

Extradition Act 2003

CHAPTER 41

EXTRADITION ACT 2003

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Introduction

- 1 Extradition to category 1 territories
- 2 Part 1 warrant and certificate

Arrest

- 3 Arrest under certified Part 1 warrant
- 4 Person arrested under Part 1 warrant
- 5 Provisional arrest
- 6 Person arrested under section 5

The initial hearing

- 7 Identity of person arrested
- 8 Remand etc.
- 8A Person charged with offence in United Kingdom before extradition hearing
- 8B Person serving sentence in United Kingdom before extradition hearing

The extradition hearing

- 9 Judge's powers at extradition hearing
- 10 Initial stage of extradition hearing
- 11 Bars to extradition
- 12 Rule against double jeopardy

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 12A Absence of prosecution decision
 - 13 Extraneous considerations
 - 14 Passage of time
 - 15 Age
 - 16 Hostage-taking considerations
 - 17 Speciality
 - 18 Earlier extradition to United Kingdom from category 1 territory
 - 19 Earlier extradition to United Kingdom from non-category 1 territory
- 19A Earlier transfer to United Kingdom by International Criminal Court
- 19B Forum
- 19C Effect of prosecutor's certificates on forum proceedings
- 19D Prosecutor's certificates
- 19E Questioning of prosecutor's certificate
- 19F Interpretation of sections 19B to 19E
- 20 Case where person has been convicted
- 21 Person unlawfully at large: human rights
- 21A Person not convicted: human rights and proportionality
- 21B Request for temporary transfer etc

Matters arising before end of extradition hearing

- 22 Person charged with offence in United Kingdom
- 23 Person serving sentence in United Kingdom
- 24 Extradition request
- 25 Physical or mental condition

Appeals

- 26 Appeal against extradition order
- 27 Court's powers on appeal under section 26
- 28 Appeal against discharge at extradition hearing
- 29 Court's powers on appeal under section 28
- 30 Detention pending conclusion of appeal under section 28
- 30A Detention pending conclusion of appeal under section 28: Scotland
 - 31 Appeal to High Court: time limit for start of hearing
 - 32 Appeal to Supreme Court
- 33 Powers of Supreme Court on appeal under section 32
- 33ZA Scottish devolution issue: remand in custody or on bail
 - 33A Detention pending conclusion of certain appeals under section 32
 - Detention pending conclusion of appeals relating to devolution issues
 - 34 Appeals: general

Time for extradition

- 35 Extradition where no appeal
- 36 Extradition following appeal
- 36A Extradition following appeal: Scotland
- Judge informed after extradition hearing that person is charged with offence in United Kingdom
- 36C Judge informed after extradition hearing that person is serving sentence in United Kingdom
 - 37 Undertaking in relation to person serving sentence in United Kingdom
 - 38 Extradition following deferral for competing claim
 - 39 Asylum claim

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

40 Certificate in respect of asylum claimant

Withdrawal of Part 1 warrant

- 41 Withdrawal of warrant before extradition
- 42 Withdrawal of warrant whileapplication or appeal to High Court pending
- 43 Withdrawal of warrant while appeal to Supreme Court pending

Competing Part 1 warrants

44 Competing Part 1 warrants

Consent to extradition

- 45 Consent to extradition
- 46 Extradition order following consent
- 47 Extradition to category 1 territory following consent
- 48 Other warrant issued following consent
- 49 Other warrant issued: extradition to category 1 territory
- 50 Other warrant issued: proceedings deferred
- 51 Extradition request following consent
- 52 Undertaking in relation to person serving sentence
- 53 Extradition following deferral for competing claim

Post-extradition matters

- Request for consent to other offence being dealt with
- 55 Questions for decision at consent hearing
- 56 Request for consent to further extradition to category 1 territory
- 57 Questions for decision at consent hearing
- 58 Consent to further extradition to category 2 territory
- Seturn of person to serve remainder of sentence

Costs

- 60 Costs where extradition ordered
- 61 Costs where discharge ordered
- 62 Costs where discharge ordered: supplementary
- 62A Appropriate amount: England and Wales
- 62B Legal costs: England and Wales

Repatriation cases

63 Persons serving sentences outside territory where convicted

Interpretation

- Extradition offences: person not sentenced for offence
- Extradition offences: person sentenced for offence
- 66 Extradition offences: supplementary
- 67 The appropriate judge
- 68 The extradition hearing
- 68A Unlawfully at large

