

*These notes refer to the Extradition Act 2003 (c.41)
which received Royal Assent on 20th November 2003*

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 5

Miscellaneous and General Provisions

Section 185: Free legal aid: supplementary

531. This section sets out supplementary provisions regarding the provision of free legal aid in Northern Ireland in connection with extradition proceedings under Part 1 or 2 of this Act.
532. *Subsections (1) to (3)* apply the existing legislation in Northern Ireland about legal aid in criminal cases to legal aid under section 184 in proceedings before the judge or High Court, so that existing rules operate in relation to legal aid in extradition cases. The provisions relate to (*subsection (2)*):
- the person's statement of means in connection with a grant of legal aid;
 - the payment of legal aid coming from money provided by Parliament;
 - the Lord Chancellor's power to make rules regarding the practical arrangements for legal aid;
 - the exclusion of certain solicitors from legal aid work;
 - the amounts payable to solicitors and counsel for legal aid work;
 - the exemption of legal aid certificates from stamp duty.
533. *Subsection (3)* applies the relevant provisions described above as if section 184 formed part of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.
534. Any expenses or fees of counsel or a solicitor assigned to a person under section 184 in proceedings before the House of Lords must be paid by the Lord Chancellor (*subsection (4)*). Under *subsection (5)* such fees or expenses must not exceed the amount allowed by the House of Lords or an officer(s) of the House designated by order.
535. *Subsection (6)* makes clear that, as section 184 applies only to Northern Ireland, the appropriate judge in this context is any county court judge or resident magistrate designated for proceedings under either Part 1 or 2, as appropriate.