

SCHEDULES

SCHEDULE 1

PROVISIONS DERIVING FROM EXTRADITION ACT 1870 AND ASSOCIATED ENACTMENTS

Issue of warrant by metropolitan magistrate, justice etc.

- 5 (1) A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in the United Kingdom, may be issued—
- (a) by a metropolitan magistrate on receipt of the order of the Secretary of State, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in England or Wales; and
 - (b) by a metropolitan magistrate or any justice of the peace in any part of the United Kingdom, on such information or complaint and such evidence or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the United Kingdom in which he exercises jurisdiction.
- (2) Any person issuing a warrant under this paragraph without an order of the Secretary of State shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to the Secretary of State, who may if he thinks fit order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.
- (3) A fugitive criminal, when apprehended on a warrant issued without the order of the Secretary of State, shall be brought before some person having power to issue a warrant under this paragraph, who shall by warrant order him to be brought and the prisoner shall accordingly be brought before a metropolitan magistrate.
- (4) A fugitive criminal apprehended on a warrant issued without the order of the Secretary of State shall be discharged by the metropolitan magistrate, unless the metropolitan magistrate, within such reasonable time as, with reference to the circumstances of the case, he may fix, receives from the Secretary of State an order signifying that a requisition has been made for the surrender of such criminal.