



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

The extradition hearing

11 Bars to extradition

(1) If the judge is required to proceed under this section he must decide whether the person's extradition to the category 1 territory is barred by reason of—

(a) the rule against double jeopardy;

[^{F1}(aa) absence of prosecution decision;]

(b) extraneous considerations;

(c) the passage of time;

(d) the person's age;

[^{F2}(e)

(f) speciality;

(g) the person's earlier extradition to the United Kingdom from another category 1 territory;

(h) the person's earlier extradition to the United Kingdom from a non-category 1 territory.

[^{F3}(i) the person's earlier transfer to the United Kingdom by the International Criminal Court.]

[^{F4}(j) forum.]

[^{F5}(1A) But the judge is to decide whether the person's extradition is barred [^{F6}by reason of—

(a) absence of prosecution decision, or

(b) forum,

only]

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 11. (See end of Document for details)

in a case where the Part 1 warrant contains the statement referred to in section 2(3) (warrant issued for purposes of prosecution for offence in category 1 territory).]

- (2) Sections [F7 12 to 19F apply] for the interpretation of subsection (1).
- (3) If the judge decides any of the questions in subsection (1) in the affirmative he must order the person's discharge.
- (4) If the judge decides those questions in the negative and the person is alleged to be unlawfully at large after conviction of the extradition offence, the judge must proceed under section 20.
- (5) If the judge decides those questions in the negative and the person is accused of the commission of the extradition offence but is not alleged to be unlawfully at large after conviction of it, the judge must proceed under section [F8 21A].

Textual Amendments

- F1** S. 11(1)(aa) inserted (21.7.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, **ss. 156(1), 185(1)** (with **ss. 3, 21, 33, 42, 58, 75, 93, 156(3)**); S.I. 2014/1916, art. 2(c)
- F2** S. 11(1)(e) omitted (21.7.2014) by virtue of *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, **ss. 158(2), 185(1)** (with **ss. 3, 21, 33, 42, 58, 75, 93, 158(3)**); S.I. 2014/1916, art. 2(e)
- F3** S. 11(1)(i) inserted (15.1.2007) by *Police and Justice Act 2006 (c. 48)*, **ss. 42, 53, Sch. 13 para. 3(1)(a)**; S.I. 2006/3364, **art. 2(d)(e)**
- F4** S. 11(1)(j) inserted (14.10.2013 for E.W.N.I., 17.9.2021 for S.) by *Crime and Courts Act 2013 (c. 22)*, s. 61(2), **Sch. 20 para. 2(a)** (with **Sch. 20 paras. 7, 8**); S.I. 2013/2349, art. 2(3); S.I. 2021/1018, art. 3
- F5** S. 11(1A) inserted (14.10.2013 for E.W.N.I., 17.9.2021 for S.) by *Crime and Courts Act 2013 (c. 22)*, s. 61(2), **Sch. 20 para. 2(b)** (with **Sch. 20 paras. 7, 8**); S.I. 2013/2349, art. 2(3); S.I. 2021/1018, art. 3
- F6** Words in s. 11(1A) substituted (21.7.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, s. 185(1), **Sch. 11 para. 104** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/1916, art. 2(t)
- F7** Words in s. 11(2) substituted (14.10.2013 for E.W.N.I., 17.9.2021 for S.) by *Crime and Courts Act 2013 (c. 22)*, s. 61(2), **Sch. 20 para. 2(c)** (with **Sch. 20 paras. 7, 8**); S.I. 2013/2349, art. 2(3); S.I. 2021/1018, art. 3
- F8** Word in s. 11(5) substituted (21.7.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, **ss. 157(1), 185(1)** (with **ss. 3, 21, 33, 42, 58, 75, 93, 157(5)**); S.I. 2014/1916, art. 2(d)

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 11.