

## PART 17 EXTRADITION

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*[Note. Part 3 contains rules about case management which apply at an extradition hearing and during preparation for that hearing. The rules in this Part must be read in conjunction with those rules.]*

### GENERAL RULES

#### When this Part applies

**17.1.** This Part applies to extradition under Part 1 or Part 2 of the Extradition Act 2003(a), but—

- (a) rules 17.8 to 17.14 do not apply to extradition under Part 1 of the Act; and
- (b) rules 17.5 to 17.7 do not apply to extradition under Part 2 of the Act.

*[Note. The Extradition Act 2003 provides for the extradition of a person accused or convicted of a crime to the territory within which that person is accused or was convicted. Part 1 of the Act (sections 1 to 68) allows the court to give effect to a warrant for arrest issued in a territory designated for the purposes of that Part, including a Member State of the European Union. Part 2 of the Act (sections 69 to 141) allows the court and the Secretary of State to give effect to a*

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(a) 2003 c. 41.

*request for extradition made under a treaty between the United Kingdom and the requesting territory.]*

**Meaning of ‘court’, ‘prosecutor’ and ‘defendant’**

**17.2.** In this Part, and for the purposes of this Part in other rules—

- (a) ‘court’ means a District Judge (Magistrates’ Courts) exercising the powers to which this Part applies;
- (b) ‘prosecutor’ includes anyone presenting to the court—
  - (i) an arrest warrant to which Part 1 of the Extradition Act 2003 applies, or an application for an extension of time within which to serve such a warrant following a defendant’s provisional arrest, or
  - (ii) an application for a warrant or provisional warrant, or a request for extradition, to which Part 2 of the Act applies; and
- (c) ‘defendant’ means a person arrested under Part 1 or Part 2 of the Act.

*[Note. Under sections 67 and 139 of the Extradition Act 2003(a), a District Judge (Magistrates’ Courts) must be designated for the purposes of the Act to exercise the powers to which this Part applies.*

*See also the rules listed in rule 17.15 (introduction of additional evidence) and Part 76 (costs).]*

**Exercise of court’s powers**

**17.3.—**(1) The general rule is that the court must exercise its powers at a hearing in public, but that is subject to any power it has to—

- (a) impose reporting restrictions;
- (b) withhold information from the public; or
- (c) order a hearing in private.

(2) The general rule is that the court must exercise its powers in the defendant’s presence, but it may do so in the defendant’s absence where—

- (a) the court discharges the defendant; or
- (b) the defendant is represented and the defendant’s presence is impracticable by reason of his or her—
  - (i) ill health, or
  - (ii) disorderly conduct.

(3) The court may exercise its power to adjourn—

- (a) if either party asks, or on its own initiative; and
- (b) in particular—
  - (i) to allow there to be obtained information that the court requires,
  - (ii) following a provisional arrest under Part 1 of the Extradition Act 2003, pending receipt of the warrant,
  - (iii) following a provisional arrest under Part 2 of the Act, pending receipt of the extradition request,
  - (iv) where the defendant is charged with, or convicted of, an offence in the United Kingdom,

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(a) 2003 c. 41; sections 67 and 139 were amended by section 15 of, and paragraphs 352 and 353 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4) and section 42 of, and paragraph 15 of Schedule 13 to, the Police and Justice Act 2006 (c. 48).

- (v) if it appears to the court that the defendant is not fit to be extradited, unless the court discharges the defendant for that reason, or
- (vi) where a court dealing with a warrant to which Part 1 of the Act applies is informed that another such warrant has been received in the United Kingdom.

(4) The general rule is that, before exercising a power to which this Part applies, the court must give each party an opportunity to make representations, unless that party is absent deliberately.

*[Note. See sections 8A, 8B, 9, 22, 23, 25 and 44 of the Extradition Act 2003(a) (powers in relation to extradition under Part 1 of the Act) and sections 76A, 76B, 77, 88, 89 and 91 of the Act(b) (powers in relation to extradition under Part 2 of the Act).*

*Under sections 206A to 206C of the 2003 Act(c), the court may require a defendant to attend by live link a preliminary hearing to which rule 17.5, 17.9 or 17.11 applies, and any hearing for the purposes of rule 17.12.*

*Part 16 contains rules about reporting and access restrictions.]*

### **Duty of court officer**

**17.4.** The court officer must—

- (a) as soon as practicable, serve notice of the court's decision to extradite or discharge—
  - (i) on the defendant,
  - (ii) on the designated authority which certified the arrest warrant, where Part 1 of the Extradition Act 2003 applies,
  - (iii) on the Secretary of State, where Part 2 of the Act applies; and
- (b) give the court such assistance as it requires.

