

SCHEDULES

SCHEDULE 1

Sections 188 and 189

RE-EXTRADITION: MODIFICATIONS

PART 1

CATEGORY 1 TERRITORIES

- 1 In section 11(1), omit paragraphs (c), (g) and (h).
- 2 Omit sections 14, 18 and 19.
- 3 In section 21(3), for “must” substitute “may”.
- 4 In section 31(2), for paragraphs (a) and (b) substitute “would (apart from section 187(1)) be released from detention pursuant to the UK sentence (whether or not on licence)”.
- 5 In section 39(2)(a), for “a certificate is issued under section 2 in respect of the warrant” substitute “the person would (apart from section 187(1)) be released from detention pursuant to the UK sentence (whether or not on licence)”.
- 6 In section 44(2)(a), for “following his arrest under this Part” substitute “under section 187(1)”.
- 7 In section 45(1), for the words from “arrested” to “issued” substitute “brought before the appropriate judge under section 187(1) may consent to his extradition to the territory in which the overseas sentence was imposed”.

PART 2

CATEGORY 2 TERRITORIES

- 8 In section 78, omit subsections (2), (3), (5) and (8).
- 9 In section 78, for subsection (4) substitute—

“(4) The judge must decide whether the offence specified in the request is an extradition offence.”
- 10 In section 78(6), for “any of the questions” substitute “the question”.
- 11 In section 78(7), for “those questions” substitute “that question”.
- 12 In section 79(1), omit paragraph (c).
- 13 Omit section 82.
- 14 In section 87(3), for the words from “must send the case” to “extradited” substitute “may order the person to be extradited to the category 2 territory”.
- 15 In section 87, after subsection (3) insert—

Status: This is the original version (as it was originally enacted).

“(4) If the judge makes an order under subsection (3) he must remand the person in custody or on bail to wait for his extradition to the territory.

(5) If the judge remands the person in custody he may later grant bail.”

16 In section 103(1)—

(a) for the words from “sends a case” to “extradited” substitute “orders a person’s extradition under this Part”; and

(b) for “the relevant decision” substitute “the order”.

17 In section 103(2), for the words from “the person” to “the Secretary of State” substitute “the order is made under section 128”.

18 In section 103, omit subsections (3), (5), (6), (7) and (8).

19 In section 103(9), for the words from “the Secretary of State” to “person” substitute “the order is made”.

20 In section 104, omit subsections (1)(b), (6) and (7).

21 In section 106, omit subsections (1)(b), (7) and (8).

22 In section 117(1)(a), for “the Secretary of State” substitute “the appropriate judge”.

23 In section 117(1)(b), for the words from “permitted period” to “extradition” substitute “period permitted under that section”.

24 In section 117, after subsection (1) insert—

“(1A) But this section does not apply if the order is made under section 128.”

25 In section 117(2), for “the Secretary of State” substitute “the judge”.

26 In section 119(1)(a), for “the Secretary of State” substitute “the appropriate judge”.

27 In section 119, in subsections (2) to (6) and in each place in subsection (7), for “the Secretary of State” substitute “the judge”.

28 In section 120, after subsection (1) insert—

“(1A) But this section does not apply if the order for the person’s extradition is made under section 128.”

29 In section 121(2)(a), for “a certificate is issued under section 70 in respect of the request” substitute “the person would (apart from section 187(1)) be released from detention pursuant to the UK sentence (whether or not on licence)”.

30 In section 127(1), for the words from “arrested” to “requested” substitute “brought before the appropriate judge under section 187(1) may consent to his extradition to the territory in which the overseas sentence was imposed”.

31 In section 127(3), before paragraph (a) insert—

“(aa) must be given before the appropriate judge;”.

32 In section 127, omit subsections (4) and (5).

33 In section 128, after subsection (1) insert—

“(1A) The judge must remand the person in custody or on bail.

(1B) If the judge remands the person in custody he may later grant bail.”

34 In section 128(4), for the words from “send the case” to “extradited” substitute
“within the period of 10 days starting with the day on which consent is given order
the person’s extradition to the category 2 territory”.

35 In section 128, after subsection (5) insert—

“(6) Subsection (4) has effect subject to section 128B.

(7) If subsection (4) is not complied with and the person applies to the judge to
be discharged the judge must order his discharge.”

36 After section 128 insert—

“128A Extradition to category 2 territory following consent

(1) This section applies if the appropriate judge makes an order under
section 128(4) for a person’s extradition to a category 2 territory.

(2) The person must be extradited to the category 2 territory before the end of
the required period, which is 28 days starting with the day on which the order
is made.

(3) If subsection (2) is not complied with and the person applies to the judge to
be discharged the judge must order his discharge, unless reasonable cause
is shown for the delay.

128B Extradition claim following consent

(1) This section applies if—

(a) a person consents under section 127 to his extradition to a category 2
territory, and

(b) before the judge orders his extradition under section 128(4), the judge is
informed that the conditions in subsection (2) or (3) are met.

