in United Kingdom
- 120 Extradition following deferral for competing claim
- 121 Asylum claim

### *Withdrawal of extradition request*

- 122 Withdrawal of request before end of extradition hearing
- 123 Withdrawal of request after case sent to Secretary of State
- 124 Withdrawal of request while appeal to High Court pending
- 125 Withdrawal of request while appeal to Supreme Court pending

### *Competing extradition requests*

- 126 Competing extradition requests

### *Consent to extradition*

- 127 Consent to extradition: general
- 128 Consent to extradition before case sent to Secretary of State

### *Post-extradition matters*

- 129 Consent to other offence being dealt with
- 130 Consent to further extradition to category 2 territory
- 131 Consent to further extradition to category 1 territory

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132 Return of person to serve remainder of sentence

*Costs*

- 133 Costs where extradition ordered
- 134 Costs where discharge ordered
- 135 Costs where discharge ordered: supplementary
- 135A Appropriate amount: England and Wales
- 135B Legal costs: England and Wales

*Repatriation cases*

- 136 Persons serving sentences outside territory where convicted

*Interpretation*

- 137 Extradition offences: person not sentenced for offence
- 138 Extradition offences: person sentenced for offence
- 139 The appropriate judge
- 140 The extradition hearing
- 140A Unlawfully at large
- 141 Scotland: references to Secretary of State

**PART 3**

EXTRADITION TO THE UNITED KINGDOM

*Extradition from category 1 territories*

- 142 Issue of Part 3 warrant
- 143 Undertaking in relation to person serving sentence
- 144 Return to extraditing territory to serve sentence
- 145 Service of sentence in territory executing Part 3 warrant
- 146 Dealing with person for other offences
- 147 Effect of consent to extradition to the United Kingdom
- 148 Extradition offences
- 149 The appropriate judge

*Extradition from category 2 territories*

- 150 Dealing with person for other offences: Commonwealth countries etc.
- 151 Dealing with person for other offences: other category 2 territories

*General*

- 151A Dealing with person for other offences
- 151B Detention of person for trial in England and Wales for other offences
- 152 Remission of punishment for other offences
- 153 Return of person acquitted or not tried
- 153A Undertaking in relation to person serving sentence
- 153B Return of person in pursuance of undertaking
- 153C Return to extraditing territory to serve sentence
- 153D Sections 153A and 153C etc : supplementary
- 154 Restriction on bail where undertaking given by Secretary of State
- 155 Service personnel
- 155A Category 1 territories not applying framework decision to old cases

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- 157 Production orders
- 158 Requirements for making of production order
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- 160 Warrants: special procedure material and excluded material

#### *Search and seizure without warrant*

- 161 Entry and search of premises for purposes of arrest
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- 165 Additional seizure powers

#### *Treatment following arrest*

- 166 Fingerprints and samples
- 167 Searches and examination
- 168 Photographs
- 169 Evidence of identity: England and Wales
- 170 Evidence of identity: Northern Ireland
- 171 Other treatment and rights

#### *Delivery of seized property*

- 172 Delivery of seized property

#### *Codes of practice*

- 173 Codes of practice

#### *General*

- 174 Interpretation
- 175 Customs officers
- 176 Service policemen

## **PART 5**

### **MISCELLANEOUS AND GENERAL**

#### *British overseas territories*

- 177 Extradition from British overseas territories
- 178 Extradition to British overseas territories

#### *Competing extradition claims*

- 179 Competing claims to extradition
- 180 Proceedings on deferred warrant or request
- 181 Proceedings where extradition deferred

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### *Legal aid*

- 182 Legal advice, assistance and representation: England and Wales
- 183 Legal aid: Scotland
- 184 Grant of free legal aid: Northern Ireland
- 185 Free legal aid: supplementary

### *Re-extradition*

- 186 Re-extradition: preliminary
- 187 Re-extradition hearing
- 188 Re-extradition to category 1 territories
- 189 Re-extradition to category 2 territories

### *Conduct of extradition proceedings*

- 190 Crown Prosecution Service: role in extradition proceedings
- 191 Lord Advocate: role in extradition proceedings
- 192 Northern Ireland DPP and Crown Solicitor: role in extradition proceedings

### *Parties to international Conventions*

- 193 Parties to international Conventions

### *Special extradition arrangements*

- 194 Special extradition arrangements

### *Human rights*

- 195 Human rights: appropriate tribunal

### *Genocide etc*

- 196 Genocide, crimes against humanity and war crimes

### *Custody and bail*

- 197 Custody
- 197A Extradition of serving prisoner
- 198 Bail: England and Wales
- 199 Bail: Scotland
- 200 Appeal against grant of bail
- 201 Remand to local authority accommodation

### *Evidence*

- 202 Receivable documents
- 203 Documents sent by facsimile
- 204 Warrant issued by category 1 territory: transmission by other electronic means
- 205 Written statements and admissions
- 206 Burden and standard of proof

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- 206A Use of live links at certain hearings



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- 206B Live links: supplementary
- 206C Live links: interpretation

#### *Other miscellaneous provisions*

- 207 Extradition for more than one offence
- 208 National security
- 209 Reasonable force
- 210 Rules of court
- 211 Service of notices
- 212 Article 95 alerts: transitional provision

#### *Interpretation*

- 213 Disposal of Part 1 warrant and extradition request
- 214 Disposal of charge
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- 216 Other interpretative provisions

#### *General*

- 217 Form of documents
- 218 Existing legislation on extradition
- 219 Amendments
- 220 Repeals
- 221 Commencement
- 222 Channel Islands and Isle of Man
- 223 Orders and regulations
- 224 Orders in Council
- 225 Finance
- 226 Extent
- 227 Short title

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## SCHEDULES

### SCHEDULE 1 — Re-extradition: modifications

#### Part 1 — CATEGORY 1 TERRITORIES

- 1 In section 11(1), omit paragraphs (c), (g) and (h).
- 2 Omit sections 14, 18 and 19.
- 3 In section 21(3) and section 21A(5), for “must” substitute “...”.  
4 In section 31(2), for paragraphs (a) and (b) substitute “...”.  
5 In section 39(2)(a), for “a certificate is issued under section...”.  
6 In section 44(2)(a), for “following his arrest under this Part”...  
7 In section 45(1), for the words from “arrested” to “issued”...

