Draft Order laid before Parliament under section 223 of the Extradition Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

EXTRADITION

The Extradition Act 2003 (Amendment to Designations) Order 2013

