

SCHEDULE 4

Article 3(2)

Modifications to provisions of the Act where extradition request involves multiple offences

General modification

1.—(1) Unless the context otherwise requires, any reference in the Act to an offence (including a reference to an extradition offence) is to be construed as a reference to offences (or extradition offences).

(2) Subparagraph (1) does not apply to any reference to an offence—

- (a) in a modification made by this Schedule, or
- (b) in a provision of the Act which is relevant to such a modification.

Arrest warrant following extradition request

2.—(1) Section 71 is modified as follows.

(2) For subsection (2)(a) substitute—

“(a) any of the offences in respect of which extradition is requested are extradition offences.”.

(3) In subsection (2)(b) after “evidence” insert “in relation to that offence”.

Provisional warrant

3.—(1) Section 73 is modified as follows.

(2) For subsection (3)(a) substitute—

“(a) any of the offences in respect of which extradition is requested are extradition offences.”.

(3) In subsection (3)(b) after “evidence” insert “in relation to that offence”.

Initial stages of extradition hearing

4.—(1) Section 78 is modified as follows.

(2) In subsection (2) after “(or include)” insert “in relation to each offence”.

(3) In subsection (3) after “discharge” insert “in relation to the relevant offence only”.

(4) In subsection (4)(b) for “the offence” substitute “each offence”.

(5) In subsection (6) after “discharge” insert “in relation to that offence”.

(6) For subsection (7) substitute—

“(7) If the judge decides those questions in the affirmative in relation to one or more offences he must proceed under section 79.”.

Bars to extradition

5.—(1) Section 79 is modified as follows.

(2) For subsection (3) substitute—

“(3) If the judge decides any of the questions in subsection (1) in the affirmative in relation to any offence, he must order the person’s discharge in relation to that offence only.”.

(3) For subsection (4) substitute—

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“(4) If the judge decides those questions in the negative in relation to any offence and the person is accused of the commission of the extradition offences but is not alleged to be unlawfully at large after conviction of it, the judge must proceed under section 84 in relation to that offence.”.

(4) For subsection (5) substitute—

“(5) If the judge decides any of those questions in the negative in relation to any offence and the person is alleged to be unlawfully at large after conviction of it, the judge must proceed under section 85 in relation to that offence.”.

Case where person has not been convicted

6.—(1) Section 84 is modified as follows.

(2) In subsection (1) after “evidence” insert “in relation to each offence”.

(3) In subsection (5) after “discharge” insert “in relation to that offence”.

(4) In subsections (6) and (7)(b) after “section 87” insert “in relation to that offence”.

Case where person has been convicted

7.—(1) Section 85 is modified as follows.

(2) In subsection (1) after “decide” insert “in relation to each offence”.

(3) In subsection (2) after “section 87” insert “in relation to the offence”.

(4) In subsection (4) after “section 87” insert “in relation to the offence”.

(5) In subsection (6) after “section 86” insert “in relation to the offence”.

(6) In subsection (7) after “discharge” insert “in relation to the offence”.

Conviction in person’s absence

8.—(1) Section 86 is modified as follows.

(2) In subsection (1) after “decide” insert “in relation to each offence”.

(3) In subsection (5) after “discharge” insert “in relation to the offence”.

(4) In subsection (6) after “section 87” insert “in relation to the offence”.

(5) In subsection (7)(b) after “section 87” insert “in relation to the offence”.

Human rights

9.—(1) Section 87 is modified as follows.

(2) In subsection (1) after “decide” insert “in relation to each offence”.

(3) In subsection (2) after “discharge” insert “in relation to the offence”.

(4) In subsection (3) after “extradited” insert “for the offence in question”.

Case sent to Governor

10.—(1) Section 92 is modified as follows.

(2) In subsection (2)(a) after “Supreme Court” insert “in relation to each relevant offence”.

Governor’s consideration of case

11.—(1) Section 93 is modified as follows.

- (2) In subsection (2) after “decide” insert “in relation to each offence”.
- (3) In subsection (3) after “discharge” insert “in relation to the offence”.
- (4) In subsection (4)—
 - (a) after “negative” insert “in relation to the offence in question”, and
 - (b) after “requested” insert “for that offence”.

Death penalty

- 12.—(1) Section 94 is modified as follows.
- (2) In subsection (1) after the first “extradition territory” insert “in relation to an offence”.
- (3) In subsection (2) after “assurance” insert “in relation to the relevant offence”.

Speciality

- 13.—(1) Section 95 is modified as follows.
- (2) In subsection (2) after “section 127” insert “in relation to all offences contained in the extradition request”.

Information

- 14.—(1) Section 100 is modified as follows.
- (2) In subsection (1)(b) after “Supreme Court” insert “in relation to each relevant offence”.
- (3) In subsection (2) after “extradition” insert “in relation to the offence”.
- (4) In subsection (4) after “discharge” insert “in relation to an offence”.

Appeal where case sent to Governor

- 15.—(1) Section 103 is modified as follows.
- (2) In subsection (1) after “relevant decision” insert “in relation to each offence”.
- (3) In subsection (2) after “section 127” insert “in relation to the offence”.
- (4) In subsection (6) after “discharge” insert “in relation to the offence”.
- (5) In subsection (7) after “discharge” insert “in relation to the offence”.

