



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Secretary of State's functions*

#### **101 Making of order for extradition or discharge**

- (1) An order to which this section applies must be made under the hand of one of these—
  - (a) the Secretary of State;
  - (b) a Minister of State;
  - (c) a Parliamentary Under-Secretary of State;
  - (d) a senior official.
- (2) But, in relation to Scotland, an order to which this section applies must be made under the hand of one of these—
  - (a) a member of the Scottish Executive or a junior Scottish Minister;
  - (b) a senior official who is a member of the staff of the Scottish Administration.
- (3) This section applies to—
  - (a) an order under section 93 for a person's extradition;
  - (b) an order under section 93 or 123 for a person's discharge.
- (4) A senior official is—
  - (a) a member of the Senior Civil Service;
  - (b) a member of the Senior Management Structure of Her Majesty's Diplomatic Service.
- (5) If it appears to the Secretary of State that it is necessary to do so in consequence of any changes to the structure or grading of the [F1statutory civil service (or any part of it)]<sup>F1</sup>, he may by order make such amendments to subsection (4) as appear to him appropriate to preserve (so far as practicable) the effect of that subsection.

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 101. (See end of Document for details)*

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[<sup>F2</sup>(6) In subsection (5) “the statutory civil service” means the civil service within the meaning of Chapter 1 of Part 1 of the Constitutional Reform and Governance Act 2010 (see section 1(4) of that Act).]<sup>F2</sup>

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#### **Textual Amendments**

- F1** Words in s. 101(5) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 19, 52, [Sch. 2 para. 14\(2\)](#); S.I. 2010/2703, [art. 2\(a\)](#)
- F2** S. 101(6) inserted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 19, 52, [Sch. 2 para. 14\(3\)](#); S.I. 2010/2703, [art. 2\(a\)](#)

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#### **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 101.