SCHEDULE 3

PART II

APPLICATION OF THE 1989 ACT IN THE CASE OF A STATE MENTIONED IN PART I

1. The 1989 Act shall have effect only in respect of–

(a) an offence mentioned in section 22(4)(f) of that Act;

(b) an attempt to commit such an offence;

(c) counselling, procuring, commanding, aiding or abetting such an offence; and

(d) being an accessory before or after the fact to such an offence.

2. No proceeding shall be taken on an application for a provisional warrant issued under section 8(1)(b) of the 1989 Act, and no such warrant shall be issued, unless the application is made with the consent of the Secretary of State signified by an order in the form set out in Part III of this Schedule or in a form to the like effect; but subject as aforesaid the signification of consent shall not affect the provisions of the said section 8.

3.—(1) Without prejudice to his so deciding on other grounds, the Secretary of State may, in the circumstances mentioned in the following sub-paragraph, decide not to make an order or issue a warrant–

(a) under section 7 of the 1989 Act (an authority to proceed), or

(b) under section 12 of the 1989 Act ordering the person to be returned, or

(c) for the purposes of paragraph 2 above signifying his consent to an application for a provisional warrant.

(2) The circumstances referred to in the preceding sub-paragraph are–

(a) that the Secretary of State is not satisfied that provision is made by the law of the State requesting the return under which a person accused or convicted in the United Kingdom of the like offence as that with which the person whose return is sought is accused or convicted might be surrendered to the United Kingdom if found in that State, or

(b) that the person whose return is sought could be or has been sentenced to death in the State by which the request for his return has been made for an offence not punishable with death in Great Britain, or

(c) that the person whose return is sought is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject, a British National (Overseas), or a British protected person.