

*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 2

#### Extradition to Category 2 Territories

#### *Section 131: Consent to further extradition to category 1 territory*

370. This section applies where a person has been extradited to a category 2 territory and the Secretary of State receives a valid request for consent to re-extradite the person to a category 1 territory for an offence other than the offence for which he was extradited (*subsection (1)*). A valid request is one made by a recognised authority (*subsection (2)*) and the Secretary of State must serve notice on the person that he has received a request for consent, unless it would not be practicable to do so (*subsection (3)*).
371. The Secretary of State must decide whether the offence is an extradition offence within the meaning of section 64 (*subsection (4)*). If he decides that it is the Secretary of State must decide if the appropriate judge would order extradition under sections 11 to 25 if the person were in the United Kingdom (*subsection (6)*). If the Secretary of State decides that the offence is not an extradition offence, or that the judge would not order extradition, then consent must be refused (*subsections (5) and (8)*). If the Secretary of State is satisfied that the offence is an extradition offence and that the judge would order extradition, then consent may be given (*subsection (7)*).