

2013 No. 2388

EXTRADITION, ENGLAND AND WALES

EXTRADITION, NORTHERN IRELAND

The Extradition Act 2003 (Designation of Prosecutors) (England and Wales and Northern Ireland) Order 2013

<i>Made</i> - - - -	<i>19th September 2013</i>
<i>Laid before Parliament</i>	<i>23rd September 2013</i>
<i>Coming into force</i> - -	<i>14th October 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 19F(2), 83E(2) and 223(3)(b) of the Extradition Act 2003(a) makes the following Order.

Citation, commencement and extent

1. This Order—

- (a) may be cited as the Extradition Act 2003 (Designation of Prosecutors) (England and Wales and Northern Ireland) Order 2013;
- (b) comes into force on 14th October 2013; and
- (c) extends to England and Wales and Northern Ireland.

Interpretation and transitional provision

2.—(1) In this Order, “the CMA Board” has the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013(b) (the Competition and Markets Authority – General).

(2) Until section 25 of the Enterprise and Regulatory Reform Act 2013 (the Competition and Markets Authority) comes into force, the reference to the CMA Board in the Schedule has effect as if it were a reference to the Office of Fair Trading.

Designated prosecutors and descriptions of designated prosecutors

3. The following persons are designated prosecutors for the purposes of sections 19F(2) and 83E(2) of the Extradition Act 2003—

- (a) the prosecutors listed in the Schedule; and

(a) 2003 c.41; sections 19F and 83E were inserted by section 50 of, and paragraphs 3 and 6 of Part 1 of Schedule 20 to, the Crime and Courts Act 2013 (c. 22).
(b) 2013 c.24.

- (b) a chief or deputy chief prosecutor (or the equivalent of a chief or deputy chief prosecutor) appointed by a prosecutor listed in the Schedule.

Home Office
19th September 2013

Taylor of Holbeach
Parliamentary Under Secretary of State

SCHEDULE

Listed Prosecutors

Article 3

The CMA Board

The Director of Public Prosecutions for Northern Ireland

The Director of Revenue and Customs Prosecutions

The Director of the Serious Fraud Office

The Director of Service Prosecutions

The Financial Conduct Authority

The Secretary of State for Business, Innovation and Skills, acting personally

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates prosecutors and descriptions of prosecutors as “designated prosecutors” for the purposes of sections 19F and 83E of the Extradition Act 2003 (“the 2003 Act”).

Sections 19B to 19F and 83A to 83E of the 2003 Act, as inserted by the Crime and Courts Act 2013, provide that the extradition of a person to category 1 or category 2 territories is barred by reason of forum if the extradition would not be in the interests of justice. If a designated prosecutor gives a prosecutor’s certificate, the judge hearing the proceedings must decide that extradition is not barred by reason of forum. The 2003 Act provides that any member of the Crown Prosecution Service is a designated prosecutor. This Order designates additional prosecutors and descriptions of prosecutors who are able to give a prosecutor’s certificate.

An impact assessment has not been produced for this Order as no impact on business, charities, voluntary agencies or the public sector is foreseen.

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£4.00

UK2013091927 09/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/2388>

ISBN 978-0-11-110422-4



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