



Extradition Act 2003

2003 CHAPTER 41

PART 3

EXTRADITION TO THE UNITED KINGDOM

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))

Extradition from category 1 territories

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))

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),] 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—

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Part 3. (See end of Document for details)*

- (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
 - (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;

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- (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.]
- (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

- 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\(2\)](#))

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, Part 3. (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

- 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))

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;

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Part 3. (See end of Document for details)

- (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

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))

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.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Part 3. (See end of Document for details)

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))

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, Part 3. (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

- 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))

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

- I8** 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))

Extradition from category 2 territories

Commencement Information

- I9** 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))

150 Dealing with person for other offences: Commonwealth countries etc.

- (1) This section applies if—
- (a) a person is extradited to the United Kingdom from a category 2 territory under law of the territory corresponding to Part 2 of this Act, and
 - (b) the territory is a Commonwealth country, a British overseas territory or the Hong Kong Special Administrative Region of the People's Republic of China.
- (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 (6) is satisfied.
- [^{F13}This is subject to section 151B.]
- (3) The offences are—
- (a) the offence in respect of which the person is extradited;

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- (b) a lesser offence disclosed by the information provided to the category 2 territory in respect of that offence;
 - (c) an offence in respect of which consent to the person being dealt with is given by or on behalf of the relevant authority.
- (4) An offence is a lesser offence in relation to another offence if the maximum punishment for it is less severe than the maximum punishment for the other offence.
- (5) The relevant authority is—
- (a) if the person has been extradited from a Commonwealth country, the government of the country;
 - (b) if the person has been extradited from a British overseas territory, the person administering the territory;
 - (c) if the person has been extradited from the Hong Kong Special Administrative Region of the People’s Republic of China, the government of the Region.
- (6) The condition is that the protected period has ended.
- (7) The protected period is 45 days starting with the first day after his extradition to the United Kingdom on which the person is given an opportunity to leave the United Kingdom.
- (8) A person is dealt with in the United Kingdom for an offence if—
- (a) he is tried there for it;
 - (b) he is detained with a view to trial there for it.

Textual Amendments

F13 Words in s. 150(2) inserted (E.W.) (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), **ss. 166(1)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(l)

Commencement Information

I10 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))

151 Dealing with person for other offences: other category 2 territories

F14

Textual Amendments

F14 S. 151 repealed (25.1.2010) by [Policing and Crime Act 2009](#) (c. 26), ss. 76(2), 112, 116, **Sch. 8 Pt. 6**; S.I. 2009/3096, **art. 3(s)(y)** (with art. 4)

General

Commencement Information

I11 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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[^{F15}151A] Dealing with person for other offences

- (1) This section applies if a person is extradited to the United Kingdom from a territory which is not—
 - (a) a category 1 territory, or
 - (b) a territory falling within section 150(1)(b).
 - (2) The person may be dealt with in the United Kingdom for an offence committed before the person's extradition only if—
 - (a) the offence is one falling within subsection (3), or
 - (b) the condition in subsection (4) is satisfied.
- [^{F16}This is subject to section 151B.]
- (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 territory in respect of that offence;
 - (c) an offence in respect of which consent to the person being dealt with is given on behalf of the territory.
 - (4) The condition is that—
 - (a) the person has returned to the territory from which the person was extradited, or
 - (b) the person has been given an opportunity to leave the United Kingdom.
 - (5) A person is dealt with in the United Kingdom for an offence if—
 - (a) the person is tried there for it;
 - (b) the person is detained with a view to trial there for it.]

Textual Amendments

- F15** S. 151A inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 76(3)**, 116; S.I. 2009/3096, **art. 3(s)** (with **art. 4**)
- F16** Words in s. 151A(2) inserted (E.W.) (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 166(1)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/1916, **art. 2(l)**

[^{F17}151B] Detention of person for trial in England and Wales for other offences

- (1) Section 150 or 151A does not prevent a person in whose case that section applies from being detained with a view to trial in England and Wales for an offence if the conditions in subsection (2) are satisfied.
- (2) The conditions are that—
 - (a) the United Kingdom and the territory from which the person was extradited have each made a declaration under Article 14(3) of the Extradition Convention, and the declarations are still in force;
 - (b) the Secretary of State makes a request for the consent referred to in section 150(3)(c) or 151A(3)(c) in respect of the offence (“the consent request”);

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- (c) the Secretary of State gives notification, which is explicitly acknowledged on behalf of the territory, of the date on which the detention is to begin (“the notified date”).
- (3) The Extradition Convention is the European Convention on Extradition done at Paris on 13 December 1957.
- (4) This section applies only to detention during the period beginning with the notified date and ending with whichever of the following occurs first—
- (a) if a notification of opposition to the detention is given on behalf of the territory, the date on which Secretary of State receives it;
 - (b) the date on which the Secretary of State receives notification given on behalf of the territory as to whether the consent request is granted or refused;
 - (c) the expiry of the period of 90 days beginning with the date on which the consent request is received.]

