

SCHEDULES

SCHEDULE 1

PROVISIONS DERIVING FROM EXTRADITION ACT 1870 AND ASSOCIATED ENACTMENTS

Restrictions on surrender

- 1 (1) The following restrictions shall be observed with respect to the surrender of fugitive criminals.
- (2) A fugitive criminal shall not be surrendered—
 - (a) if the offence in respect of which his surrender is demanded is one of a political character, or
 - (b) if he proves to the satisfaction of the metropolitan magistrate or the court before whom he is brought on habeas corpus, or to the Secretary of State, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.
- (3) A fugitive criminal shall not be surrendered to a foreign state unless provision is made by the law of that state, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign state for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded.
- (4) A fugitive criminal who has been accused of some offence within United Kingdom jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the United Kingdom, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise, or unless an order is made for the charge in respect of the offence to lie on the file.
- (5) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.