



Extradition Act 1989

1989 CHAPTER 33

PART III

PROCEDURE

General

13 Return to foreign states – supplementary

- (1) The Secretary of State shall give the person to whom an order under section 12(1) above for return to a foreign state would relate notice in writing that he is contemplating making such an order.
- (2) The person to whom such an order would relate shall have a right to make representations, at any time before the expiration of the period of 15 days commencing with the date on which the notice is given, as to why he should not be returned to the foreign state, and unless he waives that right, no such order shall be made in relation to him before the end of that period.
- (3) A notice under subsection (1) above shall explain in ordinary language the right conferred by subsection (2) above.
- (4) It shall be the duty of the Secretary of State to consider any representations made in the exercise of that right.
- (5) Unless the person to whom it relates waives the right conferred on him by subsection (6) below, he shall not be returned to the foreign state until the expiration of the period of 7 days commencing with the date on which the warrant is issued or such longer period as—
 - (a) in England and Wales, rules under section 84 of the Supreme Court Act 1981 may provide; or
 - (b) in Scotland, the High Court of Justiciary may provide by Act of Adjournal.
- (6) At any time within that period he may apply for leave to seek judicial review of the Secretary of State's decision to make the order.

Status: This is the original version (as it was originally enacted).

- (7) If he applies for judicial review, he may not be returned so long as the proceedings for judicial review are pending.
- (8) Proceedings for judicial review shall be treated for the purposes of this section as pending (unless they are discontinued) until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal.
- (9) A warrant under section 12 above—
- (a) shall state in ordinary language that the Secretary of State has considered any representations made in the exercise of the right conferred by subsection (2) above; and
 - (b) shall explain in ordinary language the rights conferred by this section on a person whose return to a foreign state has been ordered under section 12 above,

and a copy shall be given to the person to whom it relates as soon as the order for his return is made.