

2006 No. 3451

EXTRADITION

**The Extradition Act 2003 (Amendment to Designations)
Order 2006**

Made - - - - - *21st December 2006*

Coming into force:

Articles 1 and 2 *22nd December 2006*

Article 3 *1st January 2007*

The Secretary of State, in exercise of the powers conferred by sections 1, 69(1), 71(4), 73(5), 84(7) and 86(7) of the Extradition Act 2003(a), makes the following Order (a draft of which has been approved by each House of Parliament):

1.—(1) This Order may be cited as the Extradition Act 2003 (Amendment to Designations) Order 2006 and, subject to paragraphs (2) and (3), shall come into force on the day after the day on which it is made.

(2) The coming into force of articles 2 and 3 shall not apply to a request in respect of which—

- (a) the Secretary of State has issued a certificate under section 70 of the Extradition Act 2003, or
- (b) a person has been arrested under a provisional warrant issued under section 73(3) of the Extradition Act 2003,

before the coming into force of the relevant article.

(3) Article 3 shall come into force on 1st January 2007.

2.—(1) Article 2(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003(b) is amended by omitting the words “and Montenegro” after “Serbia” and by inserting “Montenegro,” after “Monaco.”

(2) Article 3(2) of that Order is amended by inserting “Bosnia and Herzegovina,” after “Azerbaijan.”

3.—(1) Article 2(2) of the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003(c) is amended by inserting “Bulgaria,” after “Belgium,” and “Romania,” after “Portugal.”

(a) 2003 c.41.

(b) S.I. 2003/3334; to which there have been amendments not relevant to the subject matter of this instrument.

(c) S.I. 2003/3333; to which there have been amendments not relevant to the subject matter of this instrument.

(2) Articles 2(2) and 3(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 are amended by omitting “Bulgaria,” and “Romania,”.

Home Office
21st December 2006

Joan Ryan
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

Bosnia and Herzegovina were designated as a category 2 territory for the purposes of the Extradition Act 2003 (“the 2003 Act”), by the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 (“the Part 2 Order”). However they were not designated in article 3(2) of that Order for the purposes of sections 71(4), 73(5), 84(7) and 86(7) of the 2003 Act. Article 2(2) of this Order so designates them. The effect of this is to alter the evidential requirements made of Bosnia and Herzegovina when they make an extradition request to the United Kingdom.

Montenegro is now an independent country and article 2(1) of this Order amends the Part 2 Order to designate it as a category 2 territory in its own right.

Bulgaria and Romania will accede to the European Union on 1st January 2007 from which date they will be operating the European Arrest Warrant scheme for extradition. Article 3(1) of this Order amends the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 to designate them as category 1 territories to enable the United Kingdom to operate the European Arrest Warrant scheme with them from that date. As a consequence, article 3(2) of this Order omits them from the Part 2 Order.

Article 1(2) of this Order is a transitional provision, which ensures that the changes in designation do not apply where extradition proceedings have already begun.

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