Textual Amendments

F17 S. 151B inserted (E.W.) (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 166\(2\)](#), [185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/1916](#), [art. 2\(1\)](#)

152 Remission of punishment for other offences

- (1) This section applies if—
- (a) a person is extradited to the United Kingdom [^{F18}from a territory;]^{F18}
 - (b) before his extradition he has been convicted of an offence in the United Kingdom;
 - (c) he has not been extradited in respect of that offence.
- (2) The [^{F19}sentence for the offence must be treated as served]^{F19} but the person’s conviction for the offence must be treated as a conviction for all other purposes.

Textual Amendments

F18 Words in s. 152(1)(a) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 75\(3\)\(a\)](#), [116](#); [S.I. 2009/3096](#), [art. 3\(r\)](#)

F19 Words in s. 152(2) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 75\(3\)\(b\)](#), [116](#); [S.I. 2009/3096](#), [art. 3\(r\)](#)

Commencement Information

I12 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\(2\)](#))

153 Return of person acquitted or not tried

- (1) This section applies if—
- (a) a person is accused in the United Kingdom of the commission of an offence;
 - (b) the person is extradited to the United Kingdom in respect of the offence [^{F20}from a territory;]^{F20}
 - (c) the condition in subsection (2) or the condition in subsection (3) is satisfied.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Part 3. (See end of Document for details)

- (2) The condition is that—
- (a) proceedings against the person for the offence are not begun before the end of the required period, which is 6 months starting with the day on which the person arrives in the United Kingdom on his extradition, and
 - (b) before the end of the period of 3 months starting immediately after the end of the required period the person asks the Secretary of State to return him to the territory from which he was extradited.
- (3) The condition is that—
- (a) at his trial for the offence the person is acquitted or is discharged under any of the provisions specified in subsection (4), and
 - (b) before the end of the period of 3 months starting immediately after the date of his acquittal or discharge the person asks the Secretary of State to return him to the territory from which he was extradited.
- (4) The provisions are—
- ^{F21}(a) section 79 or 80 of the Sentencing Code;
 - (b) section 246(1), (2) or (3) of the Criminal Procedure (Scotland) Act 1995 (c. 46);
 - (c) Article 4(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).
- (5) The Secretary of State must arrange for him to be sent back, free of charge and with as little delay as possible, to the territory from which he was extradited to the United Kingdom in respect of the offence.
- (6) If the accusation in subsection (1)(a) relates to the commission of an offence in Scotland, subsections (2)(b), (3)(b) and (5) apply as if the references to the Secretary of State were references to the Scottish Ministers.

Textual Amendments

F20 Words in s. 153(1)(b) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 74\(4\)](#), 116; [S.I. 2009/3096](#), [art. 3\(q\)](#)

F21 S. 153(4)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 204](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

Commencement Information

I13 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))

^{F22}153A Undertaking in relation to person serving sentence

- (1) This section applies if—
- (a) a person is accused in the United Kingdom of the commission of an offence or has been convicted of an offence by or before a court in the United Kingdom;
 - (b) a Part 3 warrant is issued in respect of the person or the Secretary of State makes a request for the extradition of the person;
 - (c) the person is serving a sentence of imprisonment or another form of detention in a territory;

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Part 3. (See end of Document for details)*

- (d) the person's extradition to the United Kingdom from the territory in pursuance of the warrant or request is made subject to a condition that an undertaking is given by or on behalf of the United Kingdom with regard to the person's treatment in the United Kingdom or return to the territory (or both).
- (2) The Secretary of State may give an undertaking to a person acting on behalf of the territory with regard to either or both of these things—
 - (a) the treatment in the United Kingdom of the person in respect of whom the warrant is issued or the request for extradition is made;
 - (b) the return of that person to the territory.
- (3) The terms which may be included by the Secretary of State in an undertaking given under subsection (2) in relation to a person accused in the United Kingdom of the commission of an offence include terms—
 - (a) that the person be kept in custody until the conclusion of the proceedings against the person for the offence and any other offence in respect of which the person is permitted to be dealt with in the United Kingdom;
 - (b) that the person be returned to the territory to serve the remainder of the sentence on the conclusion of those proceedings.
- (4) The terms which may be included by the Secretary of State in an undertaking given under subsection (2) in relation to a person who has been convicted of an offence by or before a court in the United Kingdom include terms that the person be returned to the territory to serve the remainder of the sentence after the person would otherwise be released from detention pursuant to the sentence imposed in the United Kingdom (whether or not on licence).
- (5) If a person is to be returned to a territory by virtue of an undertaking given under subsection (2), the undertaking is sufficient authority for a constable—
 - (a) to remove the person from any prison or other institution where the person is detained;
 - (b) to keep the person in custody until returned;
 - (c) to convey the person to the territory.

