



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Secretary of State's functions

102 The appropriate day

- (1) This section applies for the purposes of sections 93 and 99 if the appropriate judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited.
- (2) If the person is charged with an offence in the United Kingdom, the appropriate day is the day on which one of these occurs—
 - (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If under section 97(3) or 98(2) the Secretary of State defers making a decision ^[F1], the appropriate day is the day on which the person is released from detention pursuant to the sentence (whether on licence or otherwise).^[F1]
- (4) If section 126 applies in relation to the request for the person's extradition (the request concerned) the appropriate day is—
 - (a) the day on which the Secretary of State makes an order under that section, if the order is for proceedings on the other request to be deferred;
 - (b) the day on which an order under section 180 is made, if the order under section 126 is for proceedings on the request concerned to be deferred and the order under section 180 is for the proceedings to be resumed.

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 102. (See end of Document for details)*

- (5) If section 179 applies in relation to the request for the person's extradition, the appropriate day is—
- (a) the day on which the Secretary of State makes an order under that section, if the order is for proceedings on the warrant to be deferred;
 - (b) the day on which an order under section 180 is made, if the order under section 179 is for proceedings on the request to be deferred and the order under section 180 is for the proceedings to be resumed.
- (6) If more than one of subsections (2) to (5) applies, the appropriate day is the latest of the days found under the subsections which apply.
- (7) In any other case, the appropriate day is the day on which the judge sends the case to the Secretary of State for his decision whether the person is to be extradited.

Textual Amendments

- F1** Words in s. 102(3) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 71\(8\)](#), 116; [S.I. 2009/3096](#), [art. 3\(n\)](#) (with [art. 4](#))

Modifications etc. (not altering text)

- C1** [S. 102\(2\)](#) modified (10.11.2016) by [The Extradition Act 2003 \(Overseas Territories\) Order 2016 \(S.I. 2016/990\)](#), [arts. 1\(1\)](#), [6\(3\)](#), [Sch. 3](#)

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\(2\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 102.