



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

##### *Competing extradition claims*

#### **Commencement Information**

- II** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103, art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258 art. 2\(2\)](#) and [S.I. 2003/3312 art. 2\(2\)](#))

#### **179 Competing claims to extradition**

- (1) This section applies if at the same time—
- (a) there is a Part 1 warrant in respect of a person, a certificate has been issued under section 2 in respect of the warrant, and the person has not been extradited in pursuance of the warrant or discharged, and
  - (b) there is a request for the same person's extradition, a certificate has been issued under section 70 in respect of the request, and the person has not been extradited in pursuance of the request or discharged.
- (2) The Secretary of State may—
- (a) order proceedings (or further proceedings) on one of them (the warrant or the request) to be deferred until the other one has been disposed of, if neither the warrant nor the request has been disposed of;
  - (b) order the person's extradition in pursuance of the warrant to be deferred until the request has been disposed of, if an order for his extradition in pursuance of the warrant has been made;
  - (c) order the person's extradition in pursuance of the request to be deferred until the warrant has been disposed of, if an order for his extradition in pursuance of the request has been made.

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Competing extradition claims. (See end of Document for details)*

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- (3) In applying subsection (2) the Secretary of State must take account in particular of these matters—
- (a) the relative seriousness of the offences concerned;
  - (b) the place where each offence was committed (or was alleged to have been committed);
  - (c) the date when the warrant was issued and the date when the request was received;
  - (d) whether, in the case of each offence, the person is accused of its commission (but not alleged to have been convicted) or is alleged to be unlawfully at large after conviction.
- (4) If both the certificates referred to in subsection (1) are issued in Scotland, the preceding provisions of this section apply as if the references to the Secretary of State were to the Scottish Ministers.
- [<sup>F1</sup>(5) For the purposes of this section a person is alleged to be unlawfully at large after conviction of an offence if—
- (a) he is alleged to have been convicted of it, and
  - (b) his extradition is sought for the purpose of his being sentenced for the offence or of his serving a sentence of imprisonment or another form of detention imposed in respect of the offence.]<sup>F1</sup>

#### **Textual Amendments**

**F1** S. 179(5) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 2\(7\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

#### **Commencement Information**

**I2** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

## **180 Proceedings on deferred warrant or request**

- (1) This section applies if—
- (a) an order is made under this Act deferring proceedings on an extradition claim in respect of a person (the deferred claim) until another extradition claim in respect of the person has been disposed of, and
  - (b) the other extradition claim is disposed of [<sup>F2</sup>in the person's favour].
- (2) The judge may make an order for proceedings on the deferred claim to be resumed.
- (3) No order under subsection (2) may be made after the end of the required period.
- (4) If the person applies to the appropriate judge to be discharged, the judge may order his discharge.
- (5) If the person applies to the appropriate judge to be discharged, the judge must order his discharge if—
- (a) the required period has ended, and
  - (b) the judge has not made an order under subsection (2) or ordered the person's discharge.

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**Changes to legislation:** There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Competing extradition claims. (See end of Document for details)

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- (6) The required period is 21 days starting with the day on which the other extradition claim is disposed of.
- (7) If the proceedings on the deferred claim were under Part 1, section 67 applies for determining the appropriate judge.
- (8) If the proceedings on the deferred claim were under Part 2, section 139 applies for determining the appropriate judge.
- (9) An extradition claim is made in respect of a person if—
  - (a) a Part 1 warrant is issued in respect of him;
  - (b) a request for his extradition is made.
- [<sup>F3</sup>(10) An extradition claim made in respect of a person is disposed of in the person's favour if—
  - (a) in the case of a Part 1 warrant, the warrant is disposed of as mentioned in subsection (1)(a) or (b) of section 213;
  - (b) in the case of a request for extradition, the request is disposed of as mentioned in subsection (2)(a) or (b) of that section.]

#### Textual Amendments

- F2** Words in s. 180(1)(b) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 167(1)(a)**, 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/1916](#), art. 2(m)
- F3** S. 180(10) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 167(1)(b)**, 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/1916](#), art. 2(m)

#### Commencement Information

- I3** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), **art. 2** (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

## 181 Proceedings where extradition deferred

- (1) This section applies if—
  - (a) an order is made under this Act deferring a person's extradition in pursuance of an extradition claim (the deferred claim) until another extradition claim in respect of him has been disposed of;
  - (b) the other extradition claim is disposed of [<sup>F4</sup>in the person's favour].
- (2) The judge may make an order for the person's extradition in pursuance of the deferred claim to cease to be deferred.
- (3) No order under subsection (2) may be made after the end of the required period.
- (4) If the person applies to the appropriate judge to be discharged, the judge may order his discharge.
- (5) If the person applies to the appropriate judge to be discharged, the judge must order his discharge if—
  - (a) the required period has ended, and
  - (b) the judge has not made an order under subsection (2) or ordered the person's discharge.

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Competing extradition claims. (See end of Document for details)*

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- (6) The required period is 21 days starting with the day on which the other extradition claim is disposed of.
- (7) If the person's extradition in pursuance of the deferred claim was ordered under Part 1, section 67 applies for determining the appropriate judge.
- (8) If the person's extradition in pursuance of the deferred claim was ordered under Part 2, section 139 applies for determining the appropriate judge.
- (9) An extradition claim is made in respect of a person if—
- (a) a Part 1 warrant is issued in respect of him;
  - (b) a request for his extradition is made.
- [<sup>F5</sup>(10) An extradition claim made in respect of a person is disposed of in the person's favour if—
- (a) in the case of a Part 1 warrant, the warrant is disposed of as mentioned in subsection (1)(a) or (b) of section 213;
  - (b) in the case of a request for extradition, the request is disposed of as mentioned in subsection (2)(a) or (b) of that section.]

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**Textual Amendments**

- F4** Words in s. 181(1)(b) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 167(2)(a)**, 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/1916](#), art. 2(m)
- F5** S. 181(10) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 167(2)(b)**, 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/1916](#), art. 2(m)
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**Commencement Information**

- I4** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), **art. 2** (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading:  
Competing extradition claims.