Textual Amendments

F22 Ss. 153A-153D inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 74(3)**, 116; S.I. [2009/3096](#), **art. 3(q)**

153B Return of person in pursuance of undertaking

- (1) This section applies if—
 - (a) an undertaking is given under section 153A(2) as to the return of a person to a territory;
 - (b) the person is returned to the territory in pursuance of the undertaking;
 - (c) the person is returned to the United Kingdom to serve the remainder of any sentence imposed in the United Kingdom or the person otherwise returns to the United Kingdom.
- (2) Time during which the person was outside the United Kingdom as a result of the undertaking given under section 153A(2) does not count as time served by the person as part of the sentence.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Part 3. (See end of Document for details)

- (3) If the person is not entitled to be released from detention pursuant to the sentence—
 - (a) the person is liable to be detained in pursuance of the sentence, and
 - (b) if at large, the person must be treated as being unlawfully at large.
- (4) If the person is entitled to be released from detention on licence pursuant to the sentence—
 - (a) if the person was released on licence at the time of return to the territory, the licence is suspended until the person's return to the United Kingdom;
 - (b) if the person was not released on licence at that time, subsections (5) to (8) apply in relation to the person (“the offender”).
- (5) The offender is liable to be detained, on return to the United Kingdom, in any place in which the offender could have been detained pursuant to the sentence before the time of return to the territory.
- (6) A constable or immigration officer may—
 - (a) take the offender into custody, and
 - (b) convey the offender to the place mentioned in subsection (5).
- (7) The offender must be released on licence within the period of 5 days beginning when the offender is taken (or retaken) into custody under this section.
- (8) In calculating a period of 5 days for the purposes of subsection (7) no account is to be taken of any day mentioned in any of paragraphs (a) to (d) of section 59(10).
- (9) The powers conferred on a constable by subsection (6) are exercisable in any part of the United Kingdom.
- (10) For the purposes of this section—
 - (a) a person is entitled to be released from detention if there is—
 - ^{F23}(i)
 - (ii) a duty to release the person under [^{F24}Chapter 6 of Part 12] of the Criminal Justice Act 2003 ^{F25}
 - (iii) a duty to release the person under section 1, 1AA [^{F26}, 1AB] or 7(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 or section 5, 11(2), 13, 19 or 23 of the Custodial Sentences and Weapons (Scotland) Act 2007, or
 - (iv) a duty to release the person under section 1 of the Northern Ireland (Remission of Sentences) Act 1995, Article 26 of the Criminal Justice (Northern Ireland) Order 1996 or Article 17 [^{F27}, 18(8) or 20A(8)] of the Criminal Justice (Northern Ireland) Order 2008;
 - (b) an immigration officer is a person who is an immigration officer within the meaning of the Immigration Act 1971.

Textual Amendments

- F22** Ss. 153A-153D inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 74\(3\)](#), 116; S.I. 2009/3096, [art. 3\(q\)](#)
- F23** S. 153B(10)(a)(i) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 16 para. 12\(a\)](#); S.I. 2012/2906, [art. 2\(n\)](#)
- F24** Words in s. 153B(10)(a)(ii) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 16 para. 12\(b\)](#); S.I. 2012/2906, [art. 2\(n\)](#)

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Part 3. (See end of Document for details)

- F25** Words in s. 153B(10)(a)(ii) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 11\(2\)\(c\)](#); S.I. 2012/2906, art. 2(h)
- F26** Word in s. 153B(10)(a)(iii) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 56\(c\)](#)
- F27** Words in s. 153B(10)(a)(iv) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 73\(c\)](#)

153C Return to extraditing territory to serve sentence

- (1) This section applies if—
- (a) a person is extradited to the United Kingdom from a territory for the purposes of being prosecuted for an offence;
 - (b) the person's extradition is made subject to a condition that an undertaking is given by or on behalf of the United Kingdom as to the person's return to the territory.
- (2) The Secretary of State may give an undertaking to a person acting on behalf of the territory as to the person's return to the territory.
- (3) The terms which may be included by the Secretary of State in an undertaking given under subsection (2) in relation to a person include terms that if the person is convicted of the offence and a sentence of imprisonment or another form of detention is imposed in respect of it, the person is to be returned to the territory to serve the sentence.
- (4) A person who is to be returned to a territory by virtue of an undertaking given under subsection (2) must be returned as soon as is reasonably practicable after the sentence is imposed and any other proceedings in respect of the offence are concluded.
- (5) If subsection (4) is complied with the sentence for the offence is treated as served but the person's conviction for the offence must be treated as a conviction for all other purposes.
- (6) The sentence for the offence is treated as served under subsection (5) only in so far as it consists of the sentence of imprisonment or another form of detention mentioned in subsection (3).
- (7) Subsection (8) applies if—
- (a) subsection (4) is not complied with, and
 - (b) the person applies to the court which imposed the sentence to expedite return to the territory.
- (8) The court must order return by such date as is specified in the order unless reasonable cause is shown for the delay.
- (9) If a person is to be returned by virtue of an undertaking given under subsection (2), a constable may—
- (a) remove the person from any prison or other institution where the person is detained;
 - (b) keep the person in custody until returned;
 - (c) convey the person to the territory to which the person is to be returned.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Part 3. (See end of Document for details)