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Introduction

69	Extradition	tο	category	,)	territories
09	EXHAUIHOII	ω	category	'	territories

70 Extradition request and certificate

Arrest

- 71 Arrest warrant following extradition request
- 72 Person arrested under section 71
- 73 Provisional warrant
- 74 Person arrested under provisional warrant

Provisional arrest without warrant

- 74A Provisional arrest where certificate issued under section 74B
- 74B Certificates enabling provisional arrest under section 74A
- 74C Section 74B supplementary: valid requests for arrest
- 74D Person provisionally arrested under section 74A
- 74E Person provisionally arrested under section 74A: next steps

The extradition hearing

- 75 Date of extradition hearing: arrest under section 71
- 76 Date of extradition hearing: arrest under provisional warrant or under section 74A
- 76A Person charged with offence in United Kingdom before extradition hearing
- 76B Person serving sentence in United Kingdom before extradition hearing
 - 77 Judge's powers at extradition hearing
 - 78 Initial stages of extradition hearing
 - 79 Bars to extradition
- 80 Rule against double jeopardy
- 81 Extraneous considerations
- 82 Passage of time
- 83 Hostage-taking considerations
- 83A Forum
- 83B Effect of prosecutor's certificates on forum proceedings
- 83C Prosecutor's certificates
- 83D Questioning of prosecutor's certificate
- 83E Interpretation of sections 83A to 83D
 - 84 Case where person has not been convicted
 - 85 Case where person has been convicted
 - 86 Conviction in person's absence
- 87 Human rights
- 88 Person charged with offence in United Kingdom
- 89 Person serving sentence in United Kingdom
- 90 Competing extradition claim
- 91 Physical or mental condition
- 92 Case sent to Secretary of State

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Secretary of State's functions

- 93 Secretary of State's consideration of case
- 94 Death penalty
- 95 Speciality
- 96 Earlier extradition to United Kingdom from other territory
- 96A Earlier transfer to United Kingdom by International Criminal Court
 - 97 Deferral: person charged with offence in United Kingdom
 - 98 Deferral: person serving sentence in United Kingdom
 - 99 Time limit for order for extradition or discharge
- 100 Information
- 101 Making of order for extradition or discharge
- 102 The appropriate day

Appeals

- 103 Appeal where case sent to Secretary of State
- 104 Court's powers on appeal under section 103
- 105 Appeal against discharge at extradition hearing
- 106 Court's powers on appeal under section 105
- 107 Detention pending conclusion of appeal under section 105
- 107A Detention pending conclusion of appeal under section 105: Scotland
 - 108 Appeal against extradition order
 - 109 Court's powers on appeal under section 108
 - 110 Appeal against discharge by Secretary of State
 - 111 Court's powers on appeal under section 110
 - 112 Detention pending conclusion of appeal under section 110
- 112A Detention pending conclusion of appeal under section 110: Scotland
 - 113 Appeal to High Court: time limit for start of hearing
 - 114 Appeal to Supreme Court
- 115 Powers of Supreme Court on appeal under section 114
- 115A Detention pending conclusion of certain appeals under section 114
- 115B Detention pending conclusion of appeals relating to devolution issues
 - 116 Appeals: general

Time for extradition

- 117 Extradition where no appeal
- 118 Extradition following appeal
- 118A Extradition following appeal: Scotland
- 118B Scottish devolution issue: remand in custody or on bail
- Judge informed after extradition order that person is charged with offence in United Kingdom
- Judge informed after extradition order that person is serving sentence in United Kingdom
 - 119 Undertaking in relation to person serving sentence in United Kingdom
 - 120 Extradition following deferral for competing claim
 - 121 Asylum claim

Withdrawal of extradition request

- 122 Withdrawal of request before end of extradition hearing
- 123 Withdrawal of request after case sent to Secretary of State
- 124 Withdrawal of request whileapplication or appeal to High Court pending
- 125 Withdrawal of request while appeal to Supreme Court pending

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Competing extradition request.	Coi	mpeting	extradi	ition r	equest
--------------------------------	-----	---------	---------	---------	--------

126	Competing	extradition	requests

Consent	+0	antua	lition
l ansent	m	$\rho x r r a c$	บบก

- 127 Consent to extradition: general
- 128 Consent to extradition before case sent to Secretary of State

