
STATUTORY INSTRUMENTS

2003 No. 3103 (C. 122)

EXTRADITION

**The Extradition Act 2003
(Commencement and Savings) Order 2003**

Made - - - - 1st December 2003

The Secretary of State, in exercise of the powers conferred on him by sections 221 and 223(3) of the Extradition Act 2003⁽¹⁾, hereby makes the following Order:

1.—(1) This Order may be cited as the Extradition Act 2003 (Commencement and Savings) Order 2003.

(2) In this Order—

“the Act” means the Extradition Act 2003;

“the British Overseas Territories” means those territories listed in Schedule 6 to the British Nationality Act 1981⁽²⁾.

2. All of the provisions of the Act shall come into force on 1st January 2004, subject to the savings contained in this Order.

3. The coming into force of the Act shall not apply for the purposes of an extradition request (within the meaning of section 7(1) of the Extradition Act 1989⁽³⁾) which is received by the Secretary of State on or before 31st December 2003.

4. The coming into force of the Act shall not apply for the purposes of an extradition made from or to the United Kingdom on or before 31st December 2003.

5. The coming into force of Schedules 3 and 4 of the Act shall not apply for the purposes of—

(a) the Bailiwick of Jersey;

(b) the Bailiwick of Guernsey;

(c) the Isle of Man;

(d) the British Overseas territories with the exception of Gibraltar.

(1) 2003 c. 41.

(2) 1981 c. 61; the heading of Schedule 6 was substituted by the British Overseas Territories Act 2002 (c. 8). Amendments to the Schedule were made by S.I.2001/3497, S.I. 1986/948, S.I. 1983/882 and S.I. 2001/3497.

(3) 1989 c. 33.

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Home Office
1st December 2003

Caroline Flint
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings all of the provisions of the Extradition Act 2003 into force on 1st January 2004 subject to the following exceptions. All extradition requests received on or before 31st December 2003 will continue to be dealt with under the provisions of the Extradition Act 1989. Any post extradition requests made which relate to a person extradited to or from the United Kingdom on or before the 31st December 2003 will continue to be governed by the provisions of the 1989 Extradition Act. All requests received by the British Overseas Territories (with the exception of Gibraltar which will be designated as a category 1 territory), the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man will continue to be dealt with under the provisions of the Extradition Act 1989 until Orders in Council are made under sections 177, 178 or 222 or until any of those territories passes their own legislation to deal with extradition.