Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Conduct of extradition proceedings

Commencement Information

I1 Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, **art. 2** (subject to arts. 3-5) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

190 Crown Prosecution Service: role in extradition proceedings

(1) The Prosecution of Offences Act 1985 (c. 23) is amended as follows.

(2) In section 3 (functions of the Director) in subsection (2) after paragraph (e) insert—

"(ea) to have the conduct of any extradition proceedings;

(eb) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on any matters relating to extradition proceedings or proposed extradition proceedings;".

(3) In section 3 after subsection (2) insert—

"(2A) Subsection (2)(ea) above does not require the Director to have the conduct of any extradition proceedings in respect of a person if he has received a request not to do so and—

(a) in a case where the proceedings are under Part 1 of the Extradition Act 2003, the request is made by the authority which issued the Part 1 warrant in respect of the person;

(b) in a case where the proceedings are under Part 2 of that Act, the request is made on behalf of the territory to which the person's extradition has been requested."

(4) In section 5(1) (conduct of prosecutions on behalf of Crown Prosecution Service) after "criminal proceedings" insert " or extradition proceedings ".

(5) In section 14 (control of fees and expenses etc paid by the Service) in subsection (1)(a) after "criminal proceedings" insert " or extradition proceedings ".

(6) In section 15(1) (interpretation of Part 1) in the appropriate place insert—

> ""extradition proceedings" means proceedings under the Extradition Act 2003;".

Commencement Information

I2 Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, **art. 2** (subject to arts. 3-5) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

191 Lord Advocate: role in extradition proceedings

(1) The Lord Advocate must—

(a) conduct any extradition proceedings in Scotland;

(b) give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on any matters relating to extradition proceedings or proposed extradition proceedings, in Scotland.

(2) Subsection (1)(a) does not require the Lord Advocate to conduct any extradition proceedings in respect of a person if he has received a request not to do so and—

(a) in a case where the proceedings are under Part 1, the request is made by the authority which issued the Part 1 warrant in respect of the person;

(b) in a case where the proceedings are under Part 2, the request is made on behalf of the territory to which the person's extradition has been requested.

Commencement Information

I3 Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, **art. 2** (subject to arts. 3-5) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

192 Northern Ireland DPP and Crown Solicitor: role in extradition proceedings

(1) The Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1)) is amended as set out in subsections (2) to (4).

(2) In article 2(2) (interpretation) in the appropriate place insert—

> ""extradition proceedings" means proceedings under the Extradition Act 2003;".

(3) In article 4(7) (conduct of prosecutions on behalf of DPP) after "prosecution" insert " or extradition proceedings ".

(4) In article 5 (functions of DPP) after paragraph (1) insert—

"(1A) The Director may—

(a) have the conduct of any extradition proceedings in Northern Ireland;

(b) give to such persons as appear to him appropriate such advice as appears to him appropriate on matters relating to extradition proceedings, or proposed extradition proceedings, in Northern Ireland."

(5) The Justice (Northern Ireland) Act 2002 (c. 26) is amended as set out in subsections (6) to (8).

(6) After section 31 insert—

"**31A Conduct of extradition proceedings**

(1) The Director may have the conduct of any extradition proceedings in Northern Ireland.

(2) The Director may give to such persons as appear to him appropriate such advice as appears to him appropriate on matters relating to extradition proceedings, or proposed extradition proceedings, in Northern Ireland."

(7) In section 36(2) (conduct of criminal proceedings on behalf of DPP) after "criminal proceedings" insert " or extradition proceedings ".

(8) In section 44 (interpretation) after subsection (6) insert—

"(7) For the purposes of this Part "extradition proceedings" means proceedings under the Extradition Act 2003."

(9) The Crown Solicitor for Northern Ireland may—

(a) have the conduct of any proceedings under this Act in Northern Ireland;

(b) give to such persons as appear to him appropriate such advice as appears to him appropriate on matters relating to proceedings under this Act, or proposed proceedings under this Act, in Northern Ireland.

Commencement Information

I4 Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, **art. 2** (subject to arts. 3-5) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

Changes to legislation:
There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Conduct of extradition proceedings.