

*These notes refer to the Extradition Act 2003 (c.41)
which received Royal Assent on 20th November 2003*

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 1

Extradition to Category 1 Territories

Section 11: Bars to extradition

44. This section establishes a number of statutory bars to extradition. The judge must consider whether any of these bars prevent the extradition of the person. The person must be discharged if any of the bars are applicable.
45. The bars are:
- the rule against double jeopardy;
 - extraneous considerations;
 - the passage of time;
 - the person's age;
 - hostage-taking considerations;
 - speciality;
 - the person's earlier extradition to the United Kingdom from another category 1 territory;
 - the person's earlier extradition to the United Kingdom from a non-category 1 territory.
46. [Sections 12 to 19](#) explain what is meant by each bar (*subsection (2)*). *Subsection (3)* requires the judge to order the person's discharge if any of the bars in subsection (1) apply. If the judge decides that none of the statutory bars apply, and the person is accused of being unlawfully at large after conviction (described in these notes as being a “conviction case”) then the judge must proceed under section 20 (*subsection (4)*). If the judge decides that none of the bars apply, and the person is accused of having committed the extradition offence (described in these notes as being an “accusation case”), then *subsection (5)* requires that the judge proceed to consider human rights issues under section 21.