## EXTRADITION UNDER PART 1 OF THE EXTRADITION ACT 2003

### **Preliminary hearing after arrest**

**17.5.—**(1) This rule applies where the defendant is first brought before the court after—

- (a) arrest under a warrant to which Part 1 of the Extradition Act 2003 applies; or
- (b) provisional arrest under Part 1 of the Act.

(2) The prosecutor must—

- (a) serve on the court officer—
  - (i) the arrest warrant, and
  - (ii) a certificate, given by the authority designated by the Secretary of State, that the warrant was issued by an authority having the function of issuing such warrants in the territory to which the defendant's extradition is sought; or
- (b) apply at once for an extension of time within which to serve that warrant and that certificate.

(3) An application under paragraph (2)(b) must—

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(a) 2003 c. 41; sections 8A and 8B were inserted by section 69 of the Policing and Crime Act 2009 (c. 26). Sections 9 and 44 were amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48). Section 22 was amended by section 71 of the Policing and Crime Act 2009 (c. 26). Section 23 was amended by paragraph 7 of Schedule 13 to the Police and Justice Act 2006 (c. 48) and section 71 of the Policing and Crime Act 2009 (c. 26).

(b) 2003 c. 41; sections 76A and 76B were inserted by section 70 of the Policing and Crime Act 2009 (c. 26). Section 77 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48). Section 88 was amended by section 71 of the Policing and Crime Act 2009 (c. 26). Section 89 was amended by paragraph 7 of Schedule 13 to the Police and Justice Act 2006 (c. 48) and section 71 of the Policing and Crime Act 2009 (c. 26).

(c) 2003 c. 41; sections 206A, 206B and 206C were inserted by section 78 of the Policing and Crime Act 2009 (c. 26).

- (a) explain why the requirement to serve the warrant and certificate at once could not reasonably be complied with; and
  - (b) include—
    - (i) any written material in support of that explanation, and
    - (ii) the prosecutor’s representations about bail pending service of those documents.
- (4) When the prosecutor serves the warrant and certificate, in the following sequence the court must—
- (a) decide whether the defendant is the person in respect of whom the warrant was issued;
  - (b) explain, in terms the defendant can understand (with help, if necessary)—
    - (i) the allegation made in the warrant, and
    - (ii) that the defendant may consent to extradition, and how that may be done and with what effect;
  - (c) arrange for an extradition hearing to begin—
    - (i) no more than 21 days after the defendant’s arrest, or
    - (ii) if either party so applies, at such a later date as the court decides is in the interests of justice;
  - (d) consider any ancillary application, including an application about bail pending the extradition hearing; and
  - (e) give any direction as is appropriate to the needs of the case about the introduction of evidence at the extradition hearing.

*[Note. See sections 4, 6, 7 and 8 of the Extradition Act 2003(a).*

*Under section 6 of the Act, following a provisional arrest pending receipt of a warrant the defendant must be brought before the court within 48 hours, and the warrant and certificate must be served within that same period. If they are not so served, the court may extend the time for service by a further 48 hours.*

*Under section 45 of the Act(b), a defendant’s consent to extradition must be given before the court, must be recorded in writing, and is irrevocable. Consent may not be given unless the defendant has a legal representative with him or her when giving consent, or the defendant has failed or refused to apply for legal aid, or legal aid has been refused or withdrawn.]*

### **Extradition hearing**

**17.6.**—(1) This rule applies at the extradition hearing arranged by the court under rule 17.5.

(2) In the following sequence, the court must decide—

- (a) whether the offence specified in the warrant is an extradition offence;
- (b) whether a bar to extradition applies, namely—
  - (i) the rule against double jeopardy,
  - (ii) extraneous considerations,
  - (iii) the passage of time,
  - (iv) the defendant’s age,
  - (v) hostage-taking considerations,
  - (vi) speciality, or

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(a) 2003 c. 41; section 6 was amended by section 77 of the Policing and Crime Act 2009 (c. 26). Section 7 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48) and section 77 of the Policing and Crime Act 2009 (c. 26). Section 8 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

(b) 2003 c. 41; section 45 is amended by paragraphs 62 and 63 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **with effect from a date to be appointed.**

