

*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 45: Consent to extradition

132. *Subsections (1) and (2)* allow a person arrested under Part 1 of the Act to consent to extradition to the category 1 territory issuing the warrant. A person who consents is considered to have waived his right to speciality protection (as to which, see paragraph 53 above) and can therefore be proceeded against in the category 1 territory for any offences committed before his extradition (*subsection (3)*). Consent must be given to the appropriate judge and recorded in writing; once given, consent cannot be revoked (*subsection (4)*).
133. *Subsections (5) and (6)* provide that a person may only give his consent to extradition under certain circumstances. These are that the person is legally represented at the time he consents, or that he has been informed of his right to apply for legal aid but has failed to exercise this right, or legal aid has been refused or withdrawn. This has the effect that no person can consent to his extradition without having received, or having had the opportunity to receive, legal advice. *Subsections (7) and (8)* provide definitions for the purposes of this section.