

POLICE AND JUSTICE ACT 2006

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 5: Miscellaneous

Paragraph 17: Extradition to category 2 territories: requests and certificates

344. *Sub-paragraphs (1), (2)(a) and (3) of paragraph 17* amend section 70(1) and (2) of the Act to provide Ministers with a discretion whether to certify an extradition request for a person who:
- has been recorded by the Secretary of State as a refugee within the meaning of the Refugee Convention, or
 - who has been granted leave to enter or remain in the United Kingdom on the ground that it would be a breach of Article 2 or 3 of the Human Rights Convention to remove him to the territory to which extradition is requested.
345. *Sub-paragraph (2)(b) of paragraph 17* amends section 70(1) to provide for a Part 2 request to be certified whether or not the person is in the UK on the day of certification.
346. *Sub-paragraph (5) of paragraph 17* removes the reference at section 70(9) to the Order in Council which designated the requesting state. This is because the orders designating states for extradition purposes are made by Order of the Secretary of State not by Order in Council. It also removes the requirement at section 70(9) for the relevant order to *accompany* each certified request when it is sent to the court. The amendment made by *sub-paragraph (4)* requires Ministers instead to *identify* the relevant order when sending the request to the court.