

**Changes to legislation:** There are currently no known outstanding effects for the Police and Justice Act 2006, Cross  
Heading: Powers of High Court in relation to bail decisions by magistrates' court etc. (See end of Document for details)

## SCHEDULES

### SCHEDULE 13

#### EXTRADITION

#### PART 2

#### AMENDMENTS TO OTHER ACTS

##### *Powers of High Court in relation to bail decisions by magistrates' court etc*

- 27 (1) Section 22 of the Criminal Justice Act 1967 (c. 80) (power of High Court to grant, or vary conditions of, bail) is amended as follows.
- (2) After subsection (1) (application to grant bail etc where case stated to High Court) there is inserted—
- “(1A) Where a magistrates' court withholds bail in extradition proceedings or imposes conditions in granting bail in extradition proceedings, the High Court may grant bail or vary the conditions.”
- (3) In subsection (4) (which defines certain terms used in section 22), after “ “bail in criminal proceedings”” there is inserted “ , “extradition proceedings” .

#### Commencement Information

**II** Sch. 13 para. 27 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

- 28 In section 1(1A) of the Bail (Amendment) Act 1993 (c. 26) (right of prosecution to appeal to Crown Court against granting of bail in extradition proceedings), for “a judge of the Crown Court” there is substituted “ the High Court ”.

#### Commencement Information

**I2** Sch. 13 para. 28 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

- 29 (1) Section 10 of the Justice (Northern Ireland) Act 2004 (c. 4) (prosecution right of appeal against grant of bail by magistrates' court) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(1A) Where a magistrates' court grants bail to a person in connection with extradition proceedings, the prosecution may appeal to the High Court against the granting of bail.”
- (3) In subsection (3), after “subsection (1)” there is inserted “ or (1A) ”.

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- (4) In subsection (4)—
- (a) after “subsection (1)” there is inserted “ or (1A) ”;
  - (b) for “the magistrates' court” there is substituted “ the court which has granted bail ”.
- (5) In subsections (5) and (6), for “the magistrates' court” there is substituted “ the court which has granted bail ”.
- (6) In subsection (8)—
- (a) after “subsection (1)” there is inserted “ or (1A) ”;
  - (b) “magistrates” is omitted.
- (7) After subsection (11) there is inserted—
- “(12) In this section—
- “extradition proceedings” means proceedings under the Extradition Act 2003;
- “magistrates' court” and “court”, in relation to extradition proceedings, mean a resident magistrate designated in accordance with section 67 or section 139 of the Extradition Act 2003;
- “prosecution”, in relation to extradition proceedings, means the person acting on behalf of the territory to which extradition is sought.”

**Commencement Information**

**I3** Sch. 13 para. 29 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

30 After section 10 of the Justice (Northern Ireland) Act 2004 there is inserted—

**“10A Prosecution right of appeal against grant of bail by county court judge in extradition proceedings**

- (1) Section 10 applies to the granting of bail by a county court judge in extradition proceedings as it applies to the granting of bail by a magistrates' court in such proceedings; and references in that section to a magistrates' court shall be construed accordingly.
- (2) In this section “extradition proceedings” has the same meaning as in section 10.”

**Commencement Information**

**I4** Sch. 13 para. 30 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

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