



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 3

#### EXTRADITION TO THE UNITED KINGDOM

##### *Extradition from category 1 territories*

#### **142 Issue of Part 3 warrant**

- (1) The appropriate judge may issue a Part 3 warrant in respect of a person if—
  - (a) a constable or an appropriate person applies to the judge for a Part 3 warrant, and
  - (b) the condition in subsection (2) is satisfied.
- (2) The condition is that a domestic warrant has been issued in respect of the person and there are reasonable grounds for believing—
  - (a) that the person has committed an extradition offence, or
  - (b) that the person is unlawfully at large after conviction of an extradition offence by a court in the United Kingdom.
- (3) A Part 3 warrant is an arrest warrant which contains—
  - (a) the statement referred to in subsection (4) or the statement referred to in subsection (5), and
  - (b) the certificate referred to in subsection (6).
- (4) The statement is one that—
  - (a) the person in respect of whom the warrant is issued is accused in the United Kingdom of the commission of an extradition offence specified in the warrant, and
  - (b) the warrant is issued with a view to his arrest and extradition to the United Kingdom for the purpose of being prosecuted for the offence.
- (5) The statement is one that—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the person in respect of whom the warrant is issued is alleged to be unlawfully at large after conviction of an extradition offence specified in the warrant by a court in the United Kingdom, and
  - (b) the warrant is issued with a view to his arrest and extradition to the United Kingdom for the purpose of being sentenced for the offence or of serving a sentence of imprisonment or another form of detention imposed in respect of the offence.
- (6) The certificate is one certifying—
- (a) whether the conduct constituting the extradition offence specified in the warrant falls within the European framework list;
  - (b) whether the offence is an extra-territorial offence;
  - (c) what is the maximum punishment that may be imposed on conviction of the offence or (if the person has been sentenced for the offence) what sentence has been imposed.
- (7) The conduct which falls within the European framework list must be taken for the purposes of subsection (6)(a) to include conduct which constitutes—
- (a) an attempt, conspiracy or incitement to carry out conduct falling within the list, or
  - (b) aiding, abetting, counselling or procuring the carrying out of conduct falling within the list.
- (8) A domestic warrant is a warrant for the arrest or apprehension of a person which is issued under any of these—
- (a) section 72 of the Criminal Justice Act 1967 (c. 80);
  - (b) section 7 of the Bail Act 1976 (c. 63);
  - (c) section 51 of the Judicature (Northern Ireland) Act 1978 (c. 23);
  - (d) section 1 of the Magistrates' Courts Act 1980 (c. 43);
  - (e) Article 20 or 25 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/ 1675 (N.I. 26));
  - (f) the Criminal Procedure (Scotland) Act 1995 (c. 46).
- (9) An appropriate person is a person of a description specified in an order made by the Secretary of State for the purposes of this section.
- (10) Subsection (1)(a) applies to Scotland with the substitution of “a procurator fiscal” for “a constable or an appropriate person”.