

*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 2

#### Extradition to Category 2 Territories

##### *Section 119: Undertaking in relation to person serving sentence in United Kingdom*

341. This section allows the Secretary of State 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 2 territory that submitted the extradition request. This section only applies if the person is serving a custodial sentence in the United Kingdom (*subsections (1) and (2)*).
342. The Secretary of State can specify the terms of any such undertaking, including that the person is kept in custody during the entire proceedings in the category 2 territory. He may also require the person to be returned to the United Kingdom to serve his United Kingdom sentence, on conclusion of the proceedings in the category 2 territory or after serving any sentence(s) imposed there (*subsections (3) and (4)*).
343. Where the Secretary of State imposes a condition on an extradition order under the power given by this section, no undertaking is received within 21 days and the person applies to the High Court, the court must order his discharge (*subsections (5) and (6)*).
344. Where the undertaking is received within 21 days and section 117 (extradition where no appeal) applies, the 28-day period described in section 117 begins on the day the Secretary of State receives the undertaking. Where a condition is imposed and section 118 (extradition following appeal) applies, the 28 days start from the day on which the appeal decision becomes final or, if later, the day the Secretary of State receives the undertaking (*subsection (7)*).