



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 3

#### EXTRADITION TO THE UNITED KINGDOM

##### *Extradition from category 1 territories*

#### 142 Issue of Part 3 warrant

- (1) The appropriate judge may issue a Part 3 warrant in respect of a person if—
- a constable or an appropriate person applies to the judge for a Part 3 warrant, and
  - the condition in subsection (2) [<sup>F1</sup>, or the condition in subsection (2A),] is satisfied.

[<sup>F2</sup>(2) The condition is that—

- there are reasonable grounds for believing that the person has committed an extradition offence, and
- a domestic warrant has been issued in respect of the person.

[<sup>F3</sup>(2A) The condition is that—

- the person has been convicted of an extradition offence by a court in the United Kingdom,
- his extradition is sought for the purpose of his being sentenced for the offence or of his serving a sentence of imprisonment or another form of detention imposed in respect of the offence, and
- either a domestic warrant has been issued in respect of the person or the person may be arrested without a warrant.]]

(3) A Part 3 warrant is an arrest warrant which contains—

- the statement referred to in subsection (4) or the statement referred to in subsection (5), and
- the certificate referred to in subsection (6).

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*Status: Point in time view as at 21/07/2014. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 142. (See end of Document for details)*

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- (4) The statement is one that—
- (a) the person in respect of whom the warrant is issued is accused in the United Kingdom of the commission of an extradition offence specified in the warrant, and
  - (b) the warrant is issued with a view to his arrest and extradition to the United Kingdom for the purpose of being prosecuted for the offence.
- (5) The statement is one that—
- (a) the person in respect of whom the warrant is issued [<sup>F4</sup> has been convicted ] of an extradition offence specified in the warrant by a court in the United Kingdom, and
  - (b) the warrant is issued with a view to his arrest and extradition to the United Kingdom for the purpose of being sentenced for the offence or of serving a sentence of imprisonment or another form of detention imposed in respect of the offence.
- (6) The certificate is one certifying—
- (a) whether the conduct constituting the extradition offence specified in the warrant falls within the European framework list;
  - (b) whether the offence is an extra-territorial offence;
  - (c) what is the maximum punishment that may be imposed on conviction of the offence or (if the person has been sentenced for the offence) what sentence has been imposed.
- (7) The conduct which falls within the European framework list must be taken for the purposes of subsection (6)(a) to include conduct which constitutes—
- (a) an attempt, conspiracy or incitement to carry out conduct falling within the list, or
  - (b) aiding, abetting, counselling or procuring the carrying out of conduct falling within the list.
- [<sup>F5</sup>(8) A domestic warrant is a warrant for the arrest or apprehension of a person which is issued under any of the provisions referred to in subsection (8A), or at common law by a Crown Court judge in Northern Ireland.
- (8A) The provisions are—
- (a) section 72 of the Criminal Justice Act 1967;
  - (b) section 7 of the Bail Act 1976;
  - (c) section 51 of the Judicature (Northern Ireland) Act 1978;
  - (d) section 1 of the Magistrates' Courts Act 1980;
  - (e) Article 20 or 25 of the Magistrates' Courts (Northern Ireland) Order 1981 ( S.I. 1981/1675 (N.I. 26));
  - (f) the Criminal Procedure (Scotland) Act 1995.]
- (9) An appropriate person is a person of a description specified in an order made by the Secretary of State for the purposes of this section.
- (10) Subsection (1)(a) applies to Scotland with the substitution of “ a procurator fiscal ” for “a constable or an appropriate person”.

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*Status: Point in time view as at 21/07/2014. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 142. (See end of Document for details)*

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#### Textual Amendments

- F1** Words in s. 142(1)(b) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 21\(1\)](#); S.I. 2006/3364, [art. 2\(d\)\(e\)](#)
- F2** S. 142(2)(2A) substituted (15.1.2007) for s. 142(2) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 21\(2\)](#); S.I. 2006/3364, [art. 2\(d\)\(e\)](#)
- F3** S. 142(2A) substituted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), ss. 165, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, [art. 2\(k\)](#)
- F4** Words in s. 142(5)(a) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 1\(3\)](#); S.I. 2006/3364, [art. 2\(d\)\(e\)](#)
- F5** S. 142(8)(8A) substituted (15.1.2007) for s. 142(8) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 22](#); S.I. 2006/3364, [art. 2\(d\)\(e\)](#)

#### Modifications etc. (not altering text)

- C1** S. 142(7)(a) modified (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 62(2), 94, [Sch. 6 para. 46](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, [art. 2\(a\)](#)

#### 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\(2\)](#))

**Status:**

Point in time view as at 21/07/2014. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 142.