



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

The extradition hearing

[^{F1}76B Person serving sentence in United Kingdom before extradition hearing

- (1) This section applies if—
 - (a) a person has been brought before the appropriate judge under section 72(3) [^{F2}, 74(3) or 74A(3)] but the extradition hearing has not begun; and
 - (b) the judge is informed that the person is in custody serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The judge may order further proceedings in respect of the extradition to be adjourned until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
- (3) In a case where further proceedings in respect of the extradition are adjourned under subsection (2)—
 - (a) section 131 of the Magistrates' Courts Act 1980 (remand of accused already in custody) has effect as if a reference to 28 clear days in subsection (1) or (2) of that section were a reference to six months;
 - (b) Article 47(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (period of remand in custody) has effect as if a reference to 28 days in—
 - (i) sub-paragraph (a)(iii), or
 - (ii) the words after sub-paragraph (b),were a reference to six months.]

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 76B. (See end of Document for details)*

Textual Amendments

- F1** Ss. 76A, 76B inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 70**, 116; S.I. 2009/3096, **art. 3(m)** (with art. 4)
- F2** Words in s. 76B(1)(a) substituted (31.12.2020) by Extradition (Provisional Arrest) Act 2020 (c. 18), s. 2(4), **Sch. para. 13**; S.I. 2020/1652, reg. 2(1)(b)

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 76B.