

**EXPLANATORY MEMORANDUM TO**  
**THE EXTRADITION ACT 2003 (AMENDMENT TO DESIGNATIONS) ORDER 2006**  
**2006 No. 3451**

1. This explanatory memorandum is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 The above instrument is made in order to amend the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 and the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Background**
  - 4.1 **General:** The Extradition Act 2003 (the Act) provides for two distinct sets of procedures to apply to incoming extradition requests. Part 1 is a more simplified and streamlined system, which does not involve ministers. Part 2 of the Act covers other territories that the United Kingdom has extradition relations with who are not operating the simplified procedure.
  - 4.2 The Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 and the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 designated countries under sections 1 and 69 of the Extradition Act 2003. Further orders, The Extradition Act 2003 (Amendment to Designations) Order 2004; The Extradition Act 2003 (Amendment to Designations) Order 2005 and The Extradition Act 2003 (Amendment to Designations) (No.2) Order 2005 amended those designations to re-designate those Part Two territories that implemented the Framework Decision on the European arrest warrant (“the Framework Decision”). The last order came into force on 28 July 2005, which had the effect of designating all EU Member States at that time under Part One of the Act.
  - 4.3 On 1 January 2007, Bulgaria and Romania will accede to the European Union. Consequently, they need to be de-designated from Part Two and re-designated as Part One territories. This Order amends the relevant Parts of the Act accordingly.
  - 4.4 In addition, this Order further amends Part Two of the Act by replacing the entry for “Serbia and Montenegro” with two separate entries for “Serbia” and “Montenegro”, reflecting the fact that the two are now separate territories.
  - 4.5 This Order also amends Part 2 of the Act by placing Bosnia and Herzegovina into the list of territories included in Article 3(2) of the Extradition Act 2003

(Designation of Part 2 Territories) Order 2003, to reflect the fact that Bosnia and Herzegovina have now ratified the European Convention on Extradition and, as such, need to be designated as a territory no longer required to demonstrate prima facie evidence in support of extradition requests made to the UK.

**4.6 EU legislation:** The instrument further implements the Framework Decision on the European Arrest Warrant. The United Kingdom has been operating the European Arrest Warrant since 1 January 2004 with those Member States who had implemented the Framework Decision in to their domestic law. The Council Framework decision on the EAW was adopted by the EU Council on 13 June 2002, having been cleared by the relevant scrutiny committee in the House of Commons on 12 December 2001 and by the House of Lords' committee on 23 April 2002.

## **5. Extent**

5.1 The designations have effect for the whole of the United Kingdom.

## **6. European Convention on Human Rights**

6.1 Joan Ryan, Parliamentary Under-Secretary of State at the Home Office, has made the following statement regarding Human Rights:

6.2 In my view the provisions of the Extradition Act 2003(Amendment to Designations) Order 2006 are compatible with the Convention Rights.

## **7. Policy background**

7.1 Part 1 of the Act introduced a simplified extradition system, which gave effect to the Framework Decision on the European arrest warrant. Bulgaria and Romania will accede to the EU on 1 January 2007 and it is necessary to re-designate these territories under Section 1 of the Act. This will enable the United Kingdom to operate the European arrest warrant with these Member States.

7.2 Part 2 of the Act designates the UK's extradition partners outside the EU. Of the territories designated under this Part, Article 3(2) further designates those countries not required to provide prima facie evidence in support of extradition requests made to the UK. This Article consists of territories party to the European Convention on Extradition as well as trusted extradition partners Australia, Canada, New Zealand and the United States of America. Bosnia and Herzegovina has now ratified this Convention and needs to be designated accordingly.

7.3 Following a referendum in Montenegro it has now declared independence from Serbia. It is therefore necessary to amend the earlier designation to reflect that Serbia and Montenegro have now become two separate states.

## **8. Impact**

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

## **9. Contact**

Karen Townsend at the Extradition Policy Section, SC3 (Judicial Co-operation) of the Home Office ([Karen.Townsend@homeoffice.gsi.gov.uk](mailto:Karen.Townsend@homeoffice.gsi.gov.uk)) can answer any queries regarding the instrument.