



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Consent to extradition*

#### **45 Consent to extradition**

- (1) A person arrested under a Part 1 warrant may consent to his extradition to the category 1 territory in which the warrant was issued.
- (2) A person arrested under section 5 may consent to his extradition to the category 1 territory referred to in subsection (1) of that section.
- <sup>FI</sup>(3) .....
- (4) Consent under this section—
  - (a) must be given before the appropriate judge;
  - (b) must be recorded in writing;
  - (c) is irrevocable.
- (5) A person may not give his consent under this section unless—
  - (a) he is legally represented before the appropriate judge at the time he gives consent, or
  - (b) he is a person to whom subsection (6) applies.
- (6) This subsection applies to a person if—
  - (a) he has been informed of his right to apply for legal aid and has had the opportunity to apply for legal aid, but he has refused or failed to apply;
  - (b) he has applied for legal aid but his application has been refused;
  - (c) he was granted legal aid but the legal aid was withdrawn.
- (7) In subsection (6) “legal aid” means—

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 45. (See end of Document for details)*

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- [<sup>F2</sup>(a) in England and Wales, representation for the purposes of criminal proceedings provided under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;]
- (b) in Scotland, such legal aid as is available by virtue of section 183(a) of this Act;
- (c) in Northern Ireland, such free legal aid as is available by virtue of sections 184 and 185 of this Act.
- (8) For the purposes of subsection (5) a person is to be treated as legally represented before the appropriate judge if (and only if) he has the assistance of counsel or a solicitor to represent him in the proceedings before the appropriate judge.

#### **Textual Amendments**

- F1** S. 45(3) repealed (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 163\(a\), 185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/1916, [art. 2\(i\)](#) (with [art. 5](#))
- F2** S. 45(7)(a) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 5 para. 63](#); S.I. 2013/453, [art. 3\(h\)](#) (with savings and transitional provisions in S.I. 2013/534, [art. 6](#))

#### **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 45.