



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Time for extradition

37 Undertaking in relation to person serving sentence in United Kingdom

- (1) This section applies if—
- (a) the appropriate judge orders a person's extradition to a category 1 territory under this Part;
 - (b) the person is serving a sentence of imprisonment or another form of detention in the United Kingdom [^{F1}, either—
 - (i) in custody, or
 - (ii) on licence].
- (2) But this section does not apply if the order is made under section 46 or 48.
- (3) The judge may make the order for extradition subject to the condition that extradition is not to take place before he receives an undertaking given on behalf of the category 1 territory in terms specified by him.
- (4) The terms which may be specified by the judge in relation to a person [^{F2}within subsection (1)(b)(i) who is] accused in a category 1 territory of the commission of an offence include terms—
- (a) that the person be kept in custody until the conclusion of the proceedings against him for the offence and any other offence in respect of which he is permitted to be dealt with in the category 1 territory;
 - (b) that the person be returned to the United Kingdom to serve the remainder of his sentence on the conclusion of those proceedings.

[^{F3}(4A) The terms which may be specified by the judge in relation to a person within subsection (1)(b)(ii) who is accused in a category 1 territory of the commission of an

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offence include terms that the person be returned to the United Kingdom to serve the remainder of his sentence after serving any sentence imposed on him in the category 1 territory for—

- (a) the offence, and
- (b) any other offence in respect of which he is permitted to be dealt with in the category 1 territory.]

(5) The terms which may be specified by the judge in relation to a person alleged to be unlawfully at large after conviction of an offence by a court in a category 1 territory include terms that the person be returned to the United Kingdom to serve the remainder of his sentence after serving any sentence imposed on him in the category 1 territory for—

- (a) the offence, and
- (b) any other offence in respect of which he is permitted to be dealt with in the category 1 territory.

(6) Subsections (7) and (8) apply if the judge makes an order for extradition subject to a condition under subsection (3).

(7) If the judge does not receive the undertaking before the end of the period of 21 days starting with the day on which he makes the order and the person applies to the appropriate judge to be discharged, the judge must order his discharge.

(8) If the judge receives the undertaking before the end of that period—

- (a) in a case where section 35 applies, the required period for the purposes of section 35(3) is 10 days starting with the day on which the judge receives the undertaking;
- (b) in a case where section 36 applies, the required period for the purposes of section 36(2) is 10 days starting with the day on which the decision of the relevant court on the appeal becomes final (within the meaning of that section) or (if later) the day on which the judge receives the undertaking.

[^{F4} Paragraph (a) applies only if the day mentioned in that paragraph is later than the day mentioned in [^{F5} section 35(4)(a)(i) or (ii)].]

Textual Amendments

- F1** S. 37(b)(i)(ii) and word inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 10\(2\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F2** Words in s. 37(4) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 10\(3\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F3** S. 37(4A) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 10\(4\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F4** Words in s. 37(8) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 9\(2\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F5** Words in s. 37(8) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), [3\(4\)](#) (with art. 1(4))

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 37.