

# EXTRADITION ACT 2003

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## EXPLANATORY NOTES

### TERRITORIAL APPLICATION: WALES

#### Part 3

#### Extradition to the United Kingdom

#### *Section 142: Issue of Part 3 warrant*

402. This section provides for the issue of an arrest warrant to form the basis of extradition to the United Kingdom from a category 1 territory.
403. The appropriate judge (this term is defined for this Part in section 149 below) has the power to issue this warrant, on the application of a police constable or other appropriate person, if the condition in *subsection (2)* is met. (An appropriate person is someone who has been given authority to perform this role by the Secretary of State (*subsection (9)*). The Secretary of State designates such persons by statutory instrument subject to the affirmative resolution procedure in both Houses of Parliament (see section 223). *Subsection (10)* states that subsection (1) applies to Scotland but with the modification that it is only a procurator fiscal who can apply for a Part 3 warrant.) A domestic warrant must have been issued in this country for the arrest of the person in question. There must also be grounds to believe that the person has committed an extradition offence or is unlawfully at large after having been convicted of an extradition offence in this country.
404. *Subsection (3)* defines a Part 3 warrant as one that contains the necessary statement and certificate. The statement must confirm:
- that the person is accused in this country of a specified extradition offence and that the warrant is issued for the purpose of his arrest, extradition and prosecution (*subsection (4)*); or
  - that the person is alleged to be unlawfully at large, having been convicted of a specified extradition offence in the United Kingdom, and that the warrant is issued for the purpose of his arrest, extradition and sentencing or serving a sentence (*subsection (5)*).
405. *Subsection (6)* provides that the certificate must certify:
- whether the conduct amounting to the specified extradition offence falls within the European framework list;
  - whether the offence is an extra-territorial offence;
  - what is the maximum punishment that could be imposed if the person is convicted or, if the person has been sentenced, what sentence was imposed.
406. *Subsection (7)* ensures that conduct falling within the European framework list includes associated offences. This covers any aiding, abetting, counselling or procuring such conduct or an attempt, conspiracy or incitement to commit such conduct.

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

407. *Subsection (8)* provides that a domestic warrant is an arrest warrant issued under any of the provisions listed. This covers warrants routinely issued in criminal proceedings in the United Kingdom.