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STATUTORY INSTRUMENTS

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**2022 No. 366**

**EXTRADITION, SCOTLAND**

**The Extradition Act 2003 (Part 1 Territories)  
(Designation of Prosecutors) (Scotland) Order 2022**

<i>Made</i>	- - - -	<i>23rd March 2022</i>
<i>Laid before Parliament</i>		<i>24th March 2022</i>
<i>Coming into force</i>	- -	<i>14th April 2022</i>

The Secretary of State, in exercise of the power conferred by section 19F(2) of the Extradition Act 2003<sup>(1)</sup>, makes the following Order.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Extradition Act 2003 (Part 1 Territories) (Designation of Prosecutors) (Scotland) Order 2022.

(2) This Order comes into force on 14th April 2022 and extends to Scotland.

**Designated prosecutors**

2. The following persons are designated prosecutors in Scotland for the purposes of section 19F(2) of the Extradition Act 2003—

- (a) the Lord Advocate, and
- (b) a procurator fiscal.

23rd March 2022

*Damian Hinds*  
Minister of State  
Home Office

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(1) 2003 c. 41; section 19F was inserted by section 50 of, and paragraph 3 of Schedule 20 to, the Crime and Courts Act 2013 (c. 22).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order designates prosecutors in Scotland as “designated prosecutors” for the purpose of section 19F of the Extradition Act 2003 (“the 2003 Act”).

Section 19B to 19F of the 2003 Act, as inserted by the Crime and Courts Act 2013, provides that the extradition of a person to a category 1 territory is barred by reason of forum if the extradition would not be in the interests of justice. If a designated prosecutor gives a prosecutor’s certificate, the judge hearing the proceedings must decide that extradition is not barred by reason of forum. The 2003 Act provides that any member of the Crown Prosecution Service is a designated prosecutor. This Order designates additional prosecutors for the purpose of extradition proceedings under Part 1 of the 2003 Act carried out in Scotland.

An impact assessment has not been produced for this Order as no impact on business, charities, voluntary agencies or the public sector is foreseen.