#### Part 2 — CATEGORY 2 TERRITORIES

- 8 In section 78, omit subsections (2), (3), (5) and (8)....
- 9 In section 78, for subsection (4) substitute—
- 10 In section 78(6), for “any of the questions” substitute “...”.  
11 In section 78(7), for “those questions” substitute “ that question...”.  
12 In section 79(1), omit paragraph (c).
- 13 Omit section 82.
- 14 In section 87(3), for the words from “must send the...”.  
15 In section 87, after subsection (3) insert—

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- 16 In section 103(1)— (a) for the words from “sends a...
- 17 In section 103(2), for the words from “the person” to...
- 18 In section 103, omit subsections (3), (5), (6), (7) and...
- 19 In section 103(9), for the words from “the Secretary of...
- 20 In section 104, omit subsections (1)(b), (6) and (7).
- 21 In section 106, omit subsections (1)(b), (7) and (8).
- 22 In section 117(1)(a), for “the Secretary of State” substitute “...
- 23 In section 117(1)(b), for the words from “permitted period” to...
- 24 In section 117, after subsection (1) insert—
- 25 In section 117(2), for “the Secretary of State” substitute “...
- 26 In section 119(1)(a), for “the Secretary of State” substitute “...
- 27 In section 119, in subsections (2) to (6) and in...
- 28 In section 120, after subsection (1) insert—
- 29 In section 121(2)(a), for “a certificate is issued under section...
- 30 In section 127(1), for the words from “arrested” to “requested”...
- 31 In section 127(3), before paragraph (a) insert—
- 32 In section 127, omit subsections (4) and (5).
- 33 In section 128, after subsection (1) insert—
- 34 In section 128(4), for the words from “send the case”...
- 35 In section 128, after subsection (5) insert—
- 36 After section 128 insert— Extradition to category 2 territory following...

#### SCHEDULE 2 — European framework list

- 1 Participation in a criminal organisation.
- 2 Terrorism.
- 3 Trafficking in human beings.
- 4 Sexual exploitation of children and child pornography.
- 5 Illicit trafficking in narcotic drugs and psychotropic substances.
- 6 Illicit trafficking in weapons, munitions and explosives.
- 7 Corruption.
- 8 Fraud, including that affecting the financial interests of the European...
- 9 Laundering of the proceeds of crime.
- 10 Counterfeiting currency, including of the euro.
- 11 Computer-related crime.
- 12 Environmental crime, including illicit trafficking in endangered animal species and...
- 13 Facilitation of unauthorised entry and residence.
- 14 Murder, grievous bodily injury.
- 15 Illicit trade in human organs and tissue.
- 16 Kidnapping, illegal restraint and hostage-taking.
- 17 Racism and xenophobia.
- 18 Organised or armed robbery.
- 19 Illicit trafficking in cultural goods, including antiques and works of...
- 20 Swindling.
- 21 Racketeering and extortion.
- 22 Counterfeiting and piracy of products.
- 23 Forgery of administrative documents and trafficking therein.
- 24 Forgery of means of payment.
- 25 Illicit trafficking in hormonal substances and other growth promoters.
- 26 Illicit trafficking in nuclear or radioactive materials.
- 27 Trafficking in stolen vehicles.
- 28 Rape.
- 29 Arson.

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- 30 Crimes within the jurisdiction of the International Criminal Court.
- 31 Unlawful seizure of aircraft/ships.
- 32 Sabotage.

### SCHEDULE 3 — Amendments

#### *Introduction*

- 1 The amendments specified in this Schedule shall have effect.

#### *Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 3 to the Parliamentary Commissioner Act 1967 (c....

#### *Criminal Justice Act 1967 (c. 80)*

- 3 Section 34 of the Criminal Justice Act 1967 (c. 80)...

#### *Suppression of Terrorism Act 1978 (c. 26)*

- 4 Sections 1 (offences not to be regarded as of a...
- 5 For section 5 of the Suppression of Terrorism Act 1978...

#### *Criminal Justice (International Co-operation) Act 1990 (c. 5)*

- 6 Section 22(1) of the Criminal Justice (International Co-operation) Act 1990...

#### *Computer Misuse Act 1990 (c. 18)*

- 7 Section 15 of the Computer Misuse Act 1990 (c. 18)...

#### *Aviation and Maritime Security Act 1990 (c. 31)*

- 8 Section 49 of the Aviation and Maritime Security Act 1990...

#### *Criminal Justice Act 1991 (c. 53)*

- 9 In section 47 of the Criminal Justice Act 1991 (c....

#### *United Nations Personnel Act 1997 (c. 13)*

- 10 Section 6(1) of the United Nations Personnel Act 1997 (c....

#### *Terrorism Act 2000 (c. 11)*

- 11 Section 64(5) of the Terrorism Act 2000 (c. 11) (offences...

#### *International Criminal Court Act 2001 (c. 17)*

- 12 Section 71 of the International Criminal Court Act 2001 (c....
- 13 (1) Part 2 of Schedule 2 to the International Criminal...

#### *Enterprise Act 2002 (c. 40)*

- 14 Section 191 of the Enterprise Act 2002 (c. 40) (offences...

### SCHEDULE 4 — Repeals

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