
STATUTORY INSTRUMENTS

1994 No. 1952

The Backing of Warrants (Republic of Ireland) (Rule of Speciality) Order 1994

4.—(1) Unless his case is a specified case for the purposes of this article, no defendant may be dealt with in the United Kingdom for, or in respect of, any offence, other than that for which he was delivered up, committed before his surrender, and accordingly, a provision of law for the time being in force in any part of the United Kingdom which would, but for this article, require or allow that person to be so dealt with, shall not have effect in respect of him unless his case is a specified case for the purposes of this article.

(2) A defendant's case is a specified case for the purposes of this article if—

- (a) the Minister for Justice of the Republic has consented by notice in writing given to the Secretary of State to the defendant being dealt with for, or in respect of, the offence in question;
- (b) the defendant, having had an opportunity to leave the United Kingdom, has not done so within 45 days of his final discharge in respect of the offence for which he was delivered up;
- (c) the defendant has, after being returned to the United Kingdom, left the United Kingdom and subsequently returned to it; or
- (d) the description of the offence with which the defendant is charged in the United Kingdom is altered in the course of the proceedings but the offence under its new description is shown by its constituent elements to be an offence for which he could have been delivered up under corresponding arrangements.

(3) A defendant's case is also a specified case for the purposes of this article where the offence in question is, under the law for the time being in force in the part of the United Kingdom in which the warrant was issued, an offence of which, on his trial on a charge for the offence for which he was delivered up, he could (disregarding paragraph (1) of this article) be convicted.