

Status: Point in time view as at 25/08/1996.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 1989 (repealed), Cross Heading: Surrender of fugitive to foreign state by warrant of Secretary of State. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PROVISIONS DERIVING FROM EXTRADITION ACT 1870 AND ASSOCIATED ENACTMENTS

Modifications etc. (not altering text)

- C1** Sch. 1 amended (1.9.2001) by 2001 c. 17, s. 71 (with ss. 56(2), 63(2), 78); S.I. 2001/2161, art. 2
- C1** Sch. 1 (paras. 1-20) applied by S.I. 1991/1699, art. 2.
Sch. 1 (paras. 1-20) applied by S.I. 1991/1701, art. 2.
Sch. 1 (paras. 1-20) applied by S.I. 1991/1702, arts. 2 and 3.
- C1** Sch. 1 (paras. 1-20) applied by S.I. 1991/1720, art. 2.
- C1** Sch. 1 applied (with modifications) (27.1.1993) by S.I. 1992/3200, arts. 2,3
Sch. 1 applied (1.9.1997) by S.I. 1997/1760, art. 2(1)(b)(2)(b)
Sch. 1 applied (1.9.1997) by S.I. 1997/1762, art. 2(2)
Sch. 1 applied (1.9.1997) by S.I. 1997/1763, art. 2(2)
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Sch. 1 applied (1.9.1997) by S.I. 1997/1765, art. 2(2)
Sch. 1 applied (1.9.1997) by S.I. 1997/1766, art. 2(1)(b)(2)(b)
Sch. 1 applied (1.9.1997) by S.I. 1997/1767, art. 2(2)
Sch. 1 applied (1.9.1997) by S.I. 1997/1768, art. 2(2)
Sch. 1 applied (1.9.1997) by S.I. 1997/1769, art. 2(2)
Sch. 1 applied (27.8.2002) by S.I. 2002/1831, art. 2, Sch. 2

Surrender of fugitive to foreign state by warrant of Secretary of State

- 8 (1) If the metropolitan magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus.
- (2) Upon the expiration of the said fifteen days, or, if a writ of habeas corpus is issued, after the decision of the court upon the return to the writ, as the case may be, or after such further period as may be allowed in either case by the Secretary of State, the Secretary of State may by warrant order the fugitive criminal (if not delivered on the decision of the court) to be surrendered to such person as may in his opinion be duly authorised to receive the fugitive criminal by the foreign state from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.
- (3) It shall be lawful for any person to whom such warrant is directed and for the person so authorised as aforesaid to receive, hold in custody, and convey within the jurisdiction of such foreign state the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person

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accused of any crime against the laws of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

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