



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Secretary of State's functions

97 Deferral: person charged with offence in United Kingdom

- (1) This section applies if—
 - (a) the appropriate judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited;
 - (b) the person is charged with an offence in the United Kingdom.
- (2) The Secretary of State must not make a decision with regard to the person's extradition until one of these occurs—
 - (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file or, in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the Secretary of State may defer making a decision with regard to the person's extradition until [^{F1}the person is released from detention pursuant to the sentence (whether on licence or otherwise)]^{F1}.

Textual Amendments

- F1** Words in s. 97(3) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 71\(6\)](#), 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 97. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** S. 97(2) modified (10.11.2016) by [The Extradition Act 2003 \(Overseas Territories\) Order 2016 \(S.I. 2016/990\)](#), arts. 1(1), 6(3), **Sch. 3**

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))

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