

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””.
- 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”.
- 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)”.
- (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.”

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.”

Credit against sentence for periods of remand in custody of persons extradited to UK

31 In section 243 of the Criminal Justice Act 2003 (c. 44) (persons extradited to the United Kingdom), in subsection (1), after “imposed” there is inserted “or he received that sentence”.

32 In section 101 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (detention and training orders: term of order, taking account of remands, etc), after subsection (12) there is inserted—

“(12A) Section 243 of the Criminal Justice Act 2003 (persons extradited to the United Kingdom) applies in relation to a person sentenced to a detention and training order as it applies in relation to a fixed-term prisoner, with the reference in subsection (2) of that section to section 240 being read as a reference to subsection (8) above.”

33 (1) Section 47 of the Criminal Justice Act 1991 (c. 53) (persons extradited to the United Kingdom) is amended as follows.

(2) In subsection (1), after “imposed” there is inserted “or he received that sentence”.

(3) After subsection (3) there is inserted—

“(3A) This section applies in relation to a person sentenced to a detention and training order as it applies in relation to a short-term or long-term prisoner, and as it so applies—

(a) the reference in subsection (2) above to section 67 of the 1967 Act shall be read as a reference to section 101(8) of the Powers of Criminal Courts (Sentencing) Act 2000; and

Status: This is the original version (as it was originally enacted).

- (b) the reference in that subsection to a relevant period shall be read as a reference to the period mentioned in the said section 101(8).”

Amendments consequential on amendments in Part 1

- 34 In section 4(2B) of the Bail Act 1976 (c. 63) (no right to bail in certain extradition proceedings), for “to be unlawfully at large after conviction” there is substituted “to have been convicted”.
- 35 In paragraph 81(4) of Schedule 9 to the Constitutional Reform Act 2005 (c. 4) (amendments substituting “Supreme Court” for “House of Lords” in provisions of the Extradition Act 2003)—
 - (a) after paragraph (b) there is inserted—
 - “(ba) section 33A (detention pending conclusion of certain appeals under section 32);”;
 - (b) after paragraph (i) there is inserted—
 - “(ia) section 115A (detention pending conclusion of certain appeals under section 114);”.