(2) The conditions are that—

(a) the Secretary of State has received another valid request for the
person’s extradition to a category 2 territory;

(b) the other request has not been disposed of.

(3) The conditions are that—

(a) a certificate has been issued under section 2 in respect of a Part 1
warrant issued in respect of the person;

(b) the warrant has not been disposed of.

(4) The judge must not make an order under section 128(4) until he is informed
what order has been made under section 126(2) or 179(2).

(5) If the order under section 126(2) or 179(2) is for further proceedings on
the request under consideration to be deferred until the other request, or the
warrant, has been disposed of, the judge must remand the person in custody
or on bail.

(6) If the judge remands the person in custody he may later grant bail.

(7) If—

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

- (a) the order under section 126(2) or 179(2) is for further proceedings on the request under consideration to be deferred until the other request, or the warrant, has been disposed of, and
 - (b) an order is made under section 180 for proceedings on the request under consideration to be resumed,
- the period specified in section 128(4) must be taken to be 10 days starting with the day on which the order under section 180 is made.
- (8) If the order under section 126(2) or 179(2) is for further proceedings on the other request, or the warrant, to be deferred until the request under consideration has been disposed of, the period specified in section 128(4) must be taken to be 10 days starting with the day on which the judge is informed of the order.

128C Extradition following deferral for competing claim

- (1) This section applies if—
- (a) an order is made under section 128(4) for a person to be extradited to a category 2 territory in pursuance of a request for his extradition;
 - (b) before the person is extradited to the territory an order is made under section 126(2) or 179(2) for the person’s extradition in pursuance of the request to be deferred;
 - (c) the appropriate judge makes an order under section 181(2) for the person’s extradition in pursuance of the request to cease to be deferred.
- (2) The required period for the purposes of section 128A(2) is 28 days starting with the day on which the order under section 181(2) is made.”

SCHEDULE 2

Section 215

EUROPEAN FRAMEWORK LIST

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| 1 | Participation in a criminal organisation. |
| 2 | Terrorism. |
| 3 | Trafficking in human beings. |
| 4 | Sexual exploitation of children and child pornography. |
| 5 | Illicit trafficking in narcotic drugs and psychotropic substances. |
| 6 | Illicit trafficking in weapons, munitions and explosives. |
| 7 | Corruption. |
| 8 | Fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests. |
| 9 | Laundering of the proceeds of crime. |
| 10 | Counterfeiting currency, including of the euro. |
| 11 | Computer-related crime. |

- 12 Environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties.
- 13 Facilitation of unauthorised entry and residence.
- 14 Murder, grievous bodily injury.
- 15 Illicit trade in human organs and tissue.
- 16 Kidnapping, illegal restraint and hostage-taking.
- 17 Racism and xenophobia.
- 18 Organised or armed robbery.
- 19 Illicit trafficking in cultural goods, including antiques and works of art.
- 20 Swindling.
- 21 Racketeering and extortion.
- 22 Counterfeiting and piracy of products.
- 23 Forgery of administrative documents and trafficking therein.
- 24 Forgery of means of payment.
- 25 Illicit trafficking in hormonal substances and other growth promoters.
- 26 Illicit trafficking in nuclear or radioactive materials.
- 27 Trafficking in stolen vehicles.
- 28 Rape.
- 29 Arson.
- 30 Crimes within the jurisdiction of the International Criminal Court.
- 31 Unlawful seizure of aircraft/ships.
- 32 Sabotage.

SCHEDULE 3

Section 219

AMENDMENTS

Introduction

- 1 The amendments specified in this Schedule shall have effect.

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 3 to the Parliamentary Commissioner Act 1967 (c. 13) (matters not subject to investigation) for paragraph 4 substitute—
 - “4 Action taken by the Secretary of State under the Extradition Act 2003.”

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

Criminal Justice Act 1967 (c. 80)

- 3 Section 34 of the Criminal Justice Act 1967 (c. 80) (committal of persons under twenty-one accused of extradition crimes) shall cease to have effect.

Suppression of Terrorism Act 1978 (c. 26)

- 4 Sections 1 (offences not to be regarded as of a political character) and 2 (restrictions on return of criminal under Extradition Act 1870 or to Republic of Ireland) of the Suppression of Terrorism Act 1978 (c. 26) shall cease to have effect.
- 5 For section 5 of the Suppression of Terrorism Act 1978 substitute—

“5 Power to apply section 4 to non-convention countries

- (1) The Secretary of State may by order direct that section 4 above shall apply in relation to a country falling within subsection (2) below as it applies in relation to a convention country, subject to the exceptions (if any) specified in the order.
- (2) A country falls within this subsection if—
- (a) it is not a convention country; and
 - (b) it is a category 1 territory or a category 2 territory within the meaning of the Extradition Act 2003.”

Criminal Justice (International Co-operation) Act 1990 (c. 5)

- 6 Section 22(1) of the Criminal Justice (International Co-operation) Act 1990 (c. 5) (offences to which an Order in Council under the Extradition Act 1870 can apply) shall cease to have effect.