Textual Amendments

F22 Ss. 153A-153D inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 74\(3\)](#), 116; S.I. 2009/3096, [art. 3\(q\)](#)

153D Sections 153A and 153C etc : supplementary

- (1) Nothing in section 153A or 153C requires the return of a person to a territory in a case in which the Secretary of State is not satisfied that the return is compatible with the Convention rights within the meaning of the Human Rights Act 1998 or with the United Kingdom's obligations under the Refugee Convention.
- (2) References in sections 153A and 153C and subsection (1) above to the Secretary of State are to be read as references to the Scottish Ministers in a case in which—
 - (a) a Part 3 warrant was issued in respect of the person to be returned, and
 - (b) the warrant was issued by a sheriff.

^{F28}(3)]

Textual Amendments

F22 Ss. 153A-153D inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 74\(3\)](#), 116; S.I. 2009/3096, [art. 3\(q\)](#)

F28 S. 153D(3) repealed (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 121\(4\)\(c\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/1916, [art. 2\(t\)](#)

154 Restriction on bail where undertaking given by Secretary of State

- (1) This section applies in relation to a person if—
 - (a) the Secretary of State has given an undertaking in connection with the person's extradition to the United Kingdom, and
 - (b) the undertaking includes terms that the person be kept in custody until the conclusion of any proceedings against him in the United Kingdom for an offence.
- (2) A court, judge or justice of the peace may grant bail to the person in the proceedings only if the court, judge or justice of the peace considers that there are exceptional circumstances which justify it.

Commencement Information

I14 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\(2\)](#))

155 Service personnel

The Secretary of State may by order provide for the preceding provisions of this Part to have effect with specified modifications in relation to a case where the person whose extradition is sought or ordered is subject to [^{F29}service law.]^{F29}.

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Part 3. (See end of Document for details)*

Textual Amendments

F29 Words in s. 155 substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 204](#); S.I. 2009/812, [art. 3](#) (with transitional provisions (24.4.2009 for certain purposes otherwise 31.10.2009) in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I15 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))

[^{F30}155A Category 1 territories not applying [^{F31}Trade and Cooperation Agreement] to old cases

- (1) This section applies to a category 1 territory that deals with [^{F32}requests for extradition made by the United Kingdom] otherwise than in accordance with the system provided for in the [^{F33}Title VII of Part 3 of the Trade and Cooperation Agreement] if they relate to acts committed before a particular date (“the relevant date”).
- (2) In the case of a territory to which this section applies, the Secretary of State has the same powers to request a person's extradition in relation to acts committed before the relevant date as he would have in the case of a category 2 territory.
- (3) The Secretary of State may by order provide that, in the case of an extradition request which—
 - (a) is made to a specified category 1 territory to which this section applies, and
 - (b) relates to acts committed before the relevant date,
this Part is to have effect as if that territory were a category 2 territory, and with such modifications as may be specified.
- (4) In this section—
 - ^{F34} ...
 - ^{F34} ...
“specified”, in relation to an order under this section, means specified in the order.

[^{F35}“the Trade and Cooperation Agreement” has the same meaning as in the European Union (Future Relationship) Act 2020 (see section 37 of that Act).]]

Textual Amendments

- F30** S. 155A inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 24](#); S.I. 2006/3364, [art. 2\(d\)\(e\)](#)
- F31** Words in s. 155A heading substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 13\(2\)](#), 40(7); S.I. 2020/1662, reg. 2(l)
- F32** Words in s. 155A(1) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 13\(3\)\(a\)](#), 40(7); S.I. 2020/1662, reg. 2(l)
- F33** Words in s. 155A(1) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 13\(3\)\(b\)](#), 40(7); S.I. 2020/1662, reg. 2(l)
- F34** Words in s. 155A(4) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 13\(4\)\(a\)](#), 40(7); S.I. 2020/1662, reg. 2(l)

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Part 3. (See end of Document for details)*

F35 Words in s. 155A(4) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 13\(4\)\(b\), 40\(7\)](#); S.I. 2020/1662, reg. 2(1)

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Part 3.