



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Interpretation*

##### **[<sup>F1</sup>64 Extradition offences: person not sentenced for offence**

- (1) This section sets out whether a person's conduct constitutes an “ extradition offence ” for the purposes of this Part in a case where the person—
  - (a) is accused in a category 1 territory of an offence constituted by the conduct, or
  - (b) has been convicted in that territory of an offence constituted by the conduct but not sentenced for it.
- (2) The conduct constitutes an extradition offence in relation to the category 1 territory if the conditions in subsection (3) [<sup>F2</sup>or (4)] are satisfied.
- (3) The conditions in this subsection are that—
  - (a) the conduct occurs in the category 1 territory;
  - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part of the United Kingdom;
  - (c) the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.
- (4) The conditions in this subsection are that—
  - (a) the conduct occurs outside the category 1 territory;
  - (b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom;
  - (c) the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 64. (See end of Document for details)*

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<sup>F3</sup>(5) .....

- (6) For the purposes of subsections (3)(b) and (4)(b)—
- (a) if the conduct relates to a tax or duty, it does not matter whether the law of the relevant part of the United Kingdom imposes the same kind of tax or duty or contains rules of the same kind as those of the law of the category 1 territory;
  - (b) if the conduct relates to customs or exchange, it does not matter whether the law of the relevant part of the United Kingdom contains rules of the same kind as those of the law of the category 1 territory.]

#### **Textual Amendments**

- F1** Ss. 64, 65 substituted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 164\(1\), 185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/1916, [art. 2\(j\)](#) (with [art. 6](#))
- F2** Words in s. 64(2) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 12\(2\)\(a\), 40\(7\)](#) (with [Sch. 6 para. 10](#)); S.I. 2020/1662, [reg. 2\(k\)](#)
- F3** S. 64(5) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 12\(2\)\(b\), 40\(7\)](#) (with [Sch. 6 para. 10](#)); S.I. 2020/1662, [reg. 2\(k\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 64.