



Policing and Crime Act 2009

2009 CHAPTER 26

PART 6

EXTRADITION

Alerts

67 Article 26 alerts

For section 204 of the Extradition Act 2003 (c. 41) (Part 1 warrant: transmission by other electronic means) substitute—

“204 Warrant issued by category 1 territory: transmission by other electronic means

- (1) This section applies if—
- (a) an arrest warrant is issued by an authority of a category 1 territory in a case in which an article 26 alert is issued,
 - (b) the information contained in the warrant and the alert are transmitted to the designated authority by electronic means, and
 - (c) that information is received by the designated authority in a qualifying form.
- (2) This section also applies if—
- (a) an arrest warrant is issued by an authority of a category 1 territory in a case in which no article 26 alert is issued,
 - (b) the information contained in the warrant is transmitted to the designated authority by electronic means, and
 - (c) that information is received by the designated authority in a qualifying form.

Status: Point in time view as at 25/01/2010.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Cross Heading: Alerts. (See end of Document for details)

- (3) The reference in section 2(2) to an arrest warrant issued by a judicial authority of a category 1 territory is to be read as if it were a reference to the information received by the designated authority.
- (4) The references in section 63(1) to an arrest warrant are to be read as if they were references to the information received by the designated authority.
- (5) For the purposes of subsection (1), a reference to the information contained in the article 26 alert includes a reference to any information sent with that information relating to the case in question.
- (6) For the purposes of this section—
 - (a) an article 26 alert is an alert issued pursuant to article 26 of the Council Decision on the establishment, operation and use of the second generation Schengen Information System of 12 June 2007,
 - (b) references to information being transmitted by electronic means do not include facsimile transmission, and
 - (c) information is received in a qualifying form if it is received in a form in which it is intelligible and which is capable of being used for subsequent reference.”

Commencement Information

II S. 67 in force at 25.1.2010 by S.I. 2009/3096, art. 3(j) (with art. 4(1)(a))

68 Article 95 alerts

- (1) Section 212 of the Extradition Act 2003 (c. 41) (the title to which becomes “Article 95 alerts”) is amended as follows.
- (2) For subsections (1) and (2) substitute—
 - “(1) This section applies in a case where an article 95 alert is issued at the request of an authority of a category 1 territory.
 - (2) The reference in section 2(2) to an arrest warrant issued by a judicial authority of a category 1 territory is to be read—
 - (a) as if it were a reference to the alert issued at the request of the authority, and
 - (b) as if the alert included any information sent with it which relates to the case.
 - (2A) The references in section 63(1) to an arrest warrant are to be read in accordance with paragraphs (a) and (b) of subsection (2) above.”
- (3) In subsection (3) for “As applied by” substitute “ In consequence of ”.

Commencement Information

I2 S. 68 in force at 25.1.2010 by S.I. 2009/3096, art. 3(k) (with art. 4(1)(b))

Status:

Point in time view as at 25/01/2010.

Changes to legislation:

There are currently no known outstanding effects for the Policing and Crime Act 2009, Cross
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