



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Consent to extradition

127 Consent to extradition: general

- (1) A person arrested under a warrant issued under section 71 may consent to his extradition to the category 2 territory to which his extradition is requested.
- (2) A person arrested under a provisional warrant [^{F1}or under section 74A] may consent to his extradition to 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.
- (3) Consent under this section—
 - (a) must be given in writing;
 - (b) is irrevocable.
- (4) Consent under this section which is given by a person before his case is sent to the Secretary of State for the Secretary of State's decision whether he is to be extradited must be given before the appropriate judge.
- (5) Consent under this section which is given in any other case must be given to the Secretary of State.
- (6) A person may not give his consent under this section before the appropriate judge unless—
 - (a) he is legally represented before the appropriate judge at the time he gives consent, or
 - (b) he is a person to whom subsection (7) applies.
- (7) This subsection applies to a person if—

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 127. (See end of Document for details)*

- (a) he has been informed of his right to apply for legal aid and has had the opportunity to apply for legal aid, but he has refused or failed to apply;
 - (b) he has applied for legal aid but his application has been refused;
 - (c) he was granted legal aid but the legal aid was withdrawn.
- (8) In subsection (7) “legal aid” means—
- [^{F2}(a) in England and Wales, representation for the purposes of criminal proceedings provided under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;]
 - (b) in Scotland, such legal aid as is available by virtue of section 183(a) of this Act;
 - (c) in Northern Ireland, such free legal aid as is available by virtue of sections 184 and 185 of this Act.
- (9) For the purposes of subsection (6) a person is to be treated as legally represented before the appropriate judge if (and only if) he has the assistance of counsel or a solicitor to represent him in the proceedings before the appropriate judge.

Textual Amendments

- F1** Words in s. 127(2) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 14](#); [S.I. 2020/1652](#), reg. 2(1)(b)
- F2** S. 127(8)(a) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 64](#); [S.I. 2013/453](#), art. 3(h) (with savings and transitional provisions in [S.I. 2013/534](#), art. 6)

Commencement Information

- I1** 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, Section 127.