



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Other miscellaneous provisions

207 Extradition for more than one offence

The Secretary of State may by order provide for this Act to have effect with specified modifications in relation to a case where—

- (a) a Part 1 warrant is issued in respect of more than one offence;
- (b) a request for extradition is made in respect of more than one offence.

208 National security

- (1) This section applies if the Secretary of State believes that the conditions in subsections (2) to (4) are satisfied in relation to a person.
- (2) The first condition is that the person's extradition is sought or will be sought under Part 1 or Part 2 in respect of an offence.
- (3) The second condition is that—
 - (a) in engaging in the conduct constituting (or alleged to constitute) the offence the person was acting for the purpose of assisting in the exercise of a function conferred or imposed by or under an enactment, or
 - (b) as a result of an authorisation given by the Secretary of State the person is not liable under the criminal law of any part of the United Kingdom for the conduct constituting (or alleged to constitute) the offence.
- (4) The third condition is that the person's extradition in respect of the offence would be against the interests of national security.

Status: This is the original version (as it was originally enacted).

- (5) The Secretary of State may certify that the conditions in subsections (2) to (4) are satisfied in relation to the person.
- (6) If the Secretary of State issues a certificate under subsection (5) he may—
- (a) direct that a Part 1 warrant issued in respect of the person and in respect of the offence is not to be proceeded with, or
 - (b) direct that a request for the person's extradition in respect of the offence is not to be proceeded with.
- (7) If the Secretary of State issues a certificate under subsection (5) he may order the person's discharge (instead of or in addition to giving a direction under subsection (6)).
- (8) These rules apply if the Secretary of State gives a direction under subsection (6)(a) in respect of a warrant—
- (a) if the designated authority has not issued a certificate under section 2 in respect of the warrant it must not do so;
 - (b) if the person is arrested under the warrant or under section 5 there is no requirement for him to be brought before the appropriate judge and he must be discharged;
 - (c) if the person is brought before the appropriate judge under section 4 or 6 the judge is no longer required to proceed or continue proceeding under sections 7 and 8;
 - (d) if the extradition hearing has begun the judge is no longer required to proceed or continue proceeding under sections 10 to 25;
 - (e) if the person has consented to his extradition, the judge is no longer required to order his extradition;
 - (f) if an appeal to the High Court or House of Lords has been brought, the court is no longer required to hear or continue hearing the appeal;
 - (g) if the person's extradition has been ordered there is no requirement for him to be extradited.
- (9) These rules apply if the Secretary of State gives a direction under subsection (6)(b) in respect of a request—
- (a) if he has not issued a certificate under section 70 in respect of the request he is no longer required to do so;
 - (b) if the person is arrested under a warrant issued under section 71 or under a provisional warrant there is no requirement for him to appear or be brought before the appropriate judge and he must be discharged;
 - (c) if the person appears or is brought before the appropriate judge the judge is no longer required to proceed or continue proceeding under sections 72, 74, 75 and 76;
 - (d) if the extradition hearing has begun the judge is no longer required to proceed or continue proceeding under sections 78 to 91;
 - (e) if the person has given his consent to his extradition to the appropriate judge, the judge is no longer required to send the case to the Secretary of State for his decision whether the person is to be extradited;
 - (f) if an appeal to the High Court or House of Lords has been brought, the court is no longer required to hear or continue hearing the appeal;
 - (g) if the person's extradition has been ordered there is no requirement for him to be extradited.

- (10) These must be made under the hand of the Secretary of State—
- (a) a certificate under subsection (5);
 - (b) a direction under subsection (6);
 - (c) an order under subsection (7).
- (11) The preceding provisions of this section apply to Scotland with these modifications—
- (a) in subsection (9)(a) for “he has” substitute “the Scottish Ministers have” and for “he is” substitute “they are”;
 - (b) in subsection (9)(e) for “Secretary of State for his” substitute “Scottish Ministers for their”.
- (12) In subsection (3) the reference to an enactment includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

209 Reasonable force

A person may use reasonable force, if necessary, in the exercise of a power conferred by this Act.

210 Rules of court

- (1) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings under this Act.
- (2) In Scotland any rules of court under this Act are to be made by Act of Adjournal.

211 Service of notices

Service of a notice on a person under section 54, 56, 58, 129, 130 or 131 may be effected in any of these ways—

- (a) by delivering the notice to the person;
- (b) by leaving it for him with another person at his last known or usual place of abode;
- (c) by sending it by post in a letter addressed to him at his last known or usual place of abode.

212 Article 95 alerts: transitional provision

- (1) This section applies in a case where an article 95 alert is issued before 1 January 2004 by an authority of a category 1 territory.
- (2) In such a case, this Act applies as if—
- (a) the alert were a Part 1 warrant issued by the authority;
 - (b) any information sent with the alert relating to the case were included in the warrant.
- (3) As applied by subsection (2), this Act has effect with these modifications—
- (a) in sections 2(7) and (8), 28(1), 30(1) and (4)(d), 32(2)(b), 33(6)(b), 35(4)(b), 36(3)(b), 47(3)(b), 49(3)(b), 190(3) and 191(2)(a) for “authority which issued the Part 1 warrant” substitute “authority at the request of which the alert was issued”;

Status: This is the original version (as it was originally enacted).

- (b) omit section 5;
 - (c) in sections 33(4)(b), 42(2)(a), 43(2)(a) and (4) and 61(1)(d) and (e), for “authority which issued the warrant” substitute “authority at the request of which the alert was issued”;
 - (d) in section 66(2), for the words from “believes” to the end substitute “believes is the authority at the request of which the alert was issued”.
- (4) An article 95 alert is an alert issued pursuant to article 95 of the Convention implementing the Schengen agreement of 14th June 1985.