



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Evidence

206 Burden and standard of proof

- (1) This section applies if, in proceedings under this Act, a question arises as to burden or standard of proof.
- (2) The question must be decided by applying any enactment or rule of law that would apply if the proceedings were proceedings for an offence.
- (3) Any enactment or rule of law applied under subsection (2) to proceedings under this Act must be applied as if—
 - (a) the person whose extradition is sought (or who has been extradited) were accused of an offence;
 - (b) the category 1 or category 2 territory concerned were the prosecution.
- (4) Subsections (2) and (3) are subject to any express provision of this Act.
- (5) In this section “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

Commencement Information

- II** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 206.