Post-extradition matters

- 129 Consent to other offence being dealt with
- 130 Consent to further extradition to category 2 territory
- 131 Consent to further extradition to category 1 territory
- 132 Return of person to serve remainder of sentence

Costs

- 133 Costs where extradition ordered
- 134 Costs where discharge ordered
- 135 Costs where discharge ordered: supplementary
- 135A Appropriate amount: England and Wales
- 135B Legal costs: England and Wales

Repatriation cases

136 Persons serving sentences outside territory where convicted

Interpretation

- Extradition offences: person not sentenced for offence
- 138 Extradition offences: person sentenced for offence
- 139 The appropriate judge
- 140 The extradition hearing
- 140A Unlawfully at large
 - 141 Scotland: references to Secretary of State

PART 3

EXTRADITION TO THE UNITED KINGDOM

Extradition from category 1 territories

- 142 Issue of Part 3 warrant
- 143 Undertaking in relation to person serving sentence
- 144 Return to extraditing territory to serve sentence
- 145 Service of sentence in territory executing Part 3 warrant
- 146 Dealing with person for other offences
- 147 Effect of consent to extradition to the United Kingdom
- 148 Extradition offences
- 149 The appropriate judge

Extradition from category 2 territories

- Dealing with person for other offences: Commonwealth countries etc.
- Dealing with person for other offences: other category 2 territories

176

Service policemen

Document Generated: 2024-05-23

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

	General
151A 151B 152 153 153A 153B 153C 153D 154 155	Dealing with person for other offences Detention of person for trial in England and Wales for other offences Remission of punishment for other offences Return of person acquitted or not tried Undertaking in relation to person serving sentence Return of person in pursuance of undertaking Return to extraditing territory to serve sentence Sections 153A and 153C etc: supplementary Restriction on bail where undertaking given by Secretary of State Service personnel
155A	Category 1 territories not applying Trade and Cooperation Agreement to old cases
	PART 4
	POLICE POWERS
	Warrants and orders
156 157 158 159 160	Search and seizure warrants Production orders Requirements for making of production order Computer information Warrants: special procedure material and excluded material
	Search and seizure without warrant
161 162 163 164 165	Entry and search of premises for purposes of arrest Entry and search of premises on arrest Search of person on arrest Entry and search of premises after arrest Additional seizure powers
	Treatment following arrest
166 167 168 169 170 171	Fingerprints and samples Searches and examination Photographs Evidence of identity: England and Wales Evidence of identity: Northern Ireland Other treatment and rights
	Delivery of seized property
172	Delivery of seized property
	Codes of practice
173	Codes of practice
	General
174 175	Interpretation Customs officers

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 5

MISCELLANEOUS AND GENERAL

	British overseas territories
177	Extradition from British overseas territories
178	Extradition to British overseas territories
	Competing extradition claims
179	Competing claims to extradition
180	Proceedings on deferred warrant or request
181	Proceedings where extradition deferred
	Legal aid
182	Legal advice, assistance and representation: England and Wales
183	Legal aid: Scotland
184	Grant of free legal aid: Northern Ireland
185	Free legal aid: supplementary
	Re-extradition
186	Re-extradition: preliminary
187	Re-extradition hearing
188	Re-extradition to category 1 territories
189	Re-extradition to category 2 territories
	Non-UK extradition: transit through the United Kingdom
189A	Facilitating transit through the United Kingdom
189B	Unscheduled arrival in the United Kingdom
189C	Exercise of the extradition transit powers
189D	Codes of practice
189E	Sections 189A to 189D: interpretation
	Conduct of extradition proceedings
190	Crown Prosecution Service: role in extradition proceedings
191	Lord Advocate: role in extradition proceedings

192 Northern Ireland DPP and Crown Solicitor: role in extradition proceedings

Parties to international Conventions

193 Parties to international Conventions

Special extradition arrangements

194 Special extradition arrangements

Human rights

195 Human rights: appropriate tribunal

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Genocide etc

100	G :1			1	1	
196	Genocide.	crimes	against	humanity	and wa	r crimes

Custody and bail

197	Custody
197A	Extradition of serving prisoner
198	Bail: England and Wales
199	Bail: Scotland
200	Appeal against grant of bail
201	Remand to local authority accommodation

Evidence

202	Receivable documents
	Documents sent by facsimile
	Warrant issued by category 1 territory: transmission by other electronic
	means
205	Written statements and admissions
206	Burden and standard of proof
	•

Live links

206A	Use of live links at hearings
206B	Live links: supplementary
206C	Live links: interpretation

