



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Introduction*

##### **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))

#### **1 Extradition to category 1 territories**

- (1) This Part deals with extradition from the United Kingdom to the territories designated for the purposes of this Part by order made by the Secretary of State.
- (2) In this Act references to category 1 territories are to the territories designated for the purposes of this Part.
- (3) A territory may not be designated for the purposes of this Part if a person found guilty in the territory of a criminal offence may be sentenced to death for the offence under the general criminal law of the territory.

##### **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))

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

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## **2 Part 1 warrant and certificate**

- (1) This section applies if the designated authority receives a Part 1 warrant in respect of a person.
- (2) A Part 1 warrant is an arrest warrant which is issued by a judicial authority of a category 1 territory and which contains—
  - (a) the statement referred to in subsection (3) and the information referred to in subsection (4), or
  - (b) the statement referred to in subsection (5) and the information referred to in subsection (6).
- (3) The statement is one that—
  - (a) the person in respect of whom the Part 1 warrant is issued is accused in the category 1 territory of the commission of an offence specified in the warrant, and
  - (b) the Part 1 warrant is issued with a view to his arrest and extradition to the category 1 territory for the purpose of being prosecuted for the offence.
- (4) The information is—
  - (a) particulars of the person’s identity;
  - (b) particulars of any other warrant issued in the category 1 territory for the person’s arrest in respect of the offence;
  - (c) particulars of the circumstances in which the person is alleged to have committed the offence, including the conduct alleged to constitute the offence, the time and place at which he is alleged to have committed the offence and any provision of the law of the category 1 territory under which the conduct is alleged to constitute an offence;
  - (d) particulars of the sentence which may be imposed under the law of the category 1 territory in respect of the offence if the person is convicted of it.
- (5) The statement is one that—
  - (a) the person in respect of whom the Part 1 warrant is issued [F1 has been convicted]F1 of an offence specified in the warrant by a court in the category 1 territory, and
  - (b) the Part 1 warrant is issued with a view to his arrest and extradition to the category 1 territory 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 information is—
  - (a) particulars of the person’s identity;
  - (b) particulars of the conviction;
  - (c) particulars of any other warrant issued in the category 1 territory for the person’s arrest in respect of the offence;
  - (d) particulars of the sentence which may be imposed under the law of the category 1 territory in respect of the offence, if the person has not been sentenced for the offence;
  - (e) particulars of the sentence which has been imposed under the law of the category 1 territory in respect of the offence, if the person has been sentenced for the offence.

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(7) The designated authority may issue a certificate under this section if it believes that the authority which issued the Part 1 warrant has the function of issuing arrest warrants in the category 1 territory.

[<sup>F2</sup>(7A) But in the case of a Part 1 warrant containing the statement referred to in subsection (3), the designated authority must not issue a certificate under this section if it is clear to the designated authority that a judge proceeding under section 21A would be required to order the person's discharge on the basis that extradition would be disproportionate.

In deciding that question, the designated authority must apply any general guidance issued for the purposes of this subsection.

(7B) Any guidance under subsection (7A) may be revised, withdrawn or replaced.

(7C) The function of issuing guidance under subsection (7A), or of revising, withdrawing or replacing any such guidance, is exercisable by the Lord Chief Justice of England and Wales with the concurrence of—

- (a) the Lord Justice General of Scotland, and
- (b) the Lord Chief Justice of Northern Ireland.]

(8) A certificate under this section must certify that the authority which issued the Part 1 warrant has the function of issuing arrest warrants in the category 1 territory.

(9) The designated authority is the authority designated for the purposes of this Part by order made by the Secretary of State.

(10) An order made under subsection (9) may—

- (a) designate more than one authority;
- (b) designate different authorities for different parts of the United Kingdom.

#### Textual Amendments

**F1** Words in s. 2(5)(a) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 1\(1\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

**F2** S. 2(7A)-(7C) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), ss. [157\(3\)](#), [185\(1\)](#) (with ss. 3, 21, 33, 42, 58, 75, 93, 157(5)); [S.I. 2014/1916](#), [art. 2\(d\)](#)

#### 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\(2\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Introduction.