

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Paragraph 36. (See end of Document for details)

SCHEDULES

SCHEDULE 1

RE-EXTRADITION: MODIFICATIONS

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))

PART 2

CATEGORY 2 TERRITORIES

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))

36 After section 128 insert—

“128A Extradition to category 2 territory following consent

- (1) This section applies if the appropriate judge makes an order under section 128(4) for a person’s extradition to a category 2 territory.
- (2) The person must be extradited to the category 2 territory before the end of the required period, which is 28 days starting with the day on which the order is made.
- (3) If subsection (2) is not complied with and the person applies to the judge to be discharged the judge must order his discharge, unless reasonable cause is shown for the delay.

128B Extradition claim following consent

- (1) This section applies if—
 - (a) a person consents under section 127 to his extradition to a category 2 territory, and
 - (b) before the judge orders his extradition under section 128(4), the judge is informed that the conditions in subsection (2) or (3) are met.
- (2) The conditions are that—

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- (a) the Secretary of State has received another valid request for the person’s extradition to a category 2 territory;
 - (b) the other request has not been disposed of.
- (3) The conditions are that—
- (a) a certificate has been issued under section 2 in respect of a Part 1 warrant issued in respect of the person;
 - (b) the warrant has not been disposed of.
- (4) The judge must not make an order under section 128(4) until he is informed what order has been made under section 126(2) or 179(2).
- (5) If the order under section 126(2) or 179(2) is for further proceedings on the request under consideration to be deferred until the other request, or the warrant, has been disposed of, the judge must remand the person in custody or on bail.
- (6) ^{F1}If the person is remanded in custody, the appropriate judge may^{F1} later grant bail.
- (7) If—
- (a) the order under section 126(2) or 179(2) is for further proceedings on the request under consideration to be deferred until the other request, or the warrant, has been disposed of, and
 - (b) an order is made under section 180 for proceedings on the request under consideration to be resumed,
- the period specified in section 128(4) must be taken to be 10 days starting with the day on which the order under section 180 is made.
- (8) If the order under section 126(2) or 179(2) is for further proceedings on the other request, or the warrant, to be deferred until the request under consideration has been disposed of, the period specified in section 128(4) must be taken to be 10 days starting with the day on which the judge is informed of the order.

128C Extradition following deferral for competing claim

- (1) This section applies if—
- (a) an order is made under section 128(4) for a person to be extradited to a category 2 territory in pursuance of a request for his extradition;
 - (b) before the person is extradited to the territory an order is made under section 126(2) or 179(2) for the person’s extradition in pursuance of the request to be deferred;
 - (c) the appropriate judge makes an order under section 181(2) for the person’s extradition in pursuance of the request to cease to be deferred.
- (2) The required period for the purposes of section 128A(2) is 28 days starting with the day on which the order under section 181(2) is made.”

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Textual Amendments

- F1** Words in Sch. 1 para. 36 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\(d\)\(e\)](#)
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