



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Re-extradition

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.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 187. (See end of Document for details)

(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

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 187.