



# Extradition Act 1989 (repealed)

## 1989 CHAPTER 33

### PART I

#### INTRODUCTORY

##### *General*

#### **1 Liability to extradition.**

- (1) Where extradition procedures under Part III of this Act are available as between the United Kingdom and a foreign state, a person in the United Kingdom who—
  - (a) is accused in that state of the commission of an extradition crime; or
  - (b) is alleged to be unlawfully at large after conviction of an extradition crime by a court in that state,may be arrested and returned to that state in accordance with those procedures.
- (2) Subject to the provisions of this Act, a person in the United Kingdom who is accused of an extradition crime—
  - (a) in a Commonwealth country designated for the purposes of this subsection under section 5(1) below; or
  - (b) in a colony,or who is alleged to be unlawfully at large after conviction of such an offence in any such country or in a colony, may be arrested and returned to that country or colony in accordance with extradition procedures under Part III of this Act.
- (3) Where an Order in Council under section 2 of the <sup>M1</sup>Extradition Act 1870 is in force in relation to a foreign state, Schedule 1 to this Act (the provisions of which derive from that Act and certain associated enactments) shall have effect in relation to that state, but subject to the limitations, restrictions, conditions, exceptions and qualifications, if any, contained in the Order.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 1989 (repealed), Part I. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C1** s. 1(2) extended (British Antarctic Territory) (with modifications) (6.7.1992) by **S.I. 1992/1300, art. 2, Sch.**

**Marginal Citations**

**M1** 1870 c. 52.

*Extradition crimes*

**2 Meaning of “extradition crime”.**

- (1) In this Act, except in Schedule 1, “extradition crime” means—
- (a) conduct in the territory of a foreign state, a designated Commonwealth country or a colony which, if it occurred in the United Kingdom, would constitute an offence punishable with imprisonment for a term of 12 months, or any greater punishment, and which, however described in the law of the foreign state, Commonwealth country or colony, is so punishable under that law;
  - (b) an extra-territorial offence against the law of a foreign state, designated Commonwealth country or colony which is punishable under that law with imprisonment for a term of 12 months, or any greater punishment, and which satisfies—
    - (i) the condition specified in subsection (2) below; or
    - (ii) all the conditions specified in subsection (3) below.
- (2) The condition mentioned in subsection (1)(b)(i) above is that in corresponding circumstances equivalent conduct would constitute an extra-territorial offence against the law of the United Kingdom punishable with imprisonment for a term of 12 months, or any greater punishment.
- (3) The conditions mentioned in subsection (1)(b)(ii) above are—
- (a) that the foreign state, Commonwealth country or colony bases its jurisdiction on the nationality of the offender;
  - (b) that the conduct constituting the offence occurred outside the United Kingdom; and
  - (c) that, if it occurred in the United Kingdom, it would constitute an offence under the law of the United Kingdom punishable with imprisonment for a term of 12 months, or any greater punishment.
- (4) For the purposes of subsections (1) to (3) above—
- (a) the law of a foreign state, designated Commonwealth country or colony includes the law of any part of it and the law of the United Kingdom includes the law of any part of the United Kingdom;
  - (b) conduct in a colony or dependency of a foreign state or of a designated Commonwealth country, or a vessel, aircraft or hovercraft of a foreign state or of such a country, shall be treated as if it were conduct in the territory of that state or country; and
  - (c) conduct in a vessel, aircraft or hovercraft of a colony of the United Kingdom shall be treated as if it were conduct in that colony.

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**Modifications etc. (not altering text)**

- C2** s. 2 extended (British Antarctic Territory) (with modifications) (6.7.1992) by S.I 1992/1300, art. 2, Sch.

