



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **223 Orders and regulations**

- (1) References in this section to subordinate legislation are to—
  - (a) an order of the Secretary of State under this Act (other than an order within subsection (2));
  - (b) an order of the Treasury under this Act;
  - (c) regulations under this Act.
- (2) The orders referred to in subsection (1)(a) are—
  - (a) an order for a person's extradition or discharge;
  - (b) an order deferring proceedings on a warrant or request;
  - (c) an order deferring a person's extradition in pursuance of a warrant or request.
- (3) Subordinate legislation—
  - (a) may make different provision for different purposes;
  - (b) may include supplementary, incidental, saving or transitional provisions.
- (4) A power to make subordinate legislation is exercisable by statutory instrument [<sup>F1</sup>(subject to subsection (10))].
- (5) No order mentioned in subsection (6) may be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (6) The orders are—
  - (a) an order under any of these provisions—  
section 1(1);

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**Changes to legislation:** *Extradition Act 2003, Section 223 is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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[<sup>F2</sup>section 62B(3);]  
 section 69(1);  
 section 71(4);  
 section 73(5);  
 section 74(11)(b);  
 section 84(7);  
 section 86(7);  
 [<sup>F2</sup>section 135B(3)];  
 section 142(9);  
 section 173(4);  
<sup>F3</sup>  
 ...

(b) an order under section 219(2) which contains any provision (whether alone or with other provisions) amending or repealing any Act or provision of an Act.

[<sup>F4</sup>(6A) No regulations under section 74B(8) may be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.]

(7) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if it contains subordinate legislation other than an order mentioned in subsection (6) or an order under section 221.

(8) A territory may be designated by being named in an order made by the Secretary of State under this Act or by falling within a description set out in such an order.

(9) An order made by the Secretary of State under section 1(1) or 69(1) may provide that this Act has effect in relation to a territory designated by the order with specified modifications.

[<sup>F5</sup>(10) The power of the Department of Justice in Northern Ireland to make regulations under section 61(8)(b) or 134(8)(b) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979<sup>M1</sup>.

(11) Regulations made by the Department of Justice are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954). ]

#### Textual Amendments

- F1** Words in s. 223(4) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), **Sch. 18 para. 70(5)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F2** Words in s. 223(6) inserted (1.10.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 7 para. 19** (with Sch. 7 Pt. 4); S.I. 2012/2412, art. 2(g)
- F3** Words in s. 223(6)(a) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **53(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 223(6A) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), **Sch. para. 26**; S.I. 2020/1652, reg. 2(1)(b)
- F5** S. 223(10)(11) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), **Sch. 18 para. 70(5)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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**Marginal Citations**

**M1** S.I. 1979/1573 (N.I. 12).

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**Changes and effects yet to be applied to :**

- s. 223(6)(a) words inserted by [2014 c. 12 Sch. 11 para. 122](#)