



# Extradition Act 1989

## 1989 CHAPTER 33

### PART I

#### INTRODUCTORY

##### *Return to foreign states*

### **3 Arrangements for availability of Part III procedure**

- (1) In this Act “extradition arrangements” means arrangements made with a foreign state under which extradition procedures under Part III of this Act will be available as between the United Kingdom and that state.
- (2) For this purpose “foreign state” means any state other than—
  - (i) the United Kingdom;
  - (ii) a country mentioned in Schedule 3 to the British Nationality Act 1981 (countries whose citizens are Commonwealth citizens);
  - (iii) a colony; or
  - (iv) the Republic of Ireland,but a state which is a party to the European Convention on Extradition done at Paris on 13th December 1957 may be treated as a foreign state.
- (3) Extradition arrangements may be—
  - (a) arrangements of a general nature made with one or more states and relating to the operation of extradition procedures under Part III of this Act (in this Act referred to as “general extradition arrangements”); or
  - (b) arrangements relating to the operation of those procedures in particular cases (in this Act referred to as “special extradition arrangements”) made with a state with which there are no general extradition arrangements.

#### **4 Orders in Council as to extradition**

- (1) Where general extradition arrangements have been made, Her Majesty may, by Order in Council reciting or embodying their terms, direct that this Act, so far as it relates to extradition procedures under Part III of this Act, shall apply as between the United Kingdom and the foreign state, or any foreign state, with which they have been made, subject to the limitations, restrictions, exceptions and qualifications, if any, contained in the Order.
- (2) An Order in Council under this section shall not be made unless the general extradition arrangements to which it relates—
  - (a) provide for their determination after the expiration of a notice given by a party to them and not exceeding one year or for their denunciation by means of such a notice; and
  - (b) are in conformity with the provisions of this Act, and in particular with the restrictions on return contained in Part II of this Act.
- (3) An Order in Council under this section shall be conclusive evidence that the arrangements therein referred to comply with this Act and that this Act, so far as it relates to extradition procedures under Part III of this Act, applies in the case of the foreign state, or any foreign state, mentioned in the Order.
- (4) An Order in Council under this section shall be laid before Parliament after being made.
- (5) An Order in Council under this section which does not provide that a person may only be returned to the foreign state requesting his return if the court of committal is satisfied that the evidence would be sufficient to warrant his trial if the extradition crime had taken place within the jurisdiction of the court shall be subject to annulment in pursuance of a resolution of either House of Parliament.