



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Interpretation

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\(2\)](#))

[^{F1}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) [^{F2}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;

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- (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.

^{F3}(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)

[^{F4}65 Extradition offences: person 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) has been convicted in a category 1 territory of an offence constituted by the conduct, and
 - (b) has been sentenced for the offence.
- (2) The conduct constitutes an extradition offence in relation to the category 1 territory if the conditions in subsection (3) [^{F5}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) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
- (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) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.

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^{F6}(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

- F4** 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)
- F5** Words in s. 65(2) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 12\(3\)\(a\), 40\(7\)](#) (with [Sch. 6 para. 10](#)); [S.I. 2020/1662](#), reg. 2(k)
- F6** S. 65(5) omitted (31.12.2020) by virtue of [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 12\(3\)\(b\), 40\(7\)](#) (with [Sch. 6 para. 10](#)); [S.I. 2020/1662](#), reg. 2(k)

Commencement Information

- I2** 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))

66 Extradition offences: supplementary

(1) Subsections [^{F7}(1A)] to (4) apply for the purposes of sections 64 and 65.

[^{F8}(1A) References to “conduct” (except in the expression “ equivalent conduct ”) are to the conduct specified in the Part 1 warrant.]

- (2) An appropriate authority of a category 1 territory is a judicial authority of the territory which the appropriate judge believes has the function of issuing arrest warrants in that territory.
- (3) The law of a territory is the general criminal law of the territory.
- (4) The relevant part of the United Kingdom is the part of the United Kingdom in which the relevant proceedings are taking place.
- (5) The relevant proceedings are the proceedings in which it is necessary to decide whether conduct constitutes an extradition offence.

Textual Amendments

- F7** Word in s. 66(1) substituted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 110](#) (with ss. 21, 33, 42, 58, 75, 93); [S.I. 2014/1916](#), art. 2(t)
- F8** S. 66(1A) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 164\(2\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); [S.I. 2014/1916](#), art. 2(j) (with art. 6)

Commencement Information

- I3** 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))

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67 The appropriate judge

- (1) The appropriate judge is—
- (a) in England and Wales, a District Judge (Magistrates' Courts) designated for the purposes of this Part [^{F9}by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor]^{F9};
 - (b) in Scotland, the sheriff of Lothian and Borders;
 - (c) in Northern Ireland, such county court judge or resident magistrate as is designated for the purposes of this Part [^{F10}by the Lord Chief Justice of Northern Ireland after consulting the [^{F11}Department of Justice in Northern Ireland]]^{F11F10}.
- (2) A designation under subsection (1) may be made for all cases or for such cases (or cases of such description) as the designation stipulates.
- (3) More than one designation may be made under subsection (1).
- [^{F12}(3A) The use of the expression “the judge” in a section containing a previous reference to “the appropriate judge” or “the judge” does not in itself require both references to be read as referring to the same individual.]
- ^{F12}(4) This section applies for the purposes of this Part.
- [^{F13}(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1)(a).
- (6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (1)(c)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]^{F13}

Textual Amendments

- F9** Words in s. 67(1)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 353\(2\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#) Sch. 1 paras. 10, 11(cc)
- F10** Words in s. 67(1)(c) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 353\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#) Sch. 1 paras. 10, 11(cc)
- F11** Words in s. 67(1)(c) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), [Sch. 18 para. 70\(3\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)
- F12** S. 67(3A) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 15\(1\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F13** S. 67(5)(6) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 353\(4\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#) Sch. 1 paras. 10, 11(cc)

Commencement Information

- I4** 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))

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68 The extradition hearing

- (1) The extradition hearing is the hearing at which the appropriate judge is to decide whether a person in respect of whom a Part 1 warrant was issued is to be extradited to the category 1 territory in which it was issued.
- (2) This section applies for the purposes of this Part.

Commencement Information

- I5** 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))

[^{F14}68A Unlawfully at large

- (1) A person is alleged to be unlawfully at large after conviction of an offence if—
 - (a) he is alleged to have been convicted of it, and
 - (b) his extradition is sought for the purpose of his being sentenced for the offence or of his serving a sentence of imprisonment or another form of detention imposed in respect of the offence.
- (2) This section applies for the purposes of this Part, other than sections 14 and 63.]

Textual Amendments

- F14** S. 68A inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 15\(1\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

Commencement Information

- I6** 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, Cross Heading: Interpretation.