EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 2

Extradition to Category 2 Territories

Section 127: Consent to extradition: general

- 360. This section provides that a person who has been arrested under a warrant issued following the receipt of an extradition request or under a provisional warrant may consent to his extradition. Consent must be given in writing and is irrevocable (*subsection* (3)). If a person consents to his extradition before his case is sent to the Secretary of State, he must do so before the appropriate judge. However, if a person consents after this point he must give his consent to the Secretary of State (*subsections* (4) and (5)).
- 361. Subsections (6) and (7) provide that a person may only give his consent to extradition under certain circumstances. These are that the person is legally represented at the time he consents, or that he has been informed of his right to apply for legal aid but has failed to exercise this right, or legal aid has been refused or withdrawn. This has the effect that no person can consent to his extradition without having received, or having had the opportunity to receive legal, advice. Subsections (8) and (9) provide definitions for the purposes of this section.