



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) [^{F1}, or the condition in subsection (2A),]^{F1} is satisfied.

[^{F2}(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.

[^{F3}(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.]

^{F2}(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).

Status: Point in time view as at 03/12/2014. This version of this provision has been superseded.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)

- (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 [^{F4} has been convicted]^{F4} 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.
- [^{F5}(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.]
- ^{F5}(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”.]

Status: Point in time view as at 03/12/2014. 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)

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\(a\)](#)
- C2** S. 142(8A) applied (with modifications) (N.I.) (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), [98\(8\)](#)

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 03/12/2014. 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.