



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Interpretation*

##### **Commencement Information**

- II** Act wholly in force at 1.1.2004, see [s. 221](#) and [S.I. 2003/3103, art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258 art. 2\(2\)](#) and [S.I. 2003/3312 art. 2\(2\)](#))

#### **64 Extradition offences: person not sentenced for offence**

- (1) This section applies in relation to conduct of a person if—
- (a) he is accused in a category 1 territory of the commission of an offence constituted by the conduct, or
  - (b) he is alleged to be unlawfully at large after conviction by a court in a category 1 territory of an offence constituted by the conduct and he has not been sentenced for the offence.
- (2) The conduct constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs in the category 1 territory and no part of it occurs in the United Kingdom;
  - (b) a certificate issued by an appropriate authority of the category 1 territory shows that the conduct falls within the European framework list;
  - (c) the certificate shows that the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 3 years or a greater punishment.

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- (3) The conduct also constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs in the category 1 territory;
  - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part of the United Kingdom;
  - (c) the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment (however it is described in that law).
- (4) The conduct also constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs outside the category 1 territory;
  - (b) the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment (however it is described in that law);
  - (c) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment.
- (5) The conduct also constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs outside the category 1 territory and no part of it occurs in the United Kingdom;
  - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in that part of the United Kingdom;
  - (c) the conduct is so punishable under the law of the category 1 territory (however it is described in that law).
- (6) The conduct also constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs outside the category 1 territory and no part of it occurs in the United Kingdom;
  - (b) the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment (however it is described in that law);
  - (c) the conduct constitutes or if committed in the United Kingdom would constitute an offence mentioned in subsection (7).
- (7) The offences are—
- (a) an offence under section 51 or 58 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity and war crimes);
  - (b) an offence under section 52 or 59 of that Act (conduct ancillary to genocide etc. committed outside the jurisdiction);
  - (c) an ancillary offence, as defined in section 55 or 62 of that Act, in relation to an offence falling within paragraph (a) or (b);
  - (d) an offence under section 1 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity and war crimes);

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- (e) an offence under section 2 of that Act (conduct ancillary to genocide etc. committed outside the jurisdiction);
  - (f) an ancillary offence, as defined in section 7 of that Act, in relation to an offence falling within paragraph (d) or (e).
- (8) For the purposes of subsections (3)(b), (4)(c) and (5)(b)—
- (a) if the conduct relates to a tax or duty, it is immaterial that the law of the relevant part of the United Kingdom does not impose the same kind of tax or duty or does not contain rules of the same kind as those of the law of the category 1 territory;
  - (b) if the conduct relates to customs or exchange, it is immaterial that the law of the relevant part of the United Kingdom does not contain rules of the same kind as those of the law of the category 1 territory.
- (9) This section applies for the purposes of this Part.

#### **Commencement Information**

**I2** Act wholly in force at 1.1.2004, see [s. 221](#) and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

## **65 Extradition offences: person sentenced for offence**

- (1) This section applies in relation to conduct of a person if—
- (a) he is alleged to be unlawfully at large after conviction by a court in a category 1 territory of an offence constituted by the conduct, and
  - (b) he has been sentenced for the offence.
- (2) The conduct constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs in the category 1 territory and no part of it occurs in the United Kingdom;
  - (b) a certificate issued by an appropriate authority of the category 1 territory shows that the conduct falls within the European framework list;
  - (c) the certificate shows that a sentence of imprisonment or another form of detention for a term of 12 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
- (3) The conduct also constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs in the category 1 territory;
  - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part of the United Kingdom;
  - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
- (4) The conduct also constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs outside the category 1 territory;

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- (b) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct;
  - (c) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment.
- (5) The conduct also constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs outside the category 1 territory and no part of it occurs in the United Kingdom;
  - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in that part of the United Kingdom;
  - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
- (6) The conduct also constitutes an extradition offence in relation to the category 1 territory if these conditions are satisfied—
- (a) the conduct occurs outside the category 1 territory and no part of it occurs in the United Kingdom;
  - (b) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct;
  - (c) the conduct constitutes or if committed in the United Kingdom would constitute an offence mentioned in subsection (7).
- (7) The offences are—
- (a) an offence under section 51 or 58 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity and war crimes);
  - (b) an offence under section 52 or 59 of that Act (conduct ancillary to genocide etc. committed outside the jurisdiction);
  - (c) an ancillary offence, as defined in section 55 or 62 of that Act, in relation to an offence falling within paragraph (a) or (b);
  - (d) an offence under section 1 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity and war crimes);
  - (e) an offence under section 2 of that Act (conduct ancillary to genocide etc. committed outside the jurisdiction);
  - (f) an ancillary offence, as defined in section 7 of that Act, in relation to an offence falling within paragraph (d) or (e).
- (8) For the purposes of subsections (3)(b), (4)(c) and (5)(b)—
- (a) if the conduct relates to a tax or duty, it is immaterial that the law of the relevant part of the United Kingdom does not impose the same kind of tax or duty or does not contain rules of the same kind as those of the law of the category 1 territory;

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- (b) if the conduct relates to customs or exchange, it is immaterial that the law of the relevant part of the United Kingdom does not contain rules of the same kind as those of the law of the category 1 territory.

(9) This section applies for the purposes of this Part.

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**Commencement Information**

**I3** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

**66 Extradition offences: supplementary**

- (1) Subsections (2) to (4) apply for the purposes of sections 64 and 65.
- (2) An appropriate authority of a category 1 territory is a judicial authority of the territory which the appropriate judge believes has the function of issuing arrest warrants in that territory.
- (3) The law of a territory is the general criminal law of the territory.
- (4) The relevant part of the United Kingdom is the part of the United Kingdom in which the relevant proceedings are taking place.
- (5) The relevant proceedings are the proceedings in which it is necessary to decide whether conduct constitutes an extradition offence.

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**Commencement Information**

**I4** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

**67 The appropriate judge**

- (1) The appropriate judge is—
- (a) in England and Wales, a District Judge (Magistrates' Courts) designated for the purposes of this Part by the Lord Chancellor;
- (b) in Scotland, the sheriff of Lothian and Borders;
- (c) in Northern Ireland, such county court judge or resident magistrate as is designated for the purposes of this Part by the Lord Chancellor.
- (2) A designation under subsection (1) may be made for all cases or for such cases (or cases of such description) as the designation stipulates.
- (3) More than one designation may be made under subsection (1).
- (4) This section applies for the purposes of this Part.

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**Commencement Information**

**I5** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

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## 68 The extradition hearing

- (1) The extradition hearing is the hearing at which the appropriate judge is to decide whether a person in respect of whom a Part 1 warrant was issued is to be extradited to the category 1 territory in which it was issued.
- (2) This section applies for the purposes of this Part.

### Commencement Information

**I6** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

VALID FROM 15/01/2007

### [<sup>F1</sup>68A Unlawfully at large

- (1) A person is alleged to be unlawfully at large after conviction of an offence if—
  - (a) he is alleged to have been convicted of it, and
  - (b) his extradition is sought for the purpose of his being sentenced for the offence or of his serving a sentence of imprisonment or another form of detention imposed in respect of the offence.
- (2) This section applies for the purposes of this Part, other than sections 14 and 63.]

### Textual Amendments

**F1** S. 68A inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 15\(1\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

### Commencement Information

**I7** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

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