



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Matters arising before end of extradition hearing

23 Person serving sentence in United Kingdom

- (1) This section applies if at any time in the extradition hearing the judge is informed that the person in respect of whom the Part 1 warrant is issued is [^{F1}in custody]^{F1} serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The judge may adjourn the extradition hearing until [^{F2}the person is released from detention pursuant to the sentence (whether on licence or otherwise)]^{F2}.
- [^{F3}(3) In a case where an extradition hearing is adjourned under subsection (2)—
- (a) section 131 of the Magistrates' Courts Act 1980 (remand of accused already in custody) has effect as if a reference to 28 clear days in subsection (1) or (2) of that section were a reference to six months;
 - (b) Article 47(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (period of remand in custody) has effect as if a reference to 28 days in—
 - (i) paragraph (a)(iii), or
 - (ii) the words after paragraph (b),were a reference to six months.]^{F3}

Textual Amendments

- F1** Words in s. 23(1) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 71\(3\)\(a\)](#), 116; S.I. 2009/3096, [art. 3\(n\)](#) (with [art. 4](#))
- F2** Words in s. 23(2) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 71\(3\)\(b\)](#), 116; S.I. 2009/3096, [art. 3\(n\)](#) (with [art. 4](#))

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 23. (See end of Document for details)

F3 S. 23(3) inserted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, **Sch. 13 para. 7**; 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 23.