Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Re-extradition

Commencement Information

I1 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))

186 Re-extradition: preliminary

(1) Section 187 applies in relation to a person if the conditions in subsections (2) to (6) are satisfied.

(2) The first condition is that the person was extradited to a territory in accordance with Part 1 or Part 2.

(3) The second condition is that the person was serving a sentence of imprisonment or another form of detention in the United Kingdom (the UK sentence) before he was extradited.

(4) The third condition is that—

(a) if the person was extradited in accordance with Part 1, the Part 1 warrant in pursuance of which he was extradited contained a statement that it was issued with a view to his extradition for the purpose of being prosecuted for an offence;

(b) if the person was extradited in accordance with Part 2, the request in pursuance of which the person was extradited contained a statement that the person was accused of the commission of an offence.

(5) The fourth condition is that a certificate issued by a judicial authority of the territory shows that—

(a) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment (the overseas sentence) was imposed on the person in the territory;

(b) the overseas sentence was imposed on him in respect of—

(i) the offence specified in the warrant or request, or

(ii) any other offence committed before his extradition in respect of which he was permitted to be dealt with in the territory.

(6) The fifth condition is that before serving the overseas sentence the person was returned to the United Kingdom to serve the remainder of the UK sentence.

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))

187 Re-extradition hearing

(1) If this section applies in relation to a person, as soon as practicable after the relevant time the person must be brought before the appropriate judge for the judge to decide whether the person is to be extradited again to the territory in which the overseas sentence was imposed.

(2) The relevant time is the time at which the person would otherwise be released from detention pursuant to the UK sentence (whether or not on licence).

(3) If subsection (1) is not complied with and the person applies to the judge to be discharged, the judge must order his discharge.

(4) The person must be treated as continuing in legal custody until he is brought before the appropriate judge under subsection (1) or he is discharged under subsection (3).

(5) If the person is brought before the appropriate judge under subsection (1) the judge must decide whether the territory in which the overseas sentence was imposed is—

(a) a category 1 territory;

(b) a category 2 territory;

(c) neither a category 1 territory nor a category 2 territory.

(6) If the judge decides that the territory is a category 1 territory, section 188 applies.

(7) If the judge decides that the territory is a category 2 territory, section 189 applies.

(8) If the judge decides that the territory is neither a category 1 territory nor a category 2 territory, he must order the person's discharge.

(9) A person's discharge as a result of this section or section 188 or 189 does not affect any conditions on which he is released from detention pursuant to the UK sentence.

[[F1](10) Section 139 applies for the purposes of this section as it applies for the purposes of Part 2.**]**[F1]

Textual Amendments

F1 S. 187(10) substituted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, **Sch. 13 para. 15(2)**; S.I. 2006/3364, **art. 2(d)(e)**

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))

188 Re-extradition to category 1 territories

(1) If this section applies, this Act applies as it would if—

(a) a Part 1 warrant had been issued in respect of the person;

(b) the warrant contained a statement that—

(i) the person **[**[F2]had been convicted**]**[F2] of the relevant offence, and

(ii) the warrant was issued with a view to the person's arrest and extradition to the territory for the purpose of serving a sentence imposed in respect of the relevant offence;

(c) the warrant were issued by the authority of the territory which issued the certificate referred to in section 186(5);

(d) the relevant offence were specified in the warrant;

(e) the judge were the appropriate judge for the purposes of Part 1;

(f) the hearing at which the judge is to make the decision referred to in section 187(1) were the extradition hearing;

(g) the proceedings before the judge were under Part 1.

(2) As applied by subsection (1) this Act has effect with the modifications set out in Part 1 of Schedule 1.

(3) The relevant offence is the offence in respect of which the overseas sentence is imposed.

Textual Amendments

F2 Words in s. 188(1)(b)(i) substituted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, **Sch. 13 para. 2(8)**; 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))

189 Re-extradition to category 2 territories

(1) If this section applies, this Act applies as it would if—

(a) a valid request for the person's extradition to the territory had been made;

(b) the request contained a statement that the person **[**[F3]had been convicted**]**[F3] of the relevant offence;

(c) the relevant offence were specified in the request;

(d) the hearing at which the appropriate judge is to make the decision referred to in section 187(1) were the extradition hearing;

(e) the proceedings before the judge were under Part 2.

(2) As applied by subsection (1) this Act has effect with the modifications set out in Part 2 of Schedule 1.

(3) The relevant offence is the offence in respect of which the overseas sentence is imposed.

Textual Amendments

F3 Words in s. 189(1)(b) substituted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, **Sch. 13 para. 2(9)**; 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))

Changes to legislation:
There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Re-extradition.