



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 6

#### EXTRADITION

##### *Deferral of extradition*

#### **71 Person charged with offence or serving sentence of imprisonment**

- (1) The Extradition Act 2003 (c. 41) is amended as follows.
- (2) In section 22(3) (power to adjourn extradition hearing in Part 1 case) for “the sentence has been served” substitute “ the person is released from detention pursuant to the sentence (whether on licence or otherwise) ”.
- (3) In section 23 (person serving sentence in Part 1 case)—
  - (a) in subsection (1), after “issued is” insert “ in custody ”, and
  - (b) in subsection (2), for “the sentence has been served” substitute “ the person is released from detention pursuant to the sentence (whether on licence or otherwise) ”.
- (4) In section 88(3) (power to adjourn extradition hearing in Part 2 case) for “the sentence has been served” substitute “ the person is released from detention pursuant to the sentence (whether on licence or otherwise) ”.
- (5) In section 89 (person serving sentence in Part 2 case)—
  - (a) in subsection (1) after “person is” insert “ in custody ”, and
  - (b) in subsection (2) for “the sentence has been served” substitute “ the person is released from detention pursuant to the sentence (whether on licence or otherwise) ”.
- (6) In section 97(3) (power to defer decision on extradition) for “the sentence has been served” substitute “ the person is released from detention pursuant to the sentence (whether on licence or otherwise) ”.

*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 71. (See end of Document for details)*

- (7) In section 98 (person serving sentence in Part 2 case: reference by judge)—
  - (a) in subsection (1)(b) after “person is” insert “ in custody ”, and
  - (b) in subsection (2) for “the sentence has been served” substitute “ the person is released from detention pursuant to the sentence (whether on licence or otherwise) ”.
- (8) In section 102(3) (meaning of “appropriate day” where decision deferred) for the words from “until the person” to the end substitute “ , the appropriate day is the day on which the person is released from detention pursuant to the sentence (whether on licence or otherwise). ”
- (9) In section 197A (extradition of serving prisoner) after “a person who is” insert “ in custody ”.

<sup>F1</sup>(10) .....

**Textual Amendments**

**F1** S. 71(10) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 43](#); S.I. 2012/2906, art. 2(h)

**Commencement Information**

**I1** S. 71 in force at 25.1.2010 by [S.I. 2009/3096](#), [art. 3\(n\)](#) (with [art. 4\(1\)\(e\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 71.