

**EXPLANATORY MEMORANDUM TO**  
**THE EXTRADITION ACT 2003 (AMENDMENT TO DESIGNATIONS) ORDER 2008**  
**2008 No. Draft**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The above instrument is made in order to amend the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 **General:** The Extradition Act 2003 (the Act) provides for two distinct sets of procedures to apply to incoming extradition requests. Part 1 is a more simplified and streamlined system operating within the EU, in which the European Arrest Warrant seeking surrender is transmitted and considered by the judicial authorities in the Member States concerned. Part 2 of the Act covers other territories with which the United Kingdom has general extradition relations. In these cases a request for extradition falls to be considered by the Secretary of State for the Home Department.

4.2 The Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 and the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 designate territories under sections 1 (Part 1) and 69 (Part 2) of the Extradition Act 2003 respectively. Further orders, The Extradition Act 2003 (Amendment to Designations) Order 2004; The Extradition Act 2003 (Amendment to Designations) Order 2005; The Extradition Act 2003 (Amendment to Designations) (No.2) Order 2005; The Extradition Act 2003 (Amendment to Designations) Order 2006 and The Extradition Act 2003 (Amendment to Designations) Order 2007 have amended these designation orders.

4.3 This Order further amends the list of territories designated for the purpose of Part Two of the Act by adding the United Arab Emirates to the list of Part Two territories. This reflects the fact that the UK and United Arab Emirates signed a bilateral extradition treaty on 6 December 2006 and Instruments of Ratification were exchanged on 3 March 2008.

4.5 **EU legislation:** None.

5. **Extent**

5.1 This instrument applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

6.1 Lord West of Spithead, Parliamentary Under-Secretary of State at the Home Office, has made the following statement regarding Human Rights:

6.2 In my view the provisions of the Extradition Act 2003(Amendment to Designations) Order 2008 are compatible with the Convention.

## **7. Policy background**

7.1 Part Two of the Act designates the UK's extradition partners outside the EU. Following the signing of a bilateral extradition treaty between the UK and United Arab Emirates, as well as the exchange of Instruments of Ratification, United Arab Emirates now needs to be designated as an extradition partner under Part Two of the Act.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

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