

SCHEDULE

Paragraph 2(6)(b)

FORM 34.3–A Form of note of appeal under section 26(1) of the Extradition Act 2003

Rule 34.3(1)(a)

IN THE HIGH COURT OF JUSTICIARY

NOTE OF APPEAL

under section 26(1) of the Extradition Act 2003

by

[A.B.] (*address*)

1. [A.B.] (*address*) (“the appellant”) was arrested at (*place*) on (*date*) under section 5 of the Extradition Act 2003 [*or* under a warrant issued under Part 1 of the Extradition Act 2003].

2. On (*date*) the sheriff of Lothian and Borders at (*place*) ordered the appellant’s extradition to (*country*) being a category 1 territory within the meaning of section 1 of the Extradition Act 2003.

3. The Appellant appeals to the High Court of Justiciary under section 26(1) of the Extradition Act 2003 on the grounds set out in the following paragraphs.

(Here state in brief specific numbered propositions the grounds on which it is proposed to submit that the appeal should be allowed.)

(Signed)

Appellant’s legal representative

(Address)

(Telephone number)

(E-mail address)

FORM 34.3–B Form of note of appeal under section 28(1) of the Extradition Act 2003

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 34.3(1)(b)

IN THE HIGH COURT OF JUSTICIARY

NOTE OF APPEAL

under section 28(1) of the Extradition Act 2003

by

HER MAJESTY'S ADVOCATE

on behalf of (*authority which issued the warrant under Part 1 of the Act of 2003*)

1. [A.B.] (*address*) ('the arrested person') was arrested at (*place*) on (*date*) under section 5 of the Extradition Act 2003 [*or under Part 1 warrant within the meaning of section 2 of the Extradition Act 2003*].

2. On (*date*) the sheriff of Lothian and Borders at (*place*) ordered the discharge of the arrested person.

3. Her Majesty's Advocate appeals to the High Court of Justiciary under section 28(1) of the Extradition Act 2003 on the grounds set out in the following paragraphs.

(Here state in brief specific numbered propositions the grounds on which it is proposed to submit that the appeal should be allowed.)

(Signed)

On behalf of Her Majesty's Advocate

(Address)

(Telephone number)

(E-mail address)

FORM 34.3—Form of notice of appeal under section 103(1) or 108(1) of the Extradition Act 2003

IN THE HIGH COURT OF JUSTICIARY

NOTE OF APPEAL

under section 103(1) [or 108(1)] of the Extradition Act 2003

by

[A.B.] (address)

1. [A.B.] (address) ('the appellant') was arrested at (place) on (date) under a warrant issued by the sheriff of Lothian and Borders under section 71(2) of the Extradition Act 2003 [or under a provisional warrant issued by the sheriff of (name of sheriffdom) under section 73 of the Extradition Act 2003].

2. On (date) the sheriff of Lothian and Borders at (place) sent the appellant's case to the Scottish Ministers for their decision whether the appellant was to be extradited. [On (date) the Scottish Ministers ordered the extradition of the appellant].

3. The appellant appeals to the High Court of Justiciary under section 103(1) [or 108(1)] of the Extradition Act 2003 on the grounds set out in the following paragraphs.

(Here state in brief specific numbered propositions the grounds on which it is proposed to submit that the appeal should be allowed.)

(Signed)

Appellant's legal representative

(Address)

(Telephone number)

(E-mail address)

FORM 34.3—D Form of note of appeal under section 105(1) or 110(1) of the Extradition Act 2003

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 34.3(1)(d)

IN THE HIGH COURT OF JUSTICIARY

NOTE OF APPEAL

under section 105(1) [or 110(1)] of the Extradition Act 2003

by

HER MAJESTY'S ADVOCATE

on behalf of (*specify category 2 territory*)

1. [A.B.] (*address*) ('the arrested person') was arrested at (*place*) on (*date*) under a warrant issued by the sheriff of Lothian and Borders under section 71(2) of the Extradition Act 2003 [or under a provisional warrant issued by the sheriff of (*name of sheriffdom*) under section 73(3) of the Extradition Act 2003].

2. On (*date*) the sheriff of Lothian and Borders at (*place*) ordered the discharge of the arrested person. [or That on (*date*) the sheriff of Lothian and Borders sent the arrested person's case to the Scottish Ministers for their decision whether the arrested person was to be extradited. That on (*date*) the Scottish Ministers ordered the discharge of the arrested person].

3. Her Majesty's Advocate appeals on behalf of (*specify category 2 territory*) to the High Court of Justiciary under section 105(1) [or 110(1)] of the Extradition Act 2003 on the grounds set out in the following paragraphs.