- (vii) earlier extradition or transfer to the United Kingdom;
  - (c) where the warrant alleges that the defendant is unlawfully at large after conviction, whether conviction was in the defendant's presence and if not—
    - (i) whether the defendant was absent deliberately,
    - (ii) if the defendant was not absent deliberately, whether the defendant would be entitled to a retrial (or to a review of the conviction, amounting to a retrial);
  - (d) whether extradition would be compatible with the defendant's human rights;
  - (e) whether it would be unjust or oppressive to extradite the defendant because of his or her physical or mental condition;
  - (f) after deciding each of (a) to (e) above, before progressing to the next, whether to order the defendant's discharge.
- (3) If the court discharges the defendant, the court must consider any ancillary application, including an application about—
- (a) reporting restrictions; or
  - (b) costs.
- (4) If the court does not discharge the defendant, the court must—
- (a) exercise its power to order the defendant's extradition; and
  - (b) consider any ancillary application, including an application about—
    - (i) bail pending extradition,
    - (ii) reporting restrictions, or
    - (iii) costs.

*[Note. See sections 10, 11, 20, 21, 25, 64 and 65 of the Extradition Act 2003(a).*

*Part 16 contains rules about reporting restrictions. Part 76 contains rules about costs.]*

### **Discharge where warrant withdrawn**

**17.7.**—(1) This rule applies where the authority that certified the warrant gives the court officer notice that the warrant has been withdrawn—

- (a) after the start of the hearing under rule 17.5; and
- (b) before the court orders the defendant's extradition or discharge.

(2) The court must exercise its power to discharge the defendant.

*[Note. See section 41 of the Extradition Act 2003.]*

## EXTRADITION UNDER PART 2 OF THE EXTRADITION ACT 2003

### **Issue of arrest warrant**

**17.8.**—(1) This rule applies where the Secretary of State serves on the court officer—

- (a) an extradition request to which Part 2 of the Extradition Act 2003 applies;
- (b) a certificate given by the Secretary of State that the request was received in the way approved for the request; and
- (c) a copy of any Order in Council which applies to the request.

(2) In the following sequence, the court must decide—

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(a) 2003 c. 41; section 11 was amended by paragraph 3 of Schedule 13 to the Police and Justice Act 2006 (c. 48). It is further amended by paragraph 4 of that Schedule, **with effect from a date to be appointed**. Section 21 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

- (a) whether the offence in respect of which extradition is requested is an extradition offence; and
  - (b) whether there is sufficient evidence, or (where the Secretary of State has so ordered, for this purpose) information, to justify the issue of a warrant of arrest.
- (3) The court may issue an arrest warrant—
- (a) without giving the prosecutor or the proposed defendant an opportunity to make representations; and
  - (b) without a hearing, or at a hearing in public or in private.

*[Note. See sections 70, 71, 137 and 138 of the Extradition Act 2003(a).]*

#### **Preliminary hearing after arrest**

**17.9.**—(1) This rule applies where a defendant is first brought before the court after arrest under a warrant to which rule 17.8 applies.

- (2) In the following sequence, the court must—
- (a) explain, in terms the defendant can understand (with help, if necessary)—
    - (i) the content of the extradition request, and
    - (ii) that the defendant may consent to extradition, and how that may be done and with what effect;
  - (b) arrange for an extradition hearing to begin—
    - (i) no more than 2 months later, or
    - (ii) if either party so applies, at such a later date as the court decides is in the interests of justice;
  - (c) consider any ancillary application, including an application about bail pending the extradition hearing; and
  - (d) give any direction as is appropriate to the needs of the case about the introduction of evidence at the extradition hearing.

*[Note. See sections 72 and 75 of the Extradition Act 2003(b). Under section 127 of the Act(c), a defendant's consent to extradition must be given before the court, must be recorded in writing, and is irrevocable. Consent may not be given unless the defendant has a legal representative with him or her when giving consent, or the defendant has failed or refused to apply for legal aid, or legal aid has been refused or withdrawn.]*

#### **Issue of provisional arrest warrant**

**17.10.**—(1) This rule applies where a prosecutor wants a justice of the peace to issue a provisional arrest warrant under Part 2 of the Extradition Act 2003, pending receipt of an extradition request.

