

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 1

Extradition to Category 1 Territories

Section 17: Speciality

53. The speciality rule is a long-standing protection in extradition. It prohibits a person from being prosecuted in the requesting territory after his extradition for an offence committed before his extradition. The exceptions to this rule are where the offence is that in respect of which he was extradited, where the consent of the requested state is obtained or the person has had an opportunity to leave the country to which he was extradited but has failed to do so.
54. The effect of this section is to bar extradition if there are no speciality arrangements with the category 1 territory where the Part 1 warrant was issued (*subsection (1)*).
55. *Subsection (2)* provides that there are considered to be speciality arrangements in place if a person may be dealt with in the requesting territory for an offence committed before his extradition only if the offence falls within *subsection (3)* or if the condition in *subsection (4)* is met. The offences in *subsection (3)* are:
- the offences for which the person was extradited;
 - an extradition offence disclosed by the same facts as the offence;
 - an extradition offence to which the appropriate judge has given consent under section 54;
 - an offence not punishable by imprisonment or detention;
 - an offence for which the person will not be detained in connection with his trial, sentence or appeal;
 - an offence in respect of which the person has waived his speciality protection.
56. The condition in *subsection (4)* is that the person is given the opportunity to leave the category 1 territory and does not do so within 45 days (*subsection (5)*) or leaves within that period and then returns to that country.
57. Under *subsection (6)* speciality arrangements may be made with any Commonwealth country or British overseas territory in category 1, either for a specific case or more generally. A certificate issued by or under the authority of the Secretary of State, stating the existence and terms of such arrangements, is conclusive evidence of those matters (*subsection (7)*).