



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Time for extradition

40 Certificate in respect of asylum claimant

- (1) Section 39(3) does not apply in relation to a person if the Secretary of State has certified that the conditions in subsection (2) or the conditions in subsection (3) are satisfied in relation to him.
- (2) The conditions are that—
 - (a) the category 1 territory to which the person's extradition has been ordered has accepted that, under standing arrangements, it is the responsible State in relation to the person's asylum claim;
 - (b) in the opinion of the Secretary of State, the person is not a national or citizen of the territory.
- (3) The conditions are that, in the opinion of the Secretary of State—
 - (a) the person is not a national or citizen of the category 1 territory to which his extradition has been ordered;
 - (b) the person's life and liberty would not be threatened in that territory by reason of his race, religion, nationality, political opinion or membership of a particular social group;
 - (c) the government of the territory would not send the person to another country otherwise than in accordance with the Refugee Convention.
- (4) In this section—
 - F1
 - ...

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 40. (See end of Document for details)

“standing arrangements” means arrangements in force between the United Kingdom and the category 1 territory for determining which State is responsible for considering applications for asylum.

Textual Amendments

- F1** Words in s. 40(4) repealed (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 121\(4\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)

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\(2\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 40.