- (2) The prosecutor must—
- (a) serve on the court officer an information in writing; and
  - (b) verify the information on oath or affirmation.
- (3) In the following sequence, the justice must decide—
- (a) whether the alleged offence is an extradition offence; and

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(a) 2003 c. 41; section 70 was amended by paragraphs 1 and 17 of Schedule 13 to the Police and Justice Act 2006 (c. 48). Section 71 was amended by paragraph 202 of Schedule 16 to the Armed Forces Act 2006 (c. 52).

(b) 2003 c. 41; section 72 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

(c) 2003 c. 41; section 127 is amended by paragraphs 62 and 64 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **with effect from a date to be appointed.**

- (b) whether there is sufficient evidence, or (where the Secretary of State has so ordered, for this purpose) information, to justify the issue of a warrant of arrest.

*[Note. See sections 73, 137 and 138 of the Extradition Act 2003(a).]*

#### **Preliminary hearing after provisional arrest**

**17.11.**—(1) This rule applies where a defendant is first brought before the court after arrest under a provisional arrest warrant to which rule 17.10 applies.

(2) The court must—

- (a) explain, in terms the defendant can understand (with help, if necessary)—
  - (i) the allegation in respect of which the warrant was issued, and
  - (ii) that the defendant may consent to extradition, and how that may be done and with what effect; and
- (b) consider any ancillary application, including an application about bail pending receipt of the extradition request.

*[Note. See section 74 of the Extradition Act 2003(b). Under section 127 of the Act, a defendant's consent to extradition must be given before the court, must be recorded in writing, and is irrevocable. Consent may not be given unless the defendant has a legal representative with him or her when giving consent, or the defendant has failed or refused to apply for legal aid, or legal aid has been refused or withdrawn.]*

#### **Arrangement of extradition hearing after provisional arrest**

**17.12.**—(1) This rule applies when the Secretary of State serves on the court officer—

- (a) a request for extradition in respect of which a defendant has been arrested under a provisional arrest warrant to which rule 17.10 applies;
- (b) a certificate given by the Secretary of State that the request was received in the way approved for the request; and
- (c) a copy of any Order in Council which applies to the request.

(2) Unless a time limit for service of the request has expired, the court must—

- (a) arrange for an extradition hearing to begin—
  - (i) no more than 2 months after service of the request, or
  - (ii) if either party so applies, at such a later date as the court decides is in the interests of justice;
- (b) consider any ancillary application, including an application about bail pending the extradition hearing; and
- (c) give any direction as is appropriate to the needs of the case about the introduction of evidence at the extradition hearing.

*[Note. See section 76 of the Extradition Act 2003.]*

#### **Extradition hearing**

**17.13.**—(1) This rule applies at the extradition hearing arranged by the court under rule 17.9 or rule 17.12.

(2) In the following sequence, the court must decide—

- (a) whether the documents served on the court officer by the Secretary of State include—

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(a) 2003 c. 41; section 73 was amended by paragraph 203 of Schedule 16 to the Armed Forces Act 2006 (c. 52).

(b) 2003 c. 41; section 74 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

- (i) those listed in rule 17.8(1) or rule 17.12(1), as the case may be,
  - (ii) particulars of the person whose extradition is requested,
  - (iii) particulars of the offence specified in the request, and
  - (iv) as the case may be, a warrant for the defendant's arrest, or a certificate of the defendant's conviction and (if applicable) sentence, issued in the requesting territory;
- (b) whether the defendant is the person whose extradition is requested;
  - (c) whether the offence specified in the request is an extradition offence;
  - (d) whether the documents served on the court officer by the Secretary of State have been served also on the defendant;
  - (e) whether a bar to extradition applies, namely—
    - (i) the rule against double jeopardy,
    - (ii) extraneous considerations,
    - (iii) the passage of time, or
    - (iv) hostage-taking considerations;
  - (f) where the request accuses the defendant of an offence, whether there is evidence which would be sufficient to make a case requiring an answer by the defendant if the extradition proceedings were a trial (unless the Secretary of State has otherwise ordered, for this purpose);
  - (g) where the request accuses the defendant of being unlawfully at large after conviction, whether the defendant was—
    - (i) convicted in his or her presence, or
    - (ii) absent deliberately;
  - (h) where the request accuses the defendant of being unlawfully at large after conviction, and the defendant was absent but not deliberately—
    - (i) whether the defendant would be entitled to a retrial (or to a review of the conviction amounting to a retrial), and
    - (ii) if so, whether there is evidence which would be sufficient to make a case requiring an answer by the defendant if the extradition proceedings were a trial (unless the Secretary of State has otherwise ordered, for this purpose);
  - (i) whether extradition would be compatible with the defendant's human rights;
  - (j) whether it would be unjust or oppressive to extradite the defendant because of his or her physical or mental condition;
  - (k) after deciding each of (a) to (j) above, before progressing to the next, whether to order the defendant's discharge.
- (3) If the court discharges the defendant, the court must consider any ancillary application, including an application about—
- (a) reporting restrictions; or
  - (b) costs.
- (4) If the court does not discharge the defendant, the court must—
- (a) exercise its power to send the case to the Secretary of State to decide whether to extradite the defendant;
  - (b) explain, in terms the defendant can understand (with help, if necessary), that—
    - (i) the defendant may appeal to the High Court, and
    - (ii) any such appeal will not be heard until the Secretary of State's decision has been made; and
  - (c) consider any ancillary application, including an application about—
    - (i) bail pending extradition,



