



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Post-extradition matters

55 Questions for decision at consent hearing

- (1) At the consent hearing under section 54 the judge must decide whether consent is required to the person being dealt with in the territory for the offence for which consent is requested.
- (2) If the judge decides the question in subsection (1) in the negative he must inform the authority making the request of his decision.
- (3) If the judge decides that question in the affirmative he must decide whether the offence for which consent is requested is an extradition offence.
- (4) If the judge decides the question in subsection (3) in the negative he must refuse consent.
- (5) If the judge decides that question in the affirmative he must decide whether he would order the person's extradition under sections 11 to 25 if—
 - (a) the person were in the United Kingdom, and
 - (b) the judge were required to proceed under section 11 in respect of the offence for which consent is requested.
- (6) If the judge decides the question in subsection (5) in the affirmative he must give consent.
- (7) If the judge decides that question in the negative he must refuse consent.
- (8) Consent is not required to the person being dealt with in the territory for the offence if the person has been given an opportunity to leave the territory and—

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 55. (See end of Document for details)

- (a) he has not done so before the end of the permitted period, or
 - (b) if he did so before the end of the permitted period, he has returned there.
- (9) The permitted period is 45 days starting with the day on which the person arrived in the territory following his extradition there in accordance with this Part.
- (10) Subject to subsection (8), the judge must decide whether consent is required to the person being dealt with in the territory for the offence by reference to what appears to him to be the law of the territory or arrangements made between the territory and the United Kingdom.

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\(2\)](#))

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