



Policing and Crime Act 2009

2009 CHAPTER 26

PART 6

EXTRADITION

Deferral of extradition

70 Extradition to category 2 territory

After section 76 of the Extradition Act 2003 (c. 41) insert—

“76A Person charged with offence 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) or 74(3) but the extradition hearing has not begun; and
 - (b) the judge is informed that the person is charged with an offence in the United Kingdom.
- (2) The judge must order further proceedings in respect of the extradition to be adjourned until one of these occurs—
 - (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, 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).

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 70. (See end of Document for details)

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) or 74(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.”

Commencement Information

II S. 70 in force at 25.1.2010 by S.I. 2009/3096, art. 3(m) (with art. 4(1)(d))

Changes to legislation:

There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 70.