



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Matters arising before end of extradition hearing*

### 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 [<sup>F1</sup>in custody]<sup>F1</sup> serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The judge may adjourn the extradition hearing until [<sup>F2</sup>the person is released from detention pursuant to the sentence (whether on licence or otherwise)]<sup>F2</sup>.
- [<sup>F3</sup>(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.]<sup>F3</sup>

#### Textual Amendments

- F1** 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](#))
- F2** 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](#))

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 23. (See end of Document for details)*

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**F3** 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**

**I1** 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 23.