



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

##### *Custody and bail*

#### **198 Bail: England and Wales**

- (1) The Bail Act 1976 (c. 63) is amended as follows.
- (2) In section 1(1) (meaning of “bail in criminal proceedings”) after paragraph (b) insert—
  - “, or
  - (c) bail grantable in connection with extradition proceedings in respect of an offence.”
- (3) In section 2(2) (other definitions) omit the definition of “proceedings against a fugitive offender” and in the appropriate places insert—
  - ““extradition proceedings” means proceedings under the Extradition Act 2003;”;
  - ““prosecutor”, in relation to extradition proceedings, means the person acting on behalf of the territory to which extradition is sought;”.
- (4) In section 4 (general right to bail) in subsection (2) omit the words “or proceedings against a fugitive offender for the offence”.
- (5) In section 4 after subsection (2) insert—
  - “(2A) This section also applies to a person whose extradition is sought in respect of an offence, when—
    - (a) he appears or is brought before a court in the course of or in connection with extradition proceedings in respect of the offence, or

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 198. (See end of Document for details)*

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- (b) he applies to a court for bail or for a variation of the conditions of bail in connection with the proceedings.
- (2B) But subsection (2A) above does not apply if the person is alleged to be unlawfully at large after conviction of the offence.”
- (6) In section 5B (reconsideration of decisions granting bail) for subsection (1) substitute—
- “(A1) This section applies in any of these cases—
- (a) a magistrates' court has granted bail in criminal proceedings in connection with an offence to which this section applies or proceedings for such an offence;
- (b) a constable has granted bail in criminal proceedings in connection with proceedings for such an offence;
- (c) a magistrates' court or a constable has granted bail in connection with extradition proceedings.
- (1) The court or the appropriate court in relation to the constable may, on application by the prosecutor for the decision to be reconsidered—
- (a) vary the conditions of bail,
- (b) impose conditions in respect of bail which has been granted unconditionally, or
- (c) withhold bail.”
- (7) In section 7 (liability to arrest for absconding or breaking conditions of bail) after subsection (1) insert—
- “(1A) Subsection (1B) applies if—
- (a) a person has been released on bail in connection with extradition proceedings,
- (b) the person is under a duty to surrender into the custody of a constable, and
- (c) the person fails to surrender to custody at the time appointed for him to do so.
- (1B) A magistrates' court may issue a warrant for the person's arrest.”
- (8) In section 7(4) omit the words from “In reckoning” to “Sunday”.
- (9) In section 7 after subsection (4) insert—
- “(4A) A person who has been released on bail in connection with extradition proceedings and is under a duty to surrender into the custody of a constable may be arrested without warrant by a constable on any of the grounds set out in paragraphs (a) to (c) of subsection (3).
- (4B) A person arrested in pursuance of subsection (4A) above shall be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area in which he was arrested.”
- (10) In section 7(5) after “subsection (4)” insert “ or (4B) ”.
- (11) In section 7 after subsection (6) insert—

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“(7) In reckoning for the purposes of this section any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.”

(12) In Part 1 of Schedule 1 (defendants accused or convicted of imprisonable offences) for paragraph 1 substitute—

“1 The following provisions of this Part of this Schedule apply to the defendant if—

- (a) the offence or one of the offences of which he is accused or convicted in the proceedings is punishable with imprisonment, or
- (b) his extradition is sought in respect of an offence.”

(13) In Part 1 of Schedule 1 after paragraph 2A insert—

“2B The defendant need not be granted bail in connection with extradition proceedings if—

- (a) the conduct constituting the offence would, if carried out by the defendant in England and Wales, constitute an indictable offence or an offence triable either way; and
- (b) it appears to the court that the defendant was on bail on the date of the offence.”

(14) In Part 1 of Schedule 1 in paragraph 6 after “the offence” insert “ or the extradition proceedings ”.

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**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))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 198.