

# **POLICING AND CRIME ACT 2009**

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## **EXPLANATORY NOTES**

### **TERRITORIAL EXTENT AND APPLICATION**

#### **Part 6 – Extradition**

##### **Deferral of extradition**

##### ***Section 69 Extradition to category 1 territory and Section 70 Extradition to category 2 territory***

344. Sections 22 and 88 of the Extradition Act 2003 provide that where the appropriate judge is informed that a person whose extradition has been sought has been charged with an offence in the UK the judge must adjourn the extradition hearing until the domestic proceedings have been resolved. These powers only apply, however, after a person has been brought before the appropriate judge, but *before* the extradition hearing has begun. Section 22 covers proceedings under Part 1 of the Extradition Act 2003 and section 88 covers proceedings under Part 2 of the Extradition Act 2003.
345. **Section 69** inserts section 8A into the Extradition Act 2003 and section 70 inserts section 76A into the Extradition Act 2003. These provisions require the appropriate judge to adjourn extradition proceedings on the basis of a domestic prosecution where the judge is informed of this fact after a person has been brought before him or her, but *before* the extradition hearing has begun. Section 8A covers proceedings under Part 1 of the Extradition Act 2003 and section 76A covers proceedings under Part 2 of the Extradition Act 2003.
346. Sections 23 and 89 of the Extradition Act 2003 provide that where the appropriate judge is informed that the person in question is serving a sentence of imprisonment or another form of detention in the UK the judge may adjourn the extradition hearing until that sentence has been served. These powers only apply, however, once the extradition hearing has begun. Section 23 covers proceedings under Part 1 of the Extradition Act 2003 and section 89 covers proceedings under Part 2 of the Extradition Act 2003.
347. **Section 69** inserts section 8B into the Extradition Act 2003 and section 70 inserts section 76B into the Extradition Act 2003. These provisions allow the appropriate judge to adjourn extradition proceedings on the basis of a domestic sentence after a person has been brought before him or her, *before* the extradition hearing has begun. Section 8B covers proceedings under Part 1 of the Extradition Act 2003 and section 76B covers proceedings under Part 2 of the Extradition Act 2003.