- (ii) reporting restrictions, or
- (iii) costs.

*[Note. See sections 78, 79, 84, 85, 86, 87, 91, 92, 137 and 138 of the Extradition Act 2003(a).*

*Part 16 contains rules about reporting restrictions. Part 76 contains rules about costs.]*

#### **Discharge where extradition request withdrawn**

**17.14.**—(1) This rule applies where the Secretary of State gives the court officer notice that the extradition request has been withdrawn—

- (a) after the start of the hearing under rule 17.9 or 17.11; and
- (b) before the court—
  - (i) sends the case to the Secretary of State to decide whether to extradite the defendant, or
  - (ii) discharges the defendant.

(2) The court must exercise its power to discharge the defendant.

*[Note. See section 122 of the Extradition Act 2003.]*

### EVIDENCE AT EXTRADITION HEARING

#### **Introduction of additional evidence**

**17.15.**—(1) This rule applies where a party wants to introduce at an extradition hearing evidence which is not contained in—

- (a) a warrant to which Part 1 of the Extradition Act 2003 applies;
- (b) an extradition request to which Part 2 of the Act applies.

(2) The following Parts apply, with such adaptations as the court may direct—

- (a) Part 27 (Witness statements);
- (b) Part 28 (Witness summonses, warrants and orders);
- (c) Part 29 (Measures to assist a witness or defendant to give evidence);
- (d) Part 33 (Expert evidence);
- (e) Part 34 (Hearsay evidence);
- (f) Part 35 (Evidence of bad character); and
- (g) Part 36 (Evidence of a complainant's previous sexual behaviour).

(2) If the court admits as evidence the written statement of a witness—

- (a) each relevant part of the statement must be read or summarised aloud; or
- (b) the court must read the statement and its gist must be summarised aloud.

(3) If a party introduces in evidence a fact admitted by another party, or the parties jointly admit a fact, a written record must be made of the admission.

*[Note. The admissibility of evidence that a party introduces is governed by rules of evidence.*

*Under section 202 of the Extradition Act 2003(b), the court may receive in evidence—*

- (a) a warrant to which Part 1 of the Act applies;

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(a) 2003 c. 41; section 79 is amended by paragraph 5 of Schedule 13 to the Police and Justice Act 2006 (c. 48), **with effect from a date to be appointed**. Section 92 was amended by paragraph 16 of that Schedule.

(b) 2003 c. 41; section 202 was amended by paragraph 26 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

- (b) any other document issued in a territory to which Part 1 of the Act applies, if the document is authenticated as required by the Act;
- (c) a document issued in a territory to which Part 2 of the Act applies, if the document is authenticated as required by the Act.

*Under sections 84 and 86 of the Act, which apply to evidence, if required, at an extradition hearing to which Part 2 of the Act applies, the court may accept as evidence of a fact a statement by a person in a document if oral evidence by that person of that fact would be admissible, and the statement was made to a police officer, or to someone else responsible for investigating offences or charging offenders.*

*Under section 205 of the Act, section 9 (proof by written witness statement) and section 10 (proof by formal admission) of the Criminal Justice Act 1967(a) apply to extradition proceedings as they apply in relation to proceedings for an offence.*

*See also the Parts listed in rule 17.15, and the other legislation to which those Parts apply. A written witness statement to which Part 27 applies may only be introduced in evidence if there has been no objection within the time limit to which rule 27.4 refers. An expert report to which Part 33 applies may only be introduced in evidence if it has been served in accordance with rule 33.4. Rule 34.3 provides for opposing the introduction of hearsay evidence, including such evidence in a document. Rules 35.3 and 35.4 provide for opposing the introduction of evidence of bad character. Evidence to which Part 36 applies may only be introduced with the court's permission, on an application under rule 36.2.]*