Court’s powers on appeal under section 103

- 16.—(1) Section 104 is modified as follows.
- (2) In subsection (5) after “it must” insert “in relation to the relevant offence only”.

Appeal against discharge at extradition hearing

- 17.—(1) Section 105 is modified as follows.
- (2) In subsection (1) after “discharge” insert “in relation to an offence”.

Court’s powers on appeal under section 105

- 18.—(1) Section 106 is modified as follows.
- (2) In subsection (6) after “it must” insert “in relation to the relevant offence only”.

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Detention pending conclusion of appeal under section 105

- 19.—(1) Section 107 is modified as follows.
- (2) In subsection (1) after “section 105” insert “in relation to at least one offence”.
- (3) In subsection (4) after “times” insert “taking all offences contained in the extradition request together”.

Appeal against extradition order

- 20.—(1) Section 108 is modified as follows.
- (2) In subsection (1) after “extradition” insert “in relation to an offence”.
- (3) In subsection (2) after “extradition” insert “in relation to the offence”.

Court’s powers on appeal under section 108

- 21.—(1) Section 109 is modified as follows.
- (2) In subsection (5) after “it must” insert “in relation to the relevant offence only”.

Appeal against discharge by Governor

- 22.—(1) Section 110 is modified as follows.
- (2) In subsection (1) after “discharge” insert “in relation to an offence”.

Court’s powers on appeal under section 110

- 23.—(1) Section 111 is modified as follows.
- (2) In subsection (5) after “it must” insert “in relation to the relevant offence only”.

Detention pending conclusion of appeal under section 110

- 24.—(1) Section 112 is modified as follows.
- (2) In subsection (2)(b) for “the appeal” substitute “any appeal”.

Appeal to Judicial Committee

- 25.—(1) Section 114 is modified as follows.
- (2) In subsection (1) after “Supreme Court” insert “in relation to each offence”.

Powers of Judicial Committee on appeal under section 114

- 26.—(1) Section 115 is modified as follows.
- (2) In subsection (3) after “must” insert “in relation to the relevant offence only”.
- (3) In subsection (5) after “must” insert “in relation to the relevant offence only”.
- (4) In subsection (7) after “must” insert “in relation to the relevant offence only”.

Extradition where no appeal

- 27.—(1) Section 117 is modified as follows.
- (2) In subsection (1) after “person’s extradition” insert “in relation to an offence”.

Extradition following appeal

28.—(1) Section 118 is modified as follows.

(2) In subsection (2)(b) after “discontinued” insert—

“, or

(c) if there is more than one appeal outstanding in relation to offences contained in the same extradition request, the day on which the last decision of the relevant court becomes final or on which the last proceedings on the appeal are discontinued.”.

Withdrawal of request before end of extradition hearing

29.—(1) Section 122 is modified as follows.

(2) In subsection (1) after “extradition” insert “in relation to an offence”.

(3) In subsection (3) after “discharge” insert “in relation to the offence”.

Withdrawal of request after case sent to Governor

30.—(1) Section 123 is modified as follows.

(2) In subsection (1) after “extradition” insert “in relation to an offence”.

(3) In subsection (3) after “discharge” insert “in relation to the offence”.

Withdrawal of request while appeal to Supreme Court pending

31.—(1) Section 124 is modified as follows.

(2) In subsection (1) after “extradition” insert “in relation to an offence”.

(3) In subsection (3) after “must” insert “in relation to the offence”.

(4) In subsection (4) after “appeal” insert “in relation to the offence”.

Withdrawal of request while appeal to Judicial Committee pending

32.—(1) Section 125 is modified as follows.

(2) In subsection (1) after “extradition” insert “in relation to an offence”.

(3) In subsection (3) after “must” insert “in relation to the offence”.

(4) In subsection (4) after “appeal” insert “in relation to the offence”.

Consent to extradition: general

33.—(1) Section 127 is modified as follows.

(2) In subsection (1) after “requested” insert “in relation to one or more offences contained in the extradition request”.

(3) In subsection (2) after “his extradition” insert “in relation to one or more offences contained in the extradition request”.

Consent to extradition before case sent to Governor

34.—(1) Section 128 is modified as follows.

(2) In subsection (2) after “so” insert “unless there are other offences contained in the extradition request in relation to which the person has not consented to his extradition”.

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(3) In subsection (3) after “91” insert “unless there are other offences contained in the extradition request in relation to which the person has not consented to his extradition”.

National security

35.—(1) Section 208 is modified as follows.

- (2) In subsection (2) for “an offence” substitute “more than one offence”.
- (3) In subsection (3)(a) for “the offence” substitute “any of the offences”.
- (4) In subsection (3)(b) for “the offence” substitute “the offence in question”.
- (5) In subsection (4) after “the offence” insert “in question”.
- (6) In subsection (6) after “the offence” insert “in question only”.
- (7) In subsection (7) after “discharge” insert “in relation to the offence”.