



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Time for extradition*

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

- (1) This section applies if—
- (a) the Secretary of State orders a person's extradition to a category 2 territory under this Part;
  - (b) the person is serving a sentence of imprisonment or another form of detention in the United Kingdom [<sup>F1</sup>, either—
    - (i) in custody, or
    - (ii) on licence].
- (2) The Secretary of State may make the order for extradition subject to the condition that extradition is not to take place before he receives an undertaking given on behalf of the category 2 territory in terms specified by him.
- (3) The terms which may be specified by the Secretary of State in relation to a person [<sup>F2</sup>within subsection (1)(b)(i) who is] accused in a category 2 territory of the commission of an offence include terms—
- (a) that the person be kept in custody until the conclusion of the proceedings against him for the offence and any other offence in respect of which he is permitted to be dealt with in the category 2 territory;
  - (b) that the person be returned to the United Kingdom to serve the remainder of his sentence on the conclusion of those proceedings.

[<sup>F3</sup>(3A) The terms which may be specified by the Secretary of State in relation to a person within subsection (1)(b)(ii) who is accused in a category 2 territory of the commission of an offence include terms that the person be returned to the United Kingdom to

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 119. (See end of Document for details)*

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serve the remainder of his sentence after serving any sentence imposed on him in the category 2 territory for—

- (a) the offence, and
- (b) any other offence in respect of which he is permitted to be dealt with in the category 2 territory.]

(4) The terms which may be specified by the Secretary of State in relation to a person alleged to be unlawfully at large after conviction of an offence by a court in a category 2 territory include terms that the person be returned to the United Kingdom to serve the remainder of his sentence after serving any sentence imposed on him in the category 2 territory for—

- (a) the offence, and
- (b) any other offence in respect of which he is permitted to be dealt with in the category 2 territory.

(5) Subsections (6) and (7) apply if the Secretary of State makes an order for extradition subject to a condition under subsection (2).

(6) If the Secretary of State does not receive the undertaking before the end of the period of 21 days starting with the day on which he makes the order and the person applies to the High Court to be discharged, the court must order his discharge.

(7) If the Secretary of State receives the undertaking before the end of that period—

- (a) in a case where section 117 applies, the required period for the purposes of section 117(2) is 28 days starting with the day on which the Secretary of State receives the undertaking;
- (b) in a case where section 118 applies, the required period for the purposes of section 118(2) is 28 days starting with the day on which the decision of the relevant court on the appeal becomes final (within the meaning of that section) or (if later) the day on which the Secretary of State receives the undertaking.

#### **Textual Amendments**

- F1** S. 119(1)(b)(i)(ii) and word inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 13\(2\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F2** Words in s. 119(3) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 13\(3\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F3** S. 119(3A) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 13\(4\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

#### **Commencement Information**

- I1** 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, Section 119.