



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Consent to extradition

127 Consent to extradition: general

- (1) A person arrested under a warrant issued under section 71 may consent to his extradition to the category 2 territory to which his extradition is requested.
- (2) A person arrested under a provisional warrant may consent to his extradition to the category 2 territory in which he is accused of the commission of an offence or is alleged to have been convicted of an offence.
- (3) Consent under this section—
 - (a) must be given in writing;
 - (b) is irrevocable.
- (4) Consent under this section which is given by a person before his case is sent to the Secretary of State for the Secretary of State's decision whether he is to be extradited must be given before the appropriate judge.
- (5) Consent under this section which is given in any other case must be given to the Secretary of State.
- (6) A person may not give his consent under this section before the appropriate judge unless—
 - (a) he is legally represented before the appropriate judge at the time he gives consent, or
 - (b) he is a person to whom subsection (7) applies.
- (7) This subsection applies to a person if—

Status: This is the original version (as it was originally enacted).

- (a) he has been informed of his right to apply for legal aid and has had the opportunity to apply for legal aid, but he has refused or failed to apply;
 - (b) he has applied for legal aid but his application has been refused;
 - (c) he was granted legal aid but the legal aid was withdrawn.
- (8) In subsection (7) “legal aid” means—
- (a) in England and Wales, a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service;
 - (b) in Scotland, such legal aid as is available by virtue of section 183(a) of this Act;
 - (c) in Northern Ireland, such free legal aid as is available by virtue of sections 184 and 185 of this Act.
- (9) For the purposes of subsection (6) a person is to be treated as legally represented before the appropriate judge if (and only if) he has the assistance of counsel or a solicitor to represent him in the proceedings before the appropriate judge.