

Explanatory Memorandum

The Extradition Act 2003 (Repeals) Order 2004

This explanatory memorandum is laid before Parliament by command of Her Majesty.

Home Office

2. Description

The above instrument is made in order to repeal sections 86 and 87 of the Crime (International Co-operation) Act 2003 and section 243(3) of the Criminal Justice Act 2003.

3. Matters of special interest to the Joint Committee on Statutory Instruments:

None.

4. Legislative Background:

The Extradition Act 2003 (“the Act”) came into force on 1 January 2004. The Act introduced a simplified and streamlined extradition procedure for the United Kingdom, replacing the procedure governed by the Extradition Act 1989. The repeals to be made by this draft Order have been agreed with the Office of the Parliamentary Counsel.

Sections 86 and 87 of the Crime (International Co-operation) Act 2003 were included in that Act in case the Extradition Act 2003 failed to be enacted. They are no longer needed.

Section 243(3) of the Criminal Justice Act 2003 contains definitions, which relate to the Extradition Act 1989. That provision effectively re-enacts definition of “extradited to the United Kingdom” which was originally included in section 47(4) of the Criminal Justice Act 1991. It is considered that the meaning of that phrase is sufficiently clear without the need for definitions. The alternative course would have been to amend the definition to refer to the Extradition Act 2003.

5. Extent

Sections 86 and 87 of the Crime (International Co-operation) Act 2003 extend throughout the United Kingdom. Section 243(3) of the Criminal Justice Act 2003 extends to England and Wales. The repeals have similar extent.

6. European Convention on Human Rights

It is our view that the provisions of the Extradition Act 2003 (Repeals) Order 2004 are compatible with the Convention Rights.

7. Policy background:

Schedule 4 of the Extradition Act 2003 repealed the previous legislation, the Extradition Act 1989. There are provisions in the Crime (International Co-operation) Act 2003 and the Criminal Justice Act 2003 that refer to the repealed Extradition Act 1989. This instrument repeals the relevant sections of those Acts.

8. Impact:

No Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen.

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