



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Matters arising before end of extradition hearing

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\(2\)](#))

22 Person charged with offence in United Kingdom

- (1) This section applies if at any time in the extradition hearing the judge is informed that the person in respect of whom the Part 1 warrant is issued is charged with an offence in the United Kingdom.
- (2) The judge must adjourn the extradition hearing until one of these occurs—
 - (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the judge may adjourn the extradition hearing until [F1the person is released from detention pursuant to the sentence (whether on licence or otherwise)]F1.
- (4) If before he adjourns the extradition hearing under subsection (2) the judge has decided under section 11 whether the person's extradition is barred by reason of the rule against double jeopardy, the judge must decide that question again after the resumption of the hearing.

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003,
 Cross Heading: Matters arising before end of extradition hearing. (See end of Document for details)*

Textual Amendments

- F1** Words in s. 23(2) substituted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 71(2), 116; S.I. 2009/3096, art. 3(n) (with art. 4)

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))

23 Person serving sentence in United Kingdom

- (1) This section applies if at any time in the extradition hearing the judge is informed that the person in respect of whom the Part 1 warrant is issued is [^{F2}in custody]^{F2} serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The judge may adjourn the extradition hearing until [^{F3}the person is released from detention pursuant to the sentence (whether on licence or otherwise)]^{F3}.
- [^{F4}(3) In a case where an extradition hearing is adjourned under subsection (2)—
- (a) section 131 of the Magistrates' Courts Act 1980 (remand of accused already in custody) has effect as if a reference to 28 clear days in subsection (1) or (2) of that section were a reference to six months;
 - (b) Article 47(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (period of remand in custody) has effect as if a reference to 28 days in—
 - (i) paragraph (a)(iii), or
 - (ii) the words after paragraph (b),
 were a reference to six months.]^{F4}

Textual Amendments

- F2** Words in s. 23(1) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 71(3)(a), 116; S.I. 2009/3096, art. 3(n) (with art. 4)
- F3** Words in s. 23(2) substituted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 71(3)(b), 116; S.I. 2009/3096, art. 3(n) (with art. 4)
- F4** S. 23(3) inserted (15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, Sch. 13 para. 7; S.I. 2006/3364, art. 2(d)(e)

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))

24 Extradition request

- (1) This section applies if at any time in the extradition hearing the judge is informed that—
- (a) a certificate has been issued under section 70 in respect of a request for the person's extradition;
 - (b) the request has not been disposed of;

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Matters arising before end of extradition hearing. (See end of Document for details)

- (c) an order has been made under section 179(2) for further proceedings on the warrant to be deferred until the request has been disposed of.
- (2) The judge must remand the person in custody or on bail.
- (3) [^{F5}If the person is remanded in custody, the appropriate judge may]^{F5} later grant bail.

Textual Amendments

F5 Words in s. 24(3) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 16](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

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))

25 Physical or mental condition

- (1) This section applies if at any time in the extradition hearing it appears to the judge that the condition in subsection (2) is satisfied.
- (2) The condition is that the physical or mental condition of the person in respect of whom the Part 1 warrant is issued is such that it would be unjust or oppressive to extradite him.
- (3) The judge must—
 - (a) order the person’s discharge, or
 - (b) adjourn the extradition hearing until it appears to him that the condition in subsection (2) is no longer satisfied.

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))

Changes to legislation:

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