

*These notes refer to the Extradition Act 2003 (c.41)
which received Royal Assent on 20th November 2003*

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 2

Extradition to Category 2 Territories

Section 97: Deferral: person charged with offence in United Kingdom

282. This section applies where a person is the subject of an extradition request under this Part of the Act, his case has been sent to the Secretary of State and he has also been charged with an offence in the United Kingdom (*subsection (1)*). The Secretary of State is required to defer making a decision until (*subsection (2)*):
- the charge is disposed of (see section 214 below) or withdrawn;
 - proceedings on the charge are discontinued; or
 - proceedings on the charge are discontinued with the option that a fresh prosecution on the same charge could be brought in the future.
283. If the person is sentenced to a custodial sentence for the United Kingdom offence, the Secretary of State may delay making a decision as to extradition until the end of that sentence (*subsection (3)*).