



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 3

#### EXTRADITION TO THE UNITED KINGDOM

##### *General*

#### **152 Remission of punishment for other offences**

- (1) This section applies if—
- (a) a person is extradited to the United Kingdom from—
    - (i) a category 1 territory under law of the territory corresponding to Part 1 of this Act, or
    - (ii) a category 2 territory under law of the territory corresponding to Part 2 of this Act;
  - (b) before his extradition he has been convicted of an offence in the United Kingdom;
  - (c) he has not been extradited in respect of that offence.
- (2) The punishment for the offence must be treated as remitted but the person's conviction for the offence must be treated as a conviction for all other purposes.

#### **153 Return of person acquitted or not tried**

- (1) This section applies if—
- (a) a person is accused in the United Kingdom of the commission of an offence;
  - (b) the person is extradited to the United Kingdom in respect of the offence from—
    - (i) a category 1 territory under law of the territory corresponding to Part 1 of this Act, or
    - (ii) a category 2 territory under law of the territory corresponding to Part 2 of this Act;

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*Status: This is the original version (as it was originally enacted).*

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- (c) the condition in subsection (2) or the condition in subsection (3) is satisfied.
- (2) The condition is that—
- (a) proceedings against the person for the offence are not begun before the end of the required period, which is 6 months starting with the day on which the person arrives in the United Kingdom on his extradition, and
  - (b) before the end of the period of 3 months starting immediately after the end of the required period the person asks the Secretary of State to return him to the territory from which he was extradited.
- (3) The condition is that—
- (a) at his trial for the offence the person is acquitted or is discharged under any of the provisions specified in subsection (4), and
  - (b) before the end of the period of 3 months starting immediately after the date of his acquittal or discharge the person asks the Secretary of State to return him to the territory from which he was extradited.
- (4) The provisions are—
- (a) section 12(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6);
  - (b) section 246(1), (2) or (3) of the Criminal Procedure (Scotland) Act 1995 (c. 46);
  - (c) Article 4(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).
- (5) The Secretary of State must arrange for him to be sent back, free of charge and with as little delay as possible, to the territory from which he was extradited to the United Kingdom in respect of the offence.
- (6) If the accusation in subsection (1)(a) relates to the commission of an offence in Scotland, subsections (2)(b), (3)(b) and (5) apply as if the references to the Secretary of State were references to the Scottish Ministers.

#### **154 Restriction on bail where undertaking given by Secretary of State**

- (1) This section applies in relation to a person if—
- (a) the Secretary of State has given an undertaking in connection with the person's extradition to the United Kingdom, and
  - (b) the undertaking includes terms that the person be kept in custody until the conclusion of any proceedings against him in the United Kingdom for an offence.
- (2) A court, judge or justice of the peace may grant bail to the person in the proceedings only if the court, judge or justice of the peace considers that there are exceptional circumstances which justify it.

#### **155 Service personnel**

The Secretary of State may by order provide for the preceding provisions of this Part to have effect with specified modifications in relation to a case where the person whose extradition is sought or ordered is subject to military law, air-force law or the Naval Discipline Act 1957 (c. 53).