

*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 3

Extradition to the United Kingdom

Section 150: Dealing with person for other offences: Commonwealth countries etc.

426. This section applies where a person is extradited to the United Kingdom from a category 2 territory that is a Commonwealth country, a British overseas territory or the Hong Kong Special Administrative Region.
427. *Subsection (2)* provides that a person may be dealt with for an offence committed before his extradition only if the offence falls within *subsection (3)* or the condition in *subsection (6)* is met. The subsection (3) offences are:
- the offence in respect of which the person was extradited;
 - a lesser offence disclosed by information provided to the category 2 territory in respect of that offence; or
 - an offence in respect of which the relevant authority of the category 2 territory has consented to the person being dealt with in the United Kingdom.
428. A lesser offence is one that carries a maximum punishment that is less severe than the maximum punishment for the extradition offence (*subsection (4)*).
429. The relevant authority is defined at *subsection (5)* as the:
- government of a Commonwealth Country;
 - person administering a British overseas territory; or
 - government of the Hong Kong Special Administrative Region.
430. A person may also be dealt with for offences committed before his extradition to the United Kingdom if the protected period of 45 days has ended (*subsections (6) and (7)*). The protected period starts on the first day after extradition that the person is given the opportunity to leave the United Kingdom.
431. *Subsection (8)* explains that a person is dealt with in the United Kingdom if he is tried or detained with a view to trial in this country in respect of the offence in question.