



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Evidence

202 Receivable documents

- (1) A Part 1 warrant may be received in evidence in proceedings under this Act.
- (2) Any other document issued in a category 1 territory may be received in evidence in proceedings under this Act if it is duly authenticated.
- (3) A document issued in a category 2 territory may be received in evidence in proceedings under this Act if it is duly authenticated.
- (4) A document issued in a category 1 or category 2 territory is duly authenticated if (and only if) one of these applies—
 - (a) it purports to be signed by a judge, magistrate or other judicial authority of the territory;
 - (b) it purports to be authenticated by the oath or affirmation of a witness.
- (5) Subsections (2) and (3) do not prevent a document that is not duly authenticated from being received in evidence in proceedings under this Act.

203 Documents sent by facsimile

- (1) This section applies if a document to be sent in connection with proceedings under this Act is sent by facsimile transmission.
- (2) This Act has effect as if the document received by facsimile transmission were the document used to make the transmission.

204 Part 1 warrant: transmission by other electronic means

- (1) This section applies if a Part 1 warrant is issued and the information contained in the warrant —
 - (a) is transmitted to the designated authority by electronic means (other than by facsimile transmission), and
 - (b) is received by the designated authority in a form in which it is intelligible and which is capable of being used for subsequent reference.
- (2) This Act has effect as if the information received by the designated authority were the Part 1 warrant.
- (3) A copy of the information received by the designated authority may be received in evidence as if it were the Part 1 warrant.

205 Written statements and admissions

- (1) The provisions mentioned in subsection (2) apply in relation to proceedings under this Act as they apply in relation to proceedings for an offence.
- (2) The provisions are—
 - (a) section 9 of the Criminal Justice Act 1967 (c. 80) (proof by written statement in criminal proceedings);
 - (b) section 10 of the Criminal Justice Act 1967 (proof by formal admission in criminal proceedings);
 - (c) section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) (proof by written statement in criminal proceedings);
 - (d) section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (proof by formal admission in criminal proceedings).
- (3) As applied by subsection (1) in relation to proceedings under this Act, section 10 of the Criminal Justice Act 1967 and section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 have effect as if—
 - (a) references to the defendant were to the person whose extradition is sought (or who has been extradited);
 - (b) references to the prosecutor were to the category 1 or category 2 territory concerned;
 - (c) references to the trial were to the proceedings under this Act for the purposes of which the admission is made;
 - (d) references to subsequent criminal proceedings were to subsequent proceedings under this Act.

206 Burden and standard of proof

- (1) This section applies if, in proceedings under this Act, a question arises as to burden or standard of proof.
- (2) The question must be decided by applying any enactment or rule of law that would apply if the proceedings were proceedings for an offence.
- (3) Any enactment or rule of law applied under subsection (2) to proceedings under this Act must be applied as if—

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

- (a) the person whose extradition is sought (or who has been extradited) were accused of an offence;
 - (b) the category 1 or category 2 territory concerned were the prosecution.
- (4) Subsections (2) and (3) are subject to any express provision of this Act.
- (5) In this section “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.