



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Repatriation cases*

#### **136 Persons serving sentences outside territory where convicted**

- (1) This section applies if—
  - (a) a request is made for a person's extradition to a category 2 territory and the request contains the statement referred to in subsection (2), or
  - (b) a provisional warrant for a person's arrest is sought on behalf of a category 2 territory and the information laid before the justice contains the statement referred to in subsection (2).
- (2) The statement is one that the person—
  - (a) is alleged to be unlawfully at large from a prison in one territory (the imprisoning territory) in which he was serving a sentence after conviction of an offence specified in the request by a court in another territory (the convicting territory), and
  - (b) was serving the sentence in pursuance of international arrangements for prisoners sentenced in one territory to be repatriated to another territory in order to serve their sentence.
- (3) If the category 2 territory is either the imprisoning territory or the convicting territory—
  - (a) section 70(3) has effect as if the reference to the statement referred to in subsection (4) of that section were a reference to the statement referred to in subsection (2) of this section;
  - (b) section 73(1) has effect as if the reference to a person within subsection (2) of that section were a reference to the person referred to in subsection (1)(b) of this section.

---

*Status: This is the original version (as it was originally enacted).*

---

- (4) If the category 2 territory is the imprisoning territory—
- (a) sections 71(2)(a), 73(3)(a) and 78(4)(b) have effect as if “an extradition offence” read “an extradition offence in relation to the convicting territory”;
  - (b) sections 74(8)(a) and 127(2) have effect as if “the category 2 territory in which he is accused of the commission of an offence or is alleged to have been convicted of an offence” read “the imprisoning territory”;
  - (c) section 74(11)(b) has effect as if “the category 2 territory” read “the imprisoning territory”;
  - (d) section 78(2)(e) has effect as if “the category 2 territory” read “the convicting territory”;
  - (e) section 85(5) has effect as if after “entitled” there were inserted “in the convicting territory”;
  - (f) section 119(4) has effect as if “a category 2 territory” read “the convicting territory” and as if “the category 2 territory” in both places read “the convicting territory”;
  - (g) section 138(1) has effect as if “a category 2 territory” read “the convicting territory”;
  - (h) in section 138, subsections (2), (3), (4), (5) and (7) have effect as if “the category 2 territory” read “the convicting territory”.
- (5) Subsection (1)(b) applies to Scotland with the substitution of “application by the procurator fiscal sets out the matters referred to in paragraphs (a) and (b) of subsection (2)” for “information laid by the justice contains the statement referred to in subsection (2)”.
- (6) Subsection (1)(b) applies to Northern Ireland with the substitution of “the complaint made to” for “the information laid before”.