

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 1

Extradition to Category 1 Territories

Section 52: Undertaking in relation to person serving sentence

151. This section applies where an extradition order is made under section 46(6) or 48(3)(a) after a person has consented to his extradition, and that person is serving a custodial sentence in the United Kingdom. (*subsection (1)*). It allows the judge to make an extradition order subject to a condition that extradition will not take place until he has received certain undertakings on behalf of the category 1 territory that submitted the extradition request (*subsection (2)*).
152. The judge can specify the terms of any such undertaking, including a requirement that the person is kept in custody during the entire proceedings in the category 1 territory. The judge may also require the person to be returned to the United Kingdom to serve his domestic sentence. This would apply on conclusion of the proceedings in the category 1 territory in respect of which the extradition order was made, or after serving any sentence(s) imposed in the category 1 territory in respect of either the extradition offence or any other offence in respect of which he is permitted to be dealt with in the category 1 territory (*subsections (3) and (4)*).
153. Where the judge imposes a condition on an extradition order under the power given by this section, the 10-day period in which the person is to be extradited (under section 47(2) or 49(2)) begins on the day the judge receives the undertaking (*subsection (5)*).