



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Custody and bail

199 Bail: Scotland

After section 24 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (bail and bail conditions) insert—

“24A Bail: extradition proceedings

- (1) In the application of the provisions of this Part by virtue of section 9(2) or 77(2) of the Extradition Act 2003 (judge’s powers at extradition hearing), those provisions apply with the modifications that—
 - (a) references to the prosecutor are to be read as references to a person acting on behalf of the territory to which extradition is sought;
 - (b) the right of the Lord Advocate mentioned in section 24(2) of this Act applies to a person subject to extradition proceedings as it applies to a person charged with any crime or offence;
 - (c) the following do not apply—
 - (i) paragraph (b) of section 24(3); and
 - (ii) subsection (3) of section 30; and
 - (d) sections 28(1) and 33 apply to a person subject to extradition proceedings as they apply to an accused.
- (2) Section 32 of this Act applies in relation to a refusal of bail, the amount of bail or a decision to allow bail or ordain appearance in proceedings under this Part as the Part applies by virtue of the sections of that Act of 2003 mentioned in subsection (1) above.

Status: This is the original version (as it was originally enacted).

- (3) The Scottish Ministers may, by order, for the purposes of section 9(2) or 77(2) of the Extradition Act 2003 make such amendments to this Part as they consider necessary or expedient.
- (4) The order making power in subsection (3) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.”