

*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 5

Miscellaneous and General Provisions

Section 179: Competing claims to extradition

515. *Subsection (1)* applies if, at the same time, there is a Part 1 warrant in respect of a person and a request for the person's extradition under Part 2. Where the person has not yet been extradited or discharged under either category, the Secretary of State may order proceedings on either the Part 1 warrant or the Part 2 request to be deferred until the other one has been disposed of (*subsection (2)*), taking into account in particular (*subsection (3)*):
- the relative seriousness of the offences;
 - the place where the offence occurred/was alleged to have occurred;
 - the dates the warrant and request were issued; and
 - whether the person is accused of the offences or is alleged to be unlawfully at large after conviction of them.
516. Under subsection (2), if an order for the person's extradition has already been made (either on the warrant or the request), the Secretary of State may order the extradition itself to be deferred pending the disposal of the competing extradition proceedings.
517. *Subsection (4)* provides for the situation where both of the competing extradition claims were certified in Scotland. In these circumstances the references in this section to the Secretary of State are to be read as references to the Scottish Ministers.