

*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 55: Questions for decision at consent hearing*

160. This section specifies the questions that the judge is required to decide at a consent hearing under section 54.
161. The judge must first decide whether his consent is necessary (*subsection (1)*). If he decides it is not, the judge must inform the requesting authority of this decision (*subsection (2)*). If the judge decides that consent is necessary, he must then consider whether the offence to which the request relates is an extradition offence (*subsection (3)*). If he decides that it is not an extradition offence, consent must be refused (*subsection (4)*). If, however, the judge concludes that the offence is an extradition offence, then he must decide, in accordance with *subsection (5)*, whether he would have ordered the person's extradition under sections 11 to 25 if the person were in the United Kingdom. If the judge decides that he would have done so, he must give consent (*subsection (6)*). If he decides that he would not have done so, consent must be refused (*subsection (7)*).
162. *Subsections (8) and (9)* provide that consent is not required where the person has been given the opportunity to leave the territory in question and has not done so within 45 days, or has done so and then returned to that country. Subject to this exception, the judge must decide whether he is required to give consent by reference to what he believes to be the applicable law in the territory in question or the extradition arrangements between that country and the United Kingdom (*subsection (10)*).