Other miscellaneous provisions

207	Extradition for more than one offence
208	National security
209	Reasonable force
210	Rules of court
211	Service of notices
212	Article 95 alerts: transitional provision
	•

Interpretation

- 213 Disposal of Part 1 warrant and extradition request
- 214 Disposal of charge
- 215 Trade and Cooperation Agreement list
- 216 Other interpretative provisions

General

- Form of documents
- 218 Existing legislation on extradition
- 219 Amendments
- 220 Repeals
- 221 Commencement
- 222 Channel Islands and Isle of Man
- 223 Orders and regulations
- 224 Orders in Council
- 225 Finance
- 226 Extent

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

227 Short title

SCHEDULES

SCHEDULE A1 — Specified category 2 territories

Australia Austria Belgium Bulgaria Canada Croatia Cyprus Czech Republic Denmark...

SCHEDULE 1 — Re-extradition: modifications

Part 1 — CATEGORY 1 TERRITORIES

- 1 In section 11(1), omit paragraphs (c), (g) and (h).
- 2 Omit sections 14, 18 and 19.
- 3 In section 21(3) and section 21A(5), for "must" substitute "...
- 4 In section 31(2), for paragraphs (a) and (b) substitute "...
- In section 39(2)(a), for "a certificate is issued under section...
- 6 In section 44(2)(a), for "following his arrest under this Part"...
- 7 In section 45(1), for the words from "arrested" to "issued"...

Part 2 — CATEGORY 2 TERRITORIES

- 8 In section 78, omit subsections (2), (3), (5) and (8)....
- 9 In section 78, for subsection (4) substitute—
- 10 In section 78(6), for "any of the questions" substitute "...
- 11 In section 78(7), for "those questions" substitute "that question...
- 12 In section 79(1), omit paragraph (c).
- 13 Omit section 82.
- 14 In section 87(3), for the words from "must send the...
- 15 In section 87, after subsection (3) insert—
- 16 In section 103(1)—(a) for the words from "sends a...
- 17 In section 103(2), for the words from "the person" to...
- 18 In section 103, omit subsections (3), (5), (6), (7) and...
- 19 In section 103(9), for the words from "the Secretary of...
- 20 In section 104, omit subsections (1)(b), (6) and (7).
- 21 In section 106, omit subsections (1)(b), (7) and (8).
- 22 In section 117(1)(a), for "the Secretary of State" substitute "...
- 23 In section 117(1)(b), for the words from "permitted period" to...
- 24 In section 117, after subsection (1) insert—
- 25 In section 117(2), for "the Secretary of State" substitute "...
- 26 In section 119(1)(a), for "the Secretary of State" substitute "...
- 27 In section 119, in subsections (2) to (6) and in...
- 28 In section 120, after subsection (1) insert—
- 29 In section 121(2)(a), for "a certificate is issued under section...
- 30 In section 127(1), for the words from "arrested" to "requested"...
- 31 In section 127(3), before paragraph (a) insert—
- 32 In section 127, omit subsections (4) and (5).
- 33 In section 128, after subsection (1) insert—
- In section 128(4), for the words from "send the case"...
- 35 In section 128, after subsection (5) insert—
- 36 After section 128 insert— Extradition to category 2 territory following...

SCHEDULE 2 — Trade and Cooperation Agreement list

- 1 Participation in a criminal organisation.
- 2 Terrorism.
- 3 Trafficking in human beings.

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 4 Sexual exploitation of children and child pornography.
- 5 Illicit trafficking in narcotic drugs and psychotropic substances.
- 6 Illicit trafficking in weapons, munitions and explosives.
- 7 Corruption, including bribery.
- 8 Fraud, including that affecting the financial interests of the European...
- 9 Laundering of the proceeds of crime.
- 10 Counterfeiting currency, including of the euro.
- 11 Computer-related crime.
- 12 Environmental crime, including illicit trafficking in endangered animal species and...
- 13 Facilitation of unauthorised entry and residence.
- 14 Murder, grievous bodily injury.
- 15 Illicit trade in human organs and tissue.
- 16 Kidnapping, illegal restraint and hostage-taking.
- 17 Racism and xenophobia.
- 18 Organised or armed robbery.
- 19 Illicit trafficking in cultural goods, including antiques and works of...
- 20 Swindling.
- 21 Racketeering and extortion.
- 22 Counterfeiting and piracy of products.
- 23 Forgery of administrative documents and trafficking therein.
- 24 Forgery of means of payment.
- 25 Illicit trafficking in hormonal substances and other growth promoters.
- 26 Illicit trafficking in nuclear or radioactive materials.
- 27 Trafficking in stolen vehicles.
- 28 Rape.
- 29 Arson.
- 30 Crimes within the jurisdiction of the International Criminal Court.
- 31 Unlawful seizure of aircraft/ships/spacecraft.
- 32 Sabotage.

