



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Secretary of State's functions*

#### **98 Deferral: person serving sentence in United Kingdom**

- (1) This section applies if—
- (a) the appropriate judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited;
  - (b) the person is [<sup>F1</sup>in custody]<sup>F1</sup> serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The Secretary of State may defer making a decision with regard to the person's extradition until [<sup>F2</sup>the person is released from detention pursuant to the sentence (whether on licence or otherwise)]<sup>F2</sup>.

#### **Textual Amendments**

- F1** Words in s. 98(1)(b) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 71\(7\)\(a\)](#), 116; [S.I. 2009/3096](#), [art. 3\(n\)](#) (with art. 4)
- F2** Words in s. 98(2) substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 71\(7\)\(b\)](#), 116; [S.I. 2009/3096](#), [art. 3\(n\)](#) (with art. 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:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 98.