

*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 130: Consent to further extradition to category 2 territory

367. This section applies where a person has been extradited to a category 2 territory and the Secretary of State receives a valid request for consent to re-extradite the person to another category 2 territory for an offence other than the offence for which he was extradited (*subsection (1)*). A valid request is one made by a recognised authority (*subsection (2)*). The Secretary of State must serve notice on the person that he has received a request for consent, unless it would not be practicable to do so (*subsection (3)*).
368. The Secretary of State must decide whether the offence to which the request for consent relates is an extradition offence (*subsection (4)*). If he decides it is not, he must refuse consent (*subsection (5)*). If he decides that it is, he must then decide whether the appropriate judge would send the case to him under sections 79 to 91, if the person were in the United Kingdom and the judge were required to proceed under section 79 in respect of the offence in question. If the Secretary of State decides that the judge would not send the case to him in these circumstances, he must refuse consent (*subsections (6) and (7)*).
369. If the Secretary of State decides that the judge would send the case to him, he must then decide whether extradition in respect of the offence would be prohibited by section 94 (death penalty), 95 (speciality) or 96 (earlier extradition), if the person were in the United Kingdom (*subsection (5)*). If the Secretary of State decides that extradition would be prohibited for any of these reasons, then consent must be refused (*subsection (9)*). If the Secretary of State is satisfied that the extradition would not be barred, then consent may be given (*subsection (10)*).