(*Here state in brief specific numbered propositions the grounds on which it is proposed to submit that the appeal should be allowed.*)

(*Signed*)

On behalf of Her Majesty's Advocate

(*Address*)

(*Telephone number*)

(*E-mail address*)

FORM 34.5 Form of application seeking extension of time under section 31(4) or 113(4) of the Extradition Act 2003

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 34.5

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE
CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

APPLICATION FOR EXTENSION OF TIME

under section 31(4) [or 113(4)] of the Extradition Act 2003

by

HER MAJESTY'S ADVOCATE

[or [A.B.], (address)]

Name of arrested person: (name)

Date of Birth: (date)

Address: (address)

The time within which the High Court must begin to hear the appeal by (specify) under section 26(1) [or 28(1) or 103(1) or 105(1) or 108(1) or 110(1)] of the Extradition Act 2003 expires on (date).

Application is hereby made under section 31(4) [or 113(4)] of that Act for extension of the period within which the High Court must begin to hear that appeal for the following reasons:—

(Here state in brief specific numbered propositions the reasons why it would be in the interests of justice for the application to be granted.)

(Signed)

On behalf of Her Majesty's Advocate

[or On behalf of the arrested person]

(Address)

(Telephone number)

(E-mail address)

FORM 34.6—A Form of notice of consent to extradition to category 1 territory

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 34.6(a)

NOTICE OF CONSENT TO EXTRADITION

by

(A.B.) (*date of birth*)

On (*date*) I was arrested under section 5 of the Extradition Act 2003 [*or* under a Part 1 warrant within the meaning of section 2 of the Extradition Act 2003] with a view to my extradition to (*specify category 1 territory*).

I understand that by consenting to my extradition I am to be taken as having waived any right not to be dealt with in (*specify category 1 territory*) for an offence committed before my extradition.

I understand that by consenting to my extradition, I waive any right—

- (a) to make representations at an extradition hearing before a sheriff, or
- (b) to appeal against the decision of the sheriff.

I understand that this written consent to my extradition is irrevocable.

I consent to my extradition.

(*Signed*)

(A.B.)

This notice of consent was signed by the above-mentioned person in my presence on (*date*) at (*place*).

(*Signed*)

Sheriff of Lothian and Borders

FORM 34.6–B Form of notice of consent to extradition to category 2 territory

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 34.6(b)

NOTICE OF CONSENT TO EXTRADITION

by

(A.B.) (*date of birth*)

On (*date*) I was arrested under a warrant issued under section 71(2) of the Extradition Act 2003 [or under a provisional warrant under 73(3) of the Extradition Act 2003] with a view to my extradition to (*specify category 2 territory*).

I understand that by consenting to my extradition I am to be taken as having waived any right not to be dealt with in (*specify category 2 territory*) for an offence committed before my extradition.

I understand that by consenting to my extradition, I waive any right—

- (a) to make representations at an extradition hearing before a sheriff, or
- (b) to appeal against the decision of the sheriff or the Scottish Ministers.

I understand that by consenting to my extradition I lose any protection afforded by section 95 of the Extradition Act 2003.

I understand that this written consent to my extradition is irrevocable.

I consent to my extradition.

(Signed)

(A.B.)

This notice of consent was signed by the above-mentioned person in my presence on (*date*) at (*place*).

(Signed)

Sheriff of Lothian and Borders

FORM 34.7—A Form of notice of request under section 54(1) of the Extradition Act 2003

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 34.7(1)

To: (name of extradited person) (date of birth) (address)

Date: (date)

TAKE NOTICE:

1. That on (date) the sheriff of Lothian and Borders at (place) received a request from (specify judicial authority of the category 1 territory) for consent to deal with you in relation to the offence of (specify) in addition to the offence for which you were extradited to (category 1 territory).

2. That the request for consent was received by the Crown Agent on (date).

3. That the request for consent was certified by the Crown Agent under section 54(2) of the Extradition Act 2003 on (date).

4. That the certified request is attached to this notice.

5. That a consent hearing has been fixed for (time and date) at (place). At that hearing the sheriff will consider whether consent should be given to your being dealt with in (category 1 territory) in relation to the offence of (specify) in addition to the offence for which you were extradited. You may therefore wish to appear or be represented at that hearing.

You should seek legal advice about the implications of this notice.

(Signed)

Sheriff

FORM 34.7–B Form of notice of request under section 56(1) of the Extradition Act 2003

Rule 34.7(2)

To: (name of extradited person) (date of birth) (address)

Date: (date)

TAKE NOTICE:

1. That on (date) the sheriff of Lothian and Borders at (place) received a request from (specify judicial authority of the category 1 territory) for your extradition to (category 1 territory).

2. That the request for consent was received by the Crown Agent on (date).

3. That the request for consent was certified by the Crown Agent under section 56(2) of the Extradition Act 2003 on (date).

4. That the certified request is attached to this notice.

5. That a consent hearing has been fixed for (time and date) at (place). At that hearing the sheriff will consider whether consent should be given to your being extradited to (category 1 territory). You may therefore wish to appear or be represented at that hearing.

You should seek legal advice about the implications of this notice.

(Signed)

Sheriff