



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 3

#### EXTRADITION TO THE UNITED KINGDOM

##### *Extradition from category 2 territories*

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

- (1) This section applies if—
  - (a) a person is extradited to the United Kingdom from a category 2 territory under law of the territory corresponding to Part 2 of this Act, and
  - (b) the territory is a Commonwealth country, a British overseas territory or the Hong Kong Special Administrative Region of the People's Republic of China.
- (2) The person may be dealt with in the United Kingdom for an offence committed before his extradition only if—
  - (a) the offence is one falling within subsection (3), or
  - (b) the condition in subsection (6) is satisfied.
- (3) The offences are—
  - (a) the offence in respect of which the person is extradited;
  - (b) a lesser offence disclosed by the information provided to the category 2 territory in respect of that offence;
  - (c) an offence in respect of which consent to the person being dealt with is given by or on behalf of the relevant authority.
- (4) An offence is a lesser offence in relation to another offence if the maximum punishment for it is less severe than the maximum punishment for the other offence.
- (5) The relevant authority is—
  - (a) if the person has been extradited from a Commonwealth country, the government of the country;

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*Status: This is the original version (as it was originally enacted).*

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- (b) if the person has been extradited from a British overseas territory, the person administering the territory;
  - (c) if the person has been extradited from the Hong Kong Special Administrative Region of the People's Republic of China, the government of the Region.
- (6) The condition is that the protected period has ended.
- (7) The protected period is 45 days starting with the first day after his extradition to the United Kingdom on which the person is given an opportunity to leave the United Kingdom.
- (8) A person is dealt with in the United Kingdom for an offence if—
- (a) he is tried there for it;
  - (b) he is detained with a view to trial there for it.

### **151 Dealing with person for other offences: other category 2 territories**

- (1) This section applies if—
- (a) a person is extradited to the United Kingdom from a category 2 territory under law of the territory corresponding to Part 2 of this Act, and
  - (b) the territory is not one falling within section 150(1)(b).
- (2) The person may be dealt with in the United Kingdom for an offence committed before his extradition only if—
- (a) the offence is one falling within subsection (3), or
  - (b) the condition in subsection (4) is satisfied.
- (3) The offences are—
- (a) the offence in respect of which the person is extradited;
  - (b) an offence disclosed by the information provided to the category 2 territory in respect of that offence;
  - (c) an offence in respect of which consent to the person being dealt with is given on behalf of the territory.
- (4) The condition is that—
- (a) the person has returned to the territory from which he was extradited, or
  - (b) the person has been given an opportunity to leave the United Kingdom.
- (5) A person is dealt with in the United Kingdom for an offence if—
- (a) he is tried there for it;
  - (b) he is detained with a view to trial there for it.