

*These notes refer to the Extradition Act 2003 (c.41)  
which received Royal Assent on 20th November 2003*

# EXTRADITION ACT 2003

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## EXPLANATORY NOTES

### TERRITORIAL APPLICATION: WALES

#### Part 1

#### Extradition to Category 1 Territories

#### *Section 44: Competing Part 1 warrants*

128. This section relates to the situation where two Part 1 warrants are issued in respect of the same person.
129. Under *subsections (1) to (3)* this section applies if, at any time during proceedings on a Part 1 warrant before the person is extradited or discharged, the judge is informed that:
- another Part 1 warrant has been issued in respect of the same person;
  - the judge (or another judge in the United Kingdom) is required to deal with the other warrant; and
  - the competing warrant has not yet been disposed of.
130. The judge may order proceedings on the warrant under consideration to be deferred pending disposal of the other warrant. Where an order has already been made for the person's extradition on the basis of the first warrant the judge may order that extradition be deferred pending disposal of the other warrant (*subsection (4)*). *Subsection (5)* means that the judge, if he makes such an order, is required to remand the person in custody or on bail, if the person is not already in custody or on bail. If the person is remanded in custody he may later be granted bail (*subsection (6)*).
131. In deciding whether to make an order under subsection (4) the judge must take account of the following issues in particular (*subsection (7)*):
- the relative seriousness of the offences;
  - the place each offence was committed or is alleged to have been committed;
  - the date each warrant was issued; and
  - whether the person is accused of the offences or unlawfully at large after conviction of an offence.