



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Consent to extradition*

#### **52 Undertaking in relation to person serving sentence**

- (1) This section applies if—
  - (a) the appropriate judge makes an order under section 46(6) or 48(3)(a) for a person's extradition to a category 1 territory;
  - (b) the person is serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The judge may make the order for extradition subject to the condition that extradition is not to take place before he receives an undertaking given on behalf of the category 1 territory in terms specified by him.
- (3) The terms which may be specified by the judge in relation to a person accused in a category 1 territory of the commission of an offence include terms—
  - (a) that the person be kept in custody until the conclusion of the proceedings against him for the offence and any other offence in respect of which he is permitted to be dealt with in the category 1 territory;
  - (b) that the person be returned to the United Kingdom to serve the remainder of his sentence on the conclusion of those proceedings.
- (4) The terms which may be specified by the judge in relation to a person alleged to be unlawfully at large after conviction of an offence by a court in a category 1 territory include terms that the person be returned to the United Kingdom to serve the remainder of his sentence after serving any sentence imposed on him in the category 1 territory for—
  - (a) the offence, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) any other offence in respect of which he is permitted to be dealt with in the category 1 territory.
- (5) If the judge makes an order for extradition subject to a condition under subsection (2) the required period for the purposes of sections 47(2) and 49(2) is 10 days starting with the day on which the judge receives the undertaking.