



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Time for extradition

38 Extradition following deferral for competing claim

- (1) This section applies if—
- an order is made under this Part for a person to be extradited to a category 1 territory in pursuance of a Part 1 warrant;
 - before the person is extradited to the territory an order is made under section 44(4)(b) or 179(2)(b) for the person's extradition in pursuance of the warrant to be deferred;
 - the appropriate judge makes an order under section 181(2) for the person's extradition in pursuance of the warrant to cease to be deferred.
- (2) But this section does not apply if the order for the person's extradition is made under section 46 or 48.
- (3) In a case where section 35 applies, the required period for the purposes of section 35(3) is 10 days starting with the day on which the order under section 181(2) is made.^[F1] This subsection applies only if the day on which the order is made is later than the day mentioned in ^[F2]section 35(4)(a)(i) or (ii).]
- ^{F1}(4) In a case where section 36 applies, the required period for the purposes of section 36(2) is 10 days starting with the day on which the decision of the relevant court on the appeal becomes final (within the meaning of that section) or (if later) the day on which the order under section 181(2) is made.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 38. (See end of Document for details)

Textual Amendments

- F1** Words in s. 38(3) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 9\(3\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F2** Words in s. 38(3) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), [3\(5\)](#) (with art. 1(4))

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:

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