



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Introduction*

#### **70 Extradition request and certificate**

- (1) The Secretary of State must issue a certificate under this section if he receives a valid request for the extradition to a category 2 territory of a person who is in the United Kingdom.
- (2) But subsection (1) does not apply if the Secretary of State decides under section 126 that the request is not to be proceeded with.
- (3) A request for a person's extradition is valid if—
  - (a) it contains the statement referred to in subsection (4), and
  - (b) it is made in the approved way.
- (4) The statement is one that the person—
  - (a) is accused in the category 2 territory of the commission of an offence specified in the request, or
  - (b) is alleged to be unlawfully at large after conviction by a court in the category 2 territory of an offence specified in the request.
- (5) A request for extradition to a category 2 territory which is a British overseas territory is made in the approved way if it is made by or on behalf of the person administering the territory.
- (6) A request for extradition to a category 2 territory which is the Hong Kong Special Administrative Region of the People's Republic of China is made in the approved way if it is made by or on behalf of the government of the Region.

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*Status: Point in time view as at 01/01/2004. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 70. (See end of Document for details)*

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- (7) A request for extradition to any other category 2 territory is made in the approved way if it is made—
- (a) by an authority of the territory which the Secretary of State believes has the function of making requests for extradition in that territory, or
  - (b) by a person recognised by the Secretary of State as a diplomatic or consular representative of the territory.
- (8) A certificate under this section must certify that the request is made in the approved way.
- (9) If a certificate is issued under this section the Secretary of State must send these documents to the appropriate judge—
- (a) the request;
  - (b) the certificate;
  - (c) a copy of any relevant Order in Council.

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**Commencement Information**

- II** 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\(2\)](#))

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