#### DISCHARGE AFTER FAILURE TO COMPLY WITH A TIME LIMIT

#### **Defendant's application to be discharged**

- 17.16.**—(1) This rule applies where a defendant wants to be discharged—
- (a) because of the prosecutor's failure—
    - (i) to give the defendant a copy of any warrant under which the defendant is arrested as soon as practicable after arrest,
    - (ii) to bring the defendant before the court as soon as practicable after arrest under a warrant,
    - (iii) to bring the defendant before the court no more than 48 hours after provisional arrest under Part 1 of the Extradition Act 2003;
  - (b) following the expiry of a time limit for—
    - (i) service of a warrant to which Part 1 of the 2003 Act applies, after provisional arrest under that Part of the Act (usually 48 hours, under section 6 of the Act(b)),
    - (ii) service of an extradition request to which Part 2 of the Act applies, after provisional arrest under that Part of the Act (usually 45 days, under section 74 of the Act(c)),
    - (iii) receipt of an undertaking that the defendant will be returned to complete a sentence in the United Kingdom, where the court required such an undertaking (21 days, under section 37 of the Act(d)),

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(a) 1967 c. 80; section 9 was amended by section 56 of, and paragraph 49 of Schedule 8 to, the Courts Act 1971 (c. 23), section 69 of the Criminal Procedure and Investigations Act 1996 (c. 25), section 168 of, and paragraph 6 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33) and regulation 9 of, and paragraph 4 of Schedule 5 to, S.I. 2001/1090. It is further amended by section 72 of, and paragraph 55 of Schedule 5 to, the Children and Young Persons Act 1969 (c. 54) and section 65 of, and paragraph 1 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from a date to be appointed, and by paragraph 43 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed.

(b) 2003 c. 41; section 6 was amended by section 77 of the Policing and Crime Act 2009 (c. 26).

(c) 2003 c. 41; section 74 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

(d) 2003 c. 41; section 37 was amended by paragraphs 9 and 10 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

- (iv) making an extradition order, after the defendant has consented to extradition under Part 1 of the Act (10 days, under section 46 of the Act(a)),
  - (v) extradition, where an extradition order has been made under Part 1 of the Act and any appeal by the defendant has failed (usually 10 days, under sections 35, 36 and 47 of the Act(b)),
  - (vi) extradition, where an extradition order has been made under Part 2 of the Act and any appeal by the defendant has failed (usually 28 days, under sections 117 and 118 of the Act(c)),
  - (vii) the resumption of extradition proceedings, where those proceedings were adjourned pending disposal of another extradition claim which has concluded (21 days, under section 180 of the Act),
  - (viii) extradition, where extradition has been deferred pending the disposal of another extradition claim which has concluded (21 days, under section 181 of the Act), or
  - (ix) re-extradition, where the defendant has been returned to the United Kingdom to serve a sentence before serving a sentence overseas (as soon as practicable, under section 187 of the Act(d)); or
- (c) because an extradition hearing does not begin on the date arranged by the court.
- (2) Unless the court otherwise directs—
- (a) such a defendant must apply in writing and serve the application on—
    - (i) the court officer, and
    - (ii) the prosecutor;
  - (b) the application must explain the grounds on which it is made; and
  - (c) the court officer must arrange a hearing as soon as practicable, and in any event no later than the second business day after an application is served.

*[Note. See sections 4(4) & (5), 6(6) & (7), 8(7) & (8)(e), 35(5), 36(8), 37(7), 46(8)(f), 47(4), 72(5) & (6), 74(5), (6) & (10), 75(4), 76(5), 117(3), 118(7), 180(4) & (5), 181(4) & (5) and 187(3) of the Extradition Act 2003.]*

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(a) 2003 c. 41; section 46 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).  
(b) 2003 c. 41; section 35 was amended by paragraph 9 of Schedule 13 to the Police and Justice Act 2006 (c. 48). Section 36 was amended by section 40 of, and paragraph 81 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4).  
(c) 2003 c. 41; section 118 was amended by section 40 of, and paragraph 81 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4).  
(d) 2003 c. 41; section 187 was amended by paragraph 15 of Schedule 13 to the Police and Justice Act 2006 (c. 48).  
(e) 2003 c. 41; section 8 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).  
(f) 2003 c. 41; section 46 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).