Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Consent to extradition

52 Undertaking in relation to person serving sentence

(1) This section applies if—

(a) the appropriate judge makes an order under section 46(6) or 48(3)(a) for a person's extradition to a category 1 territory;

(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**]**

[F1].

(2) 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.

(3) The terms which may be specified by the judge in relation to a person **[**[F2]within subsection (1)(b)(i) who is**]**[F2] 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](3A) 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

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.**]**

[F3](4) 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.

(5) If the judge makes an order for extradition subject to a condition under subsection (2) the required period for the purposes of sections 47(2) and 49(2) is 10 days starting with the day on which the judge receives the undertaking.

Textual Amendments

F1 S. 52(1)(b)(i)(ii) and words inserted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, **Sch. 13 para. 11(2)**; S.I. 2006/3364, **art. 2(d)(e)**

F2 Words in s. 52(3) inserted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, **Sch. 13 para. 11(3)**; S.I. 2006/3364, **art. 2(d)(e)**

F3 S. 52(3A) inserted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, **Sch. 13 para. 11(4)**; 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 52.