

*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 40: Certificate in respect of asylum claimant

119. *Subsection (1)* provides that a person's extradition is not prevented (under section 39) before his asylum claim is finally determined where the Secretary of State has certified that certain conditions apply.
120. The conditions set out in *subsection (2)* are that the requesting category 1 territory has accepted responsibility for considering the person's asylum claim and that the person is not a citizen of that country.
121. Alternatively, under *subsection (3)*, the conditions are that the Secretary of State believes that the person is not a citizen of the requesting territory, that he will not face persecution if returned to that territory and that he would not be removed from that territory other than in accordance with the Refugee Convention. *Subsection (4)* provides definitions to the terms used in this section.