

*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 2

Extradition to Category 2 Territories

Section 70: Extradition request and certificate

210. This section provides for what is to happen when the Secretary of State receives a request for a person's extradition to a category 2 territory.
211. *Subsection (1)* requires the Secretary of State to issue a certificate if he receives a valid extradition request from a category 2 territory in respect of a person who is in the United Kingdom. The exception to this rule, under *subsection (2)*, is where the Secretary of State has decided that a competing request is to take priority (see section 126). *Subsection (3)* explains that a request is valid if it contains the statement referred to in *subsection (4)* – that the person is accused of a specified offence, or is unlawfully at large after conviction of a specified offence – and if it is made in the approved way. *Subsections (5) to (7)* set out the manner in which the request must be made to be approved.
212. The Secretary of State is required (*subsections (8) and (9)*) to send the certificate confirming that the request has been made in the approved way to the appropriate judge (see section 149 below). The certificate must be accompanied by the extradition request and a copy of the relevant Order in Council.