



Extradition Act 2003

2003 CHAPTER 41

PART 3

EXTRADITION TO THE UNITED KINGDOM

General

153 Return of person acquitted or not tried

- (1) This section applies if—
- a person is accused in the United Kingdom of the commission of an offence;
 - the person is extradited to the United Kingdom in respect of the offence [^{F1}from a territory;]^{F1}
 - the condition in subsection (2) or the condition in subsection (3) is satisfied.
- (2) The condition is that—
- proceedings against the person for the offence are not begun before the end of the required period, which is 6 months starting with the day on which the person arrives in the United Kingdom on his extradition, and
 - before the end of the period of 3 months starting immediately after the end of the required period the person asks the Secretary of State to return him to the territory from which he was extradited.
- (3) The condition is that—
- at his trial for the offence the person is acquitted or is discharged under any of the provisions specified in subsection (4), and
 - before the end of the period of 3 months starting immediately after the date of his acquittal or discharge the person asks the Secretary of State to return him to the territory from which he was extradited.
- (4) The provisions are—
- [^{F2}(a) section 79 or 80 of the Sentencing Code;]

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 153. (See end of Document for details)

- (b) section 246(1), (2) or (3) of the Criminal Procedure (Scotland) Act 1995 (c. 46);
 - (c) Article 4(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).
- (5) The Secretary of State must arrange for him to be sent back, free of charge and with as little delay as possible, to the territory from which he was extradited to the United Kingdom in respect of the offence.
- (6) If the accusation in subsection (1)(a) relates to the commission of an offence in Scotland, subsections (2)(b), (3)(b) and (5) apply as if the references to the Secretary of State were references to the Scottish Ministers.

Textual Amendments

- F1** Words in s. 153(1)(b) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 74\(4\), 116; S.I. 2009/3096, art. 3\(q\)](#)
- F2** S. 153(4)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 204](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)

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\(2\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 153.