



Extradition Act 2003

2003 CHAPTER 41

PART 3

EXTRADITION TO THE UNITED KINGDOM

Extradition from category 1 territories

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\(2\)](#))

142 Issue of Part 3 warrant

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

[^{F2}(2) The condition is that—

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

[^{F3}(2A) The condition is that—

- (a) the person has been convicted of an extradition offence by a court in the United Kingdom,
- (b) 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

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- (c) 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—
- (a) the statement referred to in subsection (4) or the statement referred to in subsection (5), and
 - (b) the certificate referred to in subsection (6).
- (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] 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 [^{F5}Trade and Cooperation Agreement] 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 [^{F6}Trade and Cooperation Agreement] 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.
- [^{F7}(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.]

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- (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”.

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** Words in s. 142(6)(a) substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), ss. 12(4)(a), 40(7) (with Sch. 6 para. 10); S.I. 2020/1662, reg. 2(k)
- F6** Words in s. 142(7) substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), ss. 12(4)(b), 40(7) (with Sch. 6 para. 10); S.I. 2020/1662, reg. 2(k)
- F7** 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

- I2** 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))

143 Undertaking in relation to person serving sentence

F8

Textual Amendments

- F8** S. 143 repealed (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 74(2), 112, 116, **Sch. 8 Pt. 6**; S.I. 2009/3096, **art. 3(q)(y)** (with art. 4)

144 Return to extraditing territory to serve sentence

F9

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Extradition from category 1 territories. (See end of Document for details)

Textual Amendments

- F9** S. 144 repealed (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 74(2), 112, 116, [Sch. 8 Pt. 6](#); [S.I. 2009/3096](#), [art. 3\(q\)\(y\)](#) (with [art. 4](#))

145 Service of sentence in territory executing Part 3 warrant

- (1) This section applies if—
- (a) a Part 3 warrant is issued in respect of a person;
 - (b) the certificate contained in the warrant certifies that a sentence has been imposed;
 - (c) an undertaking is given on behalf of a category 1 territory that the person will be required to serve the sentence in the territory;
 - (d) on the basis of the undertaking the person is not extradited to the United Kingdom from the category 1 territory.
- (2) The [F10]sentence for the offence must be treated as served[F10] but the person's conviction for the offence must be treated as a conviction for all other purposes.

Textual Amendments

- F10** Words in s. 145(2) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 75(2), 116, ; [S.I. 2009/3096](#), [art. 3\(r\)](#)

Commencement Information

- I3** 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))

146 Dealing with person for other offences

- (1) This section applies if a person is extradited to the United Kingdom from a category 1 territory in pursuance of a Part 3 warrant.
- (2) The person may be dealt with in the United Kingdom for an offence committed before his extradition only if—
- (a) the offence is one falling within subsection (3), or
 - (b) the condition in subsection (4) is satisfied.
- (3) The offences are—
- (a) the offence in respect of which the person is extradited;
 - (b) an offence disclosed by the information provided to the category 1 territory in respect of that offence;
 - (c) an extradition offence in respect of which consent to the person being dealt with is given on behalf of the territory [F11]in response to a request made by the appropriate judge[F11];
 - (d) an offence which is not punishable with imprisonment or another form of detention;
 - (e) an offence in respect of which the person will not be detained in connection with his trial, sentence or appeal;

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- (f) an offence in respect of which the person waives the right that he would have (but for this paragraph) not to be dealt with for the offence.
- (4) The condition is that the person has been given an opportunity to leave the United Kingdom and—
 - (a) he has not done so before the end of the permitted period, or
 - (b) he has done so before the end of the permitted period and has returned to the United Kingdom.
- (5) The permitted period is 45 days starting with the day on which the person arrives in the United Kingdom.

Textual Amendments

F11 Words in s. 146(3)(c) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 23](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

Commencement Information

I4 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))

147 Effect of consent to extradition to the United Kingdom

- (1) This section applies if—
 - (a) a person is extradited to the United Kingdom from a category 1 territory in pursuance of a Part 3 warrant;
 - (b) the person consented to his extradition to the United Kingdom in accordance with the law of the category 1 territory.
- (2) Section 146(2) does not apply if the conditions in subsection (3) or the conditions in subsection (4) are satisfied.
- (3) The conditions are that—
 - (a) under the law of the category 1 territory, the effect of the person's consent is to waive his right under section 146(2);
 - (b) the person has not revoked his consent in accordance with that law, if he is permitted to do so under that law.
- (4) The conditions are that—
 - (a) under the law of the category 1 territory, the effect of the person's consent is not to waive his right under section 146(2);
 - (b) the person has expressly waived his right under section 146(2) in accordance with that law;
 - (c) the person has not revoked his consent in accordance with that law, if he is permitted to do so under that law;
 - (d) the person has not revoked the waiver of his right under section 146(2) in accordance with that law, if he is permitted to do so under that law.

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Commencement Information

I5 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))

148 Extradition offences

- (1) Conduct constitutes an extradition offence in relation to the United Kingdom if these conditions are satisfied—
 - (a) the conduct occurs in the United Kingdom;
 - (b) the conduct is punishable under the law of the relevant part of the United Kingdom with imprisonment or another form of detention for a term of 12 months or a greater punishment.
- (2) Conduct also constitutes an extradition offence in relation to the United Kingdom if these conditions are satisfied—
 - (a) the conduct occurs outside the United Kingdom;
 - (b) the conduct constitutes an extra-territorial offence punishable under the law of the relevant part of the United Kingdom with imprisonment or another form of detention for a term of 12 months or a greater punishment.
- (3) But subsections (1) and (2) do not apply in relation to conduct of a person if—
 - (a) he ^[^{F12}has been convicted]^{F12} by a court in the United Kingdom of the offence constituted by the conduct, and
 - (b) he has been sentenced for the offence.
- (4) Conduct also constitutes an extradition offence in relation to the United Kingdom if these conditions are satisfied—
 - (a) the conduct occurs in the United Kingdom;
 - (b) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the United Kingdom in respect of the conduct.
- (5) Conduct also constitutes an extradition offence in relation to the United Kingdom if these conditions are satisfied—
 - (a) the conduct occurs outside the United Kingdom;
 - (b) the conduct constitutes an extra-territorial offence;
 - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the United Kingdom in respect of the conduct.
- (6) The relevant part of the United Kingdom is the part of the United Kingdom in which the relevant proceedings are taking place.
- (7) The relevant proceedings are the proceedings in which it is necessary to decide whether conduct constitutes an extradition offence.
- (8) Subsections (1) to (5) apply for the purposes of sections 142 to 147.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Extradition from category 1 territories. (See end of Document for details)

Textual Amendments

- F12** Words in s. 148(3)(a) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 2\(6\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

Commencement Information

- I6** 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))

149 The appropriate judge

- (1) The appropriate judge is—
- (a) in England and Wales, a District Judge (Magistrates' Courts), a justice of the peace or a judge entitled to exercise the jurisdiction of the Crown Court;
 - (b) in Scotland, a sheriff;
 - (c) in Northern Ireland, a justice of the peace, a resident magistrate or a Crown Court judge.
- (2) This section applies for the purposes of sections 142 to 147.

Commencement Information

- I7** 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:

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