



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

##### *Competing extradition claims*

#### **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.
- (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);

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*Status: This is the original version (as it was originally enacted).*

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- (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.