

Draft Regulations laid before Parliament under section 112(7) of the Anti-terrorism, Crime and Security Act 2001 for approval by resolution of each House of Parliament. This Statutory Instrument has been made in consequence of defects in S.I.2002/419 and is being issued free of charge to all known recipients of that Statutory Instrument.

DRAFT STATUTORY INSTRUMENTS

2002 No.

EXTRADITION

European Union Extradition (Amendment) Regulations 2002

<i>Made</i>	- - - -	<i>2002</i>
<i>Coming into force</i>	- -	<i>2002</i>

Whereas these Regulations will amend provision made for the purposes set out in section 111 (1) of the Anti-terrorism, Crime and Security Act 2001(1) in respect of third pillar measures falling within section 111(2)(a) and (b) of that Act;

And whereas the Secretary of State is an authorised Minister for the purposes of section 111 (1) under section 112(1) and (3)(a) of that Act;

And whereas a draft of these Regulations has been laid before and approved by resolution of each House of Parliament;

Now, therefore, in exercise of the powers conferred on him by section 111 (1) and (3) of that Act, the Secretary of State hereby makes the following Regulations:

1. These Regulations may be cited as the European Union Extradition (Amendment) Regulations 2002 and shall come into force on the day after the day on which they are made.

2.—(1) Schedule 1A to the Extradition Act 1989 (application of the Act where 1995 or 1996 Convention applies)(2) is amended as follows.

(2) In section 14A(5), as inserted by paragraph 5 of Schedule 1A, for “magistrate” substitute “Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him for the purposes of this Act”.

(3) Omit paragraph 10(4) of Schedule 1A.

(4) After the subsection inserted by paragraph 11(3) of Schedule 1A insert:

(1) 2001 c. 24.

(2) 1989 c. 33; Schedule 1A was inserted by paragraph 5 of Schedule 9 to the European Union Extradition Regulations 2002 (S.I. 2002/419) and applies in the circumstances set out in section 34A of the Extradition Act 1989, as inserted by paragraph 3 of that Schedule.

“(1B) Where the foreign state has made a declaration under Article 6(3) of the 1996 Convention, fiscal offences, other than those connected with excise, value added tax or customs, are excluded from paragraph (ba) to (bd) of subsection (1) above.”.

Home Office
2002

Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct two errors in the amendments made by the European Union Extradition Regulations 2002 (“the 2002 Regulations”).

Paragraph 5 of Schedule 9 to the 2002 Regulations inserted Schedule 1A in the Extradition Act 1989 (“the 1989 Act”). That Schedule provides for the application of the 1989 Act as between the United Kingdom and states other than the Republic of Ireland which are parties to the 1995 and 1996 Conventions specified in section 111(2)(a) and (b) of the Anti-terrorism, Crime and Security Act 2001.

Section 14A(5) of the 1989 Act, as inserted by Schedule 1A to that Act, refers to a magistrate, thereby overlooking the changes made by section 78 of the Access to Justice Act 1999 (c. 22). Regulation 2(2) of these Regulations amends this expression to reflect the new titles.

The provision inserted by paragraph 10(4) of Schedule 1A to the 1989 Act modified the wrong section. Regulation 2(3) omits the provision which was inserted in error and regulation 2(4) adds it to the correct provision.