

- (b) when that person, having had the opportunity to leave the territory of the Requesting State, has not done so within forty-five days of that person's final discharge, or has returned to that territory after leaving it; or
 - (c) when the person extradited consents before a judicial authority in the Requesting State.
2. If the charge for which the person was surrendered is subsequently changed, that person may be prosecuted or sentenced provided the offence under its new description is:
- (a) based on substantially the same facts contained in the extradition request and the supporting documents; and
 - (b) punishable by the same maximum penalty as, or a lesser maximum penalty than, the offence for which the person was extradited.

ARTICLE XVI

Re-extradition to a Third State

1. When a person has been surrendered to the Requesting State by the Requested State, the Requesting State shall not re-extradite that person to any third State for an offence committed before that person's surrender unless:
- (a) the Requested State consents; or
 - (b) the person, having had the opportunity to leave the territory of the Requesting State, has not done so within forty-five days of that person's final discharge, or has returned to that territory after leaving it.
2. The Requested State, when considering whether to give consent pursuant to subparagraph 1(a) of this Article, may request the production of the documents submitted by the third State in support of its request for the re-extradition of the person.