

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 1

Extradition to Category 1 Territories

Section 2: Part 1 warrant and certificate

18. This section sets out the arrangements for certifying a Part 1 warrant when it is received by the designated authority (defined below).
19. *Subsection (2)* defines a Part 1 warrant as an arrest warrant which has been issued by a judicial authority in the relevant category 1 country. It must contain either the statement given in *subsection (3)* and the information in *subsection (4)*, or the statement given in *subsection (5)* and the information in *subsection (6)*.
20. The subsection (3) statement must state that the person in question is accused in the territory issuing the warrant of the commission of a specified offence and that the warrant has been issued for the purposes of arrest and prosecution. The information required by subsection (4) is:
 - details of the person's identity;
 - details of any other warrant relating to the same offence issued in the requesting country;
 - details of the circumstances surrounding the alleged commission of the offence, including the person's alleged conduct, where and when the offence allegedly took place and the applicable provision of the law in the requesting country;
 - details of the sentence which could be imposed if the person is ultimately convicted of the offence.
21. The subsection (5) statement must state that the person is unlawfully at large after conviction of a specified offence by a court in the territory issuing the warrant, and that the warrant has been issued for the purposes of his being sentenced or serving a custodial sentence in respect of that offence. The information required by subsection (6) is:
 - details of the person's identity;
 - details of the conviction;
 - details of any other warrant relating to the same offence issued in the requesting country;
 - where the person has not yet been sentenced for the offence, details of the sentence which could be imposed if the person is ultimately convicted of the offence;

*These notes refer to the Extradition Act 2003 (c.41)
which received Royal Assent on 20th November 2003*

- where the person has already been sentenced for the offence, details of the sentence which has been imposed.
22. *Subsection (7)* gives the designated authority power to issue a certificate if it believes that the Part 1 warrant has been issued by a judicial authority in the category 1 territory which has the function of issuing arrest warrants in that territory. *Subsection (8)* requires the certificate to state that the authority has the function referred to in subsection (7).
23. *Subsection (9)* defines the designated authority as being the authority that has been specified in an order made by the Secretary of State to perform this role. *Subsection (10)* enables more than one authority to be designated and enables an order to specify authorities for different parts of the United Kingdom. (The authorities for the United Kingdom are intended to be the National Criminal Intelligence Service and, in Scotland, the Crown Office.)