

*These notes refer to the Extradition Act 2003 (c.41)
which received Royal Assent on 20th November 2003*

EXTRADITION ACT 2003

EXPLANATORY NOTES

THE ACT

12. The Act makes provision to give effect to the proposals in the Review, although there are some changes which reflect the results of the consultation exercise and developments since the Review was published. (Accession to the 1995 and 1996 European Union Conventions on Extradition was approved by both Houses of Parliament on 19 December 2001.) The proposals in the Review have also been overtaken by progress in respect of extradition to other European Union Member States. This Act includes provisions implementing the following European Community Legislation: the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA). A Transposition Note setting out how the Government will transpose into United Kingdom law the main elements of this framework decision is available from the libraries of both Houses of Parliament, or from the Home Office:

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<http://www.homeoffice.gov.uk/crimpol/oic/extradition/bill/index.html>

13. The Extradition Bill was published in draft form on 27 June 2002 and was open to public consultation until 30 September 2002. There were 11 responses to the consultation documents, nine of which were published and are available from the libraries of both Houses of Parliament, or on the Home Office website (above). (Two contributors asked for their responses not to be made public.) The Bill therefore included a number of amendments in the light of the comments received since it was published in draft.
14. The Act makes provision for new extradition procedures, the main features of which are:
- a system where each of the United Kingdom's extradition partners is in one of two categories. Each country is designated by order of the Secretary of State for a particular category. It will therefore be possible for a country to move from one category to the other when appropriate, depending on the extradition procedures that the United Kingdom negotiates with each extradition partner;
 - the adoption of the Framework Decision on the European Arrest Warrant creating a fast-track extradition arrangement with Member States of the European Union and Gibraltar;
 - retention of the current arrangements for extradition with non-European Union countries with important modifications to reduce duplication and complexity;
 - a simplification of the rules governing the authentication of foreign documents;

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- the abolition of the requirement to provide prima facie evidence in certain cases;
- a simplified single avenue of appeal for all cases.