



# Extradition Act 1989

## 1989 CHAPTER 33

### PART V

#### SPECIAL CASES

##### *Repatriation cases*

## 21 Persons serving sentences outside country of conviction

(1) This section applies where—

(a) a request is made—

(i) by some person recognised as a diplomatic or consular representative of a foreign state in the case of which an Order in Council under section 2 of the Extradition Act 1870 applies or as between which and the United Kingdom extradition procedures under Part III of this Act are available; or

(ii) by or on behalf of the Government of a designated Commonwealth country or the Governor of a colony,

for the arrest and return of a person in the United Kingdom who is alleged to be unlawfully at large from a prison in which he was serving a sentence in pursuance of international arrangements for the repatriation of prisoners sentenced in one country (“the country of conviction”) to serve their sentences in another (“the country of imprisonment”); and

(b) there are furnished with the request—

(i) particulars of the person whose return is requested;

(ii) particulars of the offence of which he was convicted (including evidence sufficient to justify the issue of a warrant for his arrest under the relevant legislation);

(iii) a certificate of the conviction and sentence; and

(iv) a certificate of the international arrangements for repatriation under which he was held.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Where this section applies, the relevant legislation shall have effect—
- (a) if the request is from the country of conviction, as if the person to whom the request relates were alleged to be unlawfully at large from a prison in that country; and
  - (b) if it is from the country of imprisonment, as if he were alleged to have been convicted of a corresponding offence under the law of that country committed there,
- and the question whether the person to whom the request relates is to be returned shall be determined, subject to subsection (3) below, in accordance with that legislation.
- (3) A person shall not be returned under subsection (2)(b) above unless—
- (a) the offence was committed in the country of conviction; or
  - (b) the offence was not committed there but was committed in circumstances in which he might be returned on a request made by the country of conviction.
- (4) In this section “the relevant legislation” means the provisions of this Act that are relevant—
- (a) if the case falls within paragraph (a) of subsection (2) above, to extradition to the country of conviction; and
  - (b) if it falls within paragraph (b), to extradition to the country of imprisonment.