Computer Misuse Act 1990 (c. 18)

- 7 Section 15 of the Computer Misuse Act 1990 (c. 18) (extradition where Schedule 1 to the Extradition Act 1989 applies) shall cease to have effect.

Aviation and Maritime Security Act 1990 (c. 31)

- 8 Section 49 of the Aviation and Maritime Security Act 1990 (c. 31) (extradition by virtue of Orders in Council under Extradition Act 1870) shall cease to have effect.

Criminal Justice Act 1991 (c. 53)

- 9 In section 47 of the Criminal Justice Act 1991 (c. 53) (persons extradited to the United Kingdom) subsection (4) shall cease to have effect.

United Nations Personnel Act 1997 (c. 13)

- 10 Section 6(1) of the United Nations Personnel Act 1997 (c. 13) (offences to which an Order in Council under section 2 of the Extradition Act 1870 can apply) shall cease to have effect.

Terrorism Act 2000 (c. 11)

- 11 Section 64(5) of the Terrorism Act 2000 (c. 11) (offences to which an Order in Council under section 2 of the Extradition Act 1870 can apply) shall cease to have effect.

International Criminal Court Act 2001 (c. 17)

- 12 Section 71 of the International Criminal Court Act 2001 (c. 17) (extradition: Orders in Council under the Extradition Act 1870) shall cease to have effect.
- 13 (1) Part 2 of Schedule 2 to the International Criminal Court Act 2001 (delivery up to International Criminal Court of persons subject to extradition proceedings) is amended as follows.
- (2) For paragraph 7 (meaning of “extradition proceedings”) substitute—
- “7 In this Part of this Schedule “extradition proceedings” means proceedings before a court or judge in the United Kingdom under the Extradition Act 2003.”
- (3) In paragraph 8 (extradition proceedings in England and Wales or Northern Ireland) after sub-paragraph (5) add—
- “(6) References in this paragraph to a court include references to a judge.”
- (4) In paragraph 9 (extradition proceedings in Scotland) after sub-paragraph (3) add—
- “(4) References in this paragraph to a court include references to a judge.”
- (5) In paragraph 10 (power to suspend or revoke warrant or order) for sub-paragraph (1) substitute—
- “(1) Where a court makes a delivery order in respect of a person whose extradition has been ordered under the Extradition Act 2003, it may make any such order as is necessary to enable the delivery order to be executed.”
- (6) In paragraph 10(2) omit the words “by a court or judicial officer”.

Enterprise Act 2002 (c. 40)

- 14 Section 191 of the Enterprise Act 2002 (c. 40) (offences to which an Order in Council under the Extradition Act 1870 can apply) shall cease to have effect.

SCHEDULE 4

Section 220

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)	The whole Act.
Criminal Justice Act 1967 (c. 80)	Section 34.
Criminal Jurisdiction Act 1975 (c. 59)	In Schedule 3, paragraph 1.

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

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Bail Act 1976 (c. 63)	In section 2(2) the definition of “proceedings against a fugitive offender”. In section 4(2) the words “or proceedings against a fugitive offender for the offence”. In section 7(4) the words from “In reckoning” to “Sunday”. In Schedule 2, paragraph 33.
Criminal Law Act 1977 (c. 45)	In Schedule 12, in the entry for the Bail Act 1976, paragraph 4.
Suppression of Terrorism Act 1978 (c. 26)	Sections 1 and 2. In section 8— <ul style="list-style-type: none"> (a) subsection (5)(a); (b) in subsection (6) the words from “an order made under section 1(4)” to “or”.
Extradition Act 1989 (c. 33)	The whole Act.
Criminal Justice (International Co-operation) Act 1990 (c. 5)	Section 22.
Computer Misuse Act 1990 (c. 18)	Section 15.
Aviation and Maritime Security Act 1990 (c. 31)	Section 49.
Criminal Justice Act 1991 (c. 53)	Section 47(4).
Bail (Amendment) Act 1993 (c. 26)	In section 1— <ul style="list-style-type: none"> (a) in subsection (4), the word “such”; (b) in subsection (8), the word “magistrates”.
Criminal Justice Act 1993 (c. 36)	Section 72. Section 79(7).
Criminal Justice and Public Order Act 1994 (c. 33)	Sections 158 and 159.
United Nations Personnel Act 1997 (c. 13)	Section 6.
Justices of the Peace Act 1997 (c. 25)	In Schedule 5, paragraph 9.
Access to Justice Act 1999 (c. 22)	In Schedule 11, paragraphs 18 and 31 to 36.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 124.
Terrorism Act 2000 (c. 11)	Section 64.
International Criminal Court Act 2001 (c. 17)	Sections 71 to 73. In paragraph 10(2) of Schedule 2, the words “by a court or judicial officer”.
Proceeds of Crime Act 2002 (c. 29)	In Schedule 11, paragraph 18.

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

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Enterprise Act 2002 (c. 40)	Section 191.
