

Changes to legislation: Criminal Justice and Public Order Act 1994, Paragraph 37 is up to date with all changes known to be in force on or before 22 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 9

MINOR AMENDMENTS

Extent Information

E1 Sch. 9 does not extend to Scotland in so far as it relates to s. 17(1) of the Video Act 1984 see s. 172(16)

I^{F1} Extradition from the United Kingdom

Textual Amendments

F1 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), art. 2(d)

- 37 (1) The ^{M1}Extradition Act 1989 shall be amended as follows.
- (2) In section 2(4) (law of, and conduct in, parts or dependencies of foreign States)—
- (a) for the words “subsections (1) to (3) above” there shall be substituted the words “ this Act, except Schedule 1 ”; and
 - (b) at the end there shall be inserted the following paragraph preceded by the word “; but”—
 - “(d) reference shall be made to the law of the colony or dependency of a foreign state or of a designated Commonwealth country, and not (where different) to the law of the foreign state or Commonwealth country, to determine the level of punishment applicable to conduct in that colony or dependency.”.
- (3) In section 7 (procedure for making and implementing extradition requests)—
- (a) in subsection (1)—
 - (i) after the word “made” there shall be inserted the words “ to the Secretary of State ”;
 - (ii) for paragraph (a) there shall be substituted the following paragraph—
 - “(a) by—
 - (i) an authority in a foreign state which appears to the Secretary of State to have the function of making extradition requests in that foreign state, or
 - (ii) some person recognised by the Secretary of State as a diplomatic or consular representative of a foreign state; or” and
 - (iii) after paragraph (b), there shall be inserted the words— “ and an extradition request may be made by facsimile transmission and an authority to proceed issued without waiting to receive the original ”;
 - (b) in subsection (2)—
 - (i) in paragraph (c), after the word “warrant” there shall be inserted the words “ or a duly authenticated copy of a warrant ”; and

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- (ii) in paragraph (d), after the word “certificate” there shall be inserted the words “ or a duly authenticated copy of a certificate ”; and
- (c) after subsection (6), there shall be inserted the following subsection—
- “(7) Where an extradition request is made by facsimile transmission this Act (including subsection (2) above) shall have effect as if the foreign documents so sent were the originals used to make the transmission and receivable in evidence accordingly.”.]

Commencement Information

- II** Sch. 9 para. 37 wholly in force at 10.4.1995; s. 37 not in force at Royal Assent see s. 172; s. 37, save for s. 37(3), in force at 3.2.1995 by [S.I. 1995/127](#), [art. 2\(1\)](#), [Sch. 1](#) APPENDIX A; s. 37(3) in force at 10.4.1995 by [S.I. 1995/721](#), [art. 2](#), [Sch.](#)

Marginal Citations

- M1** [1989 c. 33](#).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)