



Extradition Act 2003

2003 CHAPTER 41

PART 3

EXTRADITION TO THE UNITED KINGDOM

General

[^{F1}153B Return of person in pursuance of undertaking

- (1) This section applies if—
 - (a) an undertaking is given under section 153A(2) as to the return of a person to a territory;
 - (b) the person is returned to the territory in pursuance of the undertaking;
 - (c) the person is returned to the United Kingdom to serve the remainder of any sentence imposed in the United Kingdom or the person otherwise returns to the United Kingdom.
- (2) Time during which the person was outside the United Kingdom as a result of the undertaking given under section 153A(2) does not count as time served by the person as part of the sentence.
- (3) If the person is not entitled to be released from detention pursuant to the sentence—
 - (a) the person is liable to be detained in pursuance of the sentence, and
 - (b) if at large, the person must be treated as being unlawfully at large.
- (4) If the person is entitled to be released from detention on licence pursuant to the sentence—
 - (a) if the person was released on licence at the time of return to the territory, the licence is suspended until the person's return to the United Kingdom;
 - (b) if the person was not released on licence at that time, subsections (5) to (8) apply in relation to the person (“the offender”).

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 153B. (See end of Document for details)

- (5) The offender is liable to be detained, on return to the United Kingdom, in any place in which the offender could have been detained pursuant to the sentence before the time of return to the territory.
- (6) A constable or immigration officer may—
- (a) take the offender into custody, and
 - (b) convey the offender to the place mentioned in subsection (5).
- (7) The offender must be released on licence within the period of 5 days beginning when the offender is taken (or retaken) into custody under this section.
- (8) In calculating a period of 5 days for the purposes of subsection (7) no account is to be taken of any day mentioned in any of paragraphs (a) to (d) of section 59(10).
- (9) The powers conferred on a constable by subsection (6) are exercisable in any part of the United Kingdom.
- (10) For the purposes of this section—
- (a) a person is entitled to be released from detention if there is—
 - ^{F2}(i)
 - (ii) a duty to release the person under [^{F3}Chapter 6 of Part 12] of the Criminal Justice Act 2003 ^{F4}
 - (iii) a duty to release the person under section 1, 1AA [^{F5}, 1AB] or 7(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 or section 5, 11(2), 13, 19 or 23 of the Custodial Sentences and Weapons (Scotland) Act 2007, or
 - (iv) a duty to release the person under section 1 of the Northern Ireland (Remission of Sentences) Act 1995, Article 26 of the Criminal Justice (Northern Ireland) Order 1996 or Article 17 [^{F6}, 18(8) or 20A(8)] of the Criminal Justice (Northern Ireland) Order 2008;
 - (b) an immigration officer is a person who is an immigration officer within the meaning of the Immigration Act 1971.]

Textual Amendments

- F1** Ss. 153A-153D inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 74(3), 116; S.I. 2009/3096, art. 3(q)
- F2** S. 153B(10)(a)(i) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 16 para. 12(a); S.I. 2012/2906, art. 2(n)
- F3** Words in s. 153B(10)(a)(ii) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 16 para. 12(b); S.I. 2012/2906, art. 2(n)
- F4** Words in s. 153B(10)(a)(ii) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 10 para. 11(2)(c); S.I. 2012/2906, art. 2(h)
- F5** Word in s. 153B(10)(a)(iii) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), Sch. 13 para. 56(c)
- F6** Words in s. 153B(10)(a)(iv) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), Sch. 13 para. 73(c)

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 153B.