

EXPLANATORY MEMORANDUM TO
THE EXTRADITION ACT 2003 (AMENDMENT TO DESIGNATIONS) ORDER 2007

2007 No. 2238

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The above instrument is made in order to amend the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 and the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 **General:** The Extradition Act 2003 (the Act) provides for two distinct sets of procedures to apply to incoming extradition requests. Part 1 is a more simplified and streamlined system operating within the EU, which does not involve ministers. Part 2 of the Act covers other territories that the United Kingdom has extradition relations with who are not operating the simplified procedure.

4.2 The Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 and the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 designated countries under sections 1 and 69 of the Extradition Act 2003. Further orders, The Extradition Act 2003 (Amendment to Designations) Order 2004; The Extradition Act 2003 (Amendment to Designations) Order 2005; The Extradition Act 2003 (Amendment to Designations) (No.2) Order 2005 and The Extradition Act 2003 (Amendment to Designations) Order 2006 amended those designations.

4.3 Gibraltar has implemented its own legislation giving effect in Gibraltar to the European Arrest Warrant. Consequently, they need to be designated as a Part One territory for the purposes of the European Arrest Warrant. This Order amends the relevant Part of the Act accordingly.

4.4 In addition, this Order further amends Part Two of the Act by adding “Algeria” to the list of Part Two territories, reflecting the fact that the UK and Algeria signed a bilateral extradition treaty on 11 July 2006 and Instruments of Ratification were exchanged on 25 February 2007.

4.5 The Order also removes Bosnia and Herzegovina from the list of territories contained in paragraph 4(2) of SI 2003 No. 3334. This is because Bosnia and Herzegovina has acceded to the European Convention on Extradition. Accordingly the time limit for Bosnia and Herzegovina to submit papers to the United Kingdom in the event of a provisional arrest is reduced from 60 to 40 days.

4.6 **EU legislation:** The instrument further implements the Framework Decision on the European Arrest Warrant. The United Kingdom has been operating the European Arrest Warrant since 1 January 2004 with those Member States who had implemented the Framework Decision in to their domestic law. The Council Framework decision on the EAW was adopted by the EU Council on 13 June 2002, having been cleared by the relevant scrutiny committee in the House of Commons on 12 December 2001 and by the House of Lords' committee on 23 April 2002.

5. **Extent**

5.1 This instrument applies to all of the United Kingdom.

6. **European Convention on Human Rights**

6.1 Joan Ryan, Parliamentary Under-Secretary of State at the Home Office, has made the following statement regarding Human Rights:

6.2 In my view the provisions of the Extradition Act 2003(Amendment to Designations) Order 2006 are compatible with the Convention.

7. **Policy background**

7.1 Part One of the Act introduced a simplified extradition system, which gave effect to the Framework Decision on the European arrest warrant. Gibraltar has implemented its own domestic legislation, giving effect in Gibraltar to the European arrest warrant and it is necessary to designate Gibraltar under Part One of the Act. This will enable the United Kingdom to operate the European arrest warrant with Gibraltar.

7.2 Part Two of the Act designates the UK's extradition partners outside the EU. Following the signing of a bilateral extradition treaty between the UK and Algeria, as well as the exchange of Instruments of Ratification, Algeria now needs to be designated as an extradition partner under Part Two of the Act.

8. **Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. **Contact**

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