SCHEDULE 3 — Amendments

Introduction

1 The amendments specified in this Schedule shall have effect.

Parliamentary Commissioner Act 1967 (c. 13)

2 In Schedule 3 to the Parliamentary Commissioner Act 1967 (c....

Criminal Justice Act 1967 (c. 80)

3 Section 34 of the Criminal Justice Act 1967 (c. 80)...

Suppression of Terrorism Act 1978 (c. 26)

- 4 Sections 1 (offences not to be regarded as of a...
- 5 For section 5 of the Suppression of Terrorism Act 1978...

Criminal Justice (International Co-operation) Act 1990 (c. 5)

6 Section 22(1) of the Criminal Justice (International Co-operation) Act 1990...

Changes to legislation: Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Computer Misuse Act 1990 (c. 18)

7 Section 15 of the Computer Misuse Act 1990 (c. 18)...

Aviation and Maritime Security Act 1990 (c. 31)

8 Section 49 of the Aviation and Maritime Security Act 1990...

Criminal Justice Act 1991 (c. 53)

9 In section 47 of the Criminal Justice Act 1991 (c....

United Nations Personnel Act 1997 (c. 13)

10 Section 6(1) of the United Nations Personnel Act 1997 (c....

Terrorism Act 2000 (c. 11)

11 Section 64(5) of the Terrorism Act 2000 (c. 11) (offences...

International Criminal Court Act 2001 (c. 17)

- 12 Section 71 of the International Criminal Court Act 2001 (c....
- 13 (1) Part 2 of Schedule 2 to the International Criminal...

Enterprise Act 2002 (c. 40)

14 Section 191 of the Enterprise Act 2002 (c. 40) (offences...

SCHEDULE 4 — Repeals

Changes to legislation:

Extradition Act 2003 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to:

- s. 11(1)(j) inserted by 2006 c. 48 Sch. 13 para. 4(1)(a) (Amendment not applied to legislation.gov.uk. Amending provision 2006 c. 48, Sch. 13 para. 4 repealed (14/10/2013) by 2013 c. 22, Sch. 20 para. 9)
- s. 11(2) words substituted by 2006 c. 48 Sch. 13 para. 4(1)(b) (Amendment not applied to legislation.gov.uk. Amending provision 2006 c. 48, Sch. 13 para. 4 repealed (14/10/2013) by 2013 c. 22, Sch. 20 para. 9)
- s. 19B inserted by 2006 c. 48 Sch. 13 para. 4(2) (Amendment not applied to legislation.gov.uk. Amending provision 2006 c. 48, Sch. 13 para. 4 repealed (14/10/2013) by 2013 c. 22, Sch. 20 para. 9)
- s. 79(1)(e) inserted by 2006 c. 48 Sch. 13 para. 5(1)(a) (Amendment not applied to legislation.gov.uk. Amending provision 2006 c. 48, Sch. 13 para. 5 repealed (14/10/2013) by 2013 c. 22, Sch. 20 para. 9)
- s. 79(2) words substituted by 2006 c. 48 Sch. 13 para. 5(1)(b) (Amendment not applied to legislation.gov.uk. Amending provision 2006 c. 48, Sch. 13 para. 5 repealed (14/10/2013) by 2013 c. 22, Sch. 20 para. 9)
- s. 83A inserted by 2006 c. 48 Sch. 13 para. 5(2) (Amendment not applied to legislation.gov.uk. Amending provision 2006 c. 48, Sch. 13 para. 5 repealed (14/10/2013) by 2013 c. 22, Sch. 20 para. 9)
- s. 184 repealed by S.I. 2005/1965 (N.I.) Sch. 2
- s. 185 repealed by S.I. 2005/1965 (N.I.) Sch. 2
- s. 223(6)(a) words inserted by 2014 c. 12 Sch. 11 para. 122
- s. 226(4) repealed by S.I. 2005/1965 (N.I.) Sch. 2