



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

The extradition hearing

79 Bars to extradition

- (1) If the judge is required to proceed under this section he must decide whether the person's extradition to the category 2 territory is barred by reason of—
- the rule against double jeopardy;
 - extraneous considerations;
 - the passage of time;
 - hostage-taking considerations.
- [^{F1}(e) forum.]

[^{F2}(1A) But the judge is to decide whether the person's extradition is barred by reason of forum only in a case where the request for extradition contains the statement referred to in section 70(4) (warrant issued for purposes of prosecution for offence in category 2 territory).]

- (2) [^{F3}Sections 80 to 83E] apply for the interpretation of subsection (1).
- (3) If the judge decides any of the questions in subsection (1) in the affirmative he must order the person's discharge.
- (4) If the judge decides those questions in the negative and the person is accused of the commission of the extradition offence but is not alleged to be unlawfully at large after conviction of it, the judge must proceed under section 84.
- (5) If the judge decides those questions in the negative and the person is alleged to be unlawfully at large after conviction of the extradition offence, the judge must proceed under section 85.

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 79. (See end of Document for details)*

Textual Amendments

- F1** S. 79(1)(e) inserted (14.10.2013 for E.W.N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 5\(a\)](#) (with [Sch. 20 para. 78](#)); [S.I. 2013/2349](#), art. 2(3)
- F2** S. 79(1A) inserted (14.10.2013 for E.W.N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 5\(b\)](#) (with [Sch. 20 para. 78](#)); [S.I. 2013/2349](#), art. 2(3)
- F3** Words in s. 79(2) substituted (14.10.2013 for E.W.N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 5\(c\)](#) (with [Sch. 20 para. 78](#)); [S.I. 2013/2349](#), art. 2(3)

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 79.