

*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 3

#### Extradition to the United Kingdom

##### *Section 143: Undertaking in relation to person serving sentence*

408. This section concerns the situation where a person, in respect of whom a Part 3 warrant is issued, is already serving a custodial sentence in the category 1 territory to which the warrant is sent. In these circumstances the person's extradition to the United Kingdom may be made subject to conditions relating to the treatment of the person whilst in the United Kingdom and/or that person's return to the category 1 territory (*subsection (1)*).
409. Under *subsection (2)* the Secretary of State can give an undertaking regarding the treatment in the United Kingdom and/or return to the category 1 territory of the person named on the warrant. The terms of such an undertaking could include that the person is kept in custody in this country until all proceedings have finished and that he is returned to serve the remainder of the sentence in the category 1 territory on conclusion of the proceedings here (*subsection (3)*).
410. *Subsection (4)* covers the situation where a person's extradition is sought in a conviction case. Where the person's extradition is sought in order for him to serve the remainder of a custodial sentence in the United Kingdom, an undertaking can still be given under this section. This could include terms that the person will be returned to the category 1 territory (to serve the rest of his domestic sentence there) after he has served the remainder of the sentence here for the United Kingdom offence.
411. For the purposes of this section, where the Part 3 warrant was issued by a sheriff, references to the Secretary of State are to be read as references to the Scottish Ministers (*subsection (5)*).