

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

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 1

Extradition to Category 1 Territories

Section 51: Extradition request following consent

147. This section applies if the person consents to his extradition under a Part 1 warrant but, before the judge orders his extradition, the judge is informed that an extradition request in respect of that person has been made by a category 2 territory (*subsections (1) and (2)*).
148. If the judge has been so informed he must not make an order for extradition to the category 1 territory on the basis of consent, until he is informed what order has been made under section 179(2) (*subsection (3)*). (Section 179(2) provides for the Secretary of State to order which of the Part 1 warrant and the Part 2 request is to proceed first.)
149. If the order made under section 179(2) is for proceedings on the Part 1 warrant to be deferred until the Part 2 request has been disposed of, the judge must remand the person in custody or on bail (*subsection (4)*). If he remands the person in custody he may later grant bail (*subsection (5)*). If an order is subsequently made under section 180 for the resumption of deferred proceedings on the Part 1 warrant, the judge then has 10 days from the time that order is made to order the person's extradition, under *subsection (6)*.
150. If, however, the order made under section 179(2) is for proceedings on the competing request to be deferred until the Part 1 warrant has been disposed of, the judge must, under *subsection (6)*, order the person's extradition to the category 1 territory within 10 days of being informed of the order.