*Return to foreign states*

**3 Arrangements for availability of Part III procedure.**

- (1) In this Act “extradition arrangements” means arrangements made with a foreign state under which extradition procedures under Part III of this Act will be available as between the United Kingdom and that state.
- (2) For this purpose “foreign state” means any state other than—
- (i) the United Kingdom;
  - (ii) a country mentioned in Schedule 3 to the <sup>M2</sup>British Nationality Act 1981 (countries whose citizens are Commonwealth citizens);
  - (iii) a colony; or
  - (iv) the Republic of Ireland,
- but a state which is a party to the European Convention on Extradition done at Paris on 13th December 1957 may be treated as a foreign state.
- (3) Extradition arrangements may be—
- (a) arrangements of a general nature made with one or more states and relating to the operation of extradition procedures under Part III of this Act (in this Act referred to as “general extradition arrangements”); or
  - (b) arrangements relating to the operation of those procedures in particular cases (in this Act referred to as “special extradition arrangements”) made with a state with which there are no general extradition arrangements.

**Marginal Citations**

- M2** 1981 c. 61.

**4 Orders in Council as to extradition.**

- (1) Where general extradition arrangements have been made, Her Majesty may, by Order in Council reciting or embodying their terms, direct that this Act, so far as it relates to extradition procedures under Part III of this Act, shall apply as between the United Kingdom and the foreign state, or any foreign state, with which they have been made, subject to the limitations, restrictions, exceptions and qualifications, if any, contained in the Order.
- (2) An Order in Council under this section shall not be made unless the general extradition arrangements to which it relates—
- (a) provide for their determination after the expiration of a notice given by a party to them and not exceeding one year or for their denunciation by means of such a notice; and

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- (b) are in conformity with the provisions of this Act, and in particular with the restrictions on return contained in Part II of this Act.
- (3) An Order in Council under this section shall be conclusive evidence that the arrangements therein referred to comply with this Act and that this Act, so far as it relates to extradition procedures under Part III of this Act, applies in the case of the foreign state, or any foreign state, mentioned in the Order.
- (4) An Order in Council under this section shall be laid before Parliament after being made.
- (5) An Order in Council under this section which does not provide that a person may only be returned to the foreign state requesting his return if the court of committal is satisfied that the evidence would be sufficient to warrant his trial if the extradition crime had taken place within the jurisdiction of the court shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Return to Commonwealth countries and colonies*

**5 Procedure for designation etc.**

- (1) Her Majesty may by Order in Council designate for the purposes of section 1(2) above any country for the time being mentioned in Schedule 3 to the <sup>M3</sup>British Nationality Act 1981 (countries whose citizens are Commonwealth citizens); and any country so designated is in this Act referred to as a “designated Commonwealth country”.
- (2) This Act has effect in relation to all colonies.
- (3) Her Majesty may by Order in Council direct that this Act shall have effect in relation to the return of persons to, or in relation to persons returned from, any designated Commonwealth country or any colony subject to such exceptions, adaptations or modifications as may be specified in the Order.
- (4) Any Order under this section may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty to be necessary or expedient.
- (5) For the purposes of any Order in Council under subsection (1) above, any territory for the external relations of which a Commonwealth country is responsible may be treated as part of that country or, if the Government of that country so requests, as a separate country.
- (6) Any Order in Council under this section, other than an Order to which subsection (7) below applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) No recommendation shall be made to Her Majesty in Council to make an Order containing any such direction as is authorised by subsection (3) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

**Modifications etc. (not altering text)**

- C3** [S. 5](#) extended (British Antarctic Territory) (with modifications) (6.7.1992) by [S.I. 1992/1300, art. 2, Sch.](#)

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S. 5 extended (16.8.2002) (with modifications) by [The Extradition \(Overseas Territories\) Order 2002 \(S.I. 2002/1831\)](#), **art. 2**, Schs. 1-4 (as amended (16.8.2002) by [S.I. 2002/1825](#), art. 2, Sch. 2)

**C4** S. 5(1): definition of "designated Commonwealth country" applied (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), **s. 47(4)**; [S.I. 1992/333](#), art. 2(2), **Sch. 2**

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**Marginal Citations**

**M3** 1981 c. 61.

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**Changes to legislation:**

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