

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

# EXTRADITION ACT 2003

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## EXPLANATORY NOTES

### TERRITORIAL APPLICATION: WALES

#### Part 2

#### Extradition to Category 2 Territories

##### *Section 78: Initial stages of extradition hearing*

232. This section requires the judge to begin the extradition hearing by considering the sufficiency of the extradition request and supporting documentation before him.
233. *Subsection (2)* requires the judge to decide whether the documents sent to him by the Secretary of State consist of or include:
- the documents referred to section 70(9), namely the extradition request, certificate and copy of the relevant Order in Council;
  - identification evidence;
  - details of the offence(s) in question;
  - a warrant of arrest or judicial document authorising the person's arrest (*subsection (8)*) issued in the category 2 territory, in accusation cases;
  - a certificate of conviction and (if sentence has been imposed) of sentence, in a conviction case.
234. If the documents do not meet the requirements then the judge must order the person's discharge (*subsection (3)*). If the documents are considered sufficient then the judge must decide under *subsection (4)* whether:
- on a balance of probabilities (see *subsection (5)*), the person before him is the person whose extradition is requested;
  - the specified offence is an extradition offence;
  - copies of the documents have been served on the person.
235. If the judge is not satisfied on any of these points then *subsection (6)* requires that he order the person's discharge. If the judge is satisfied then *subsection (7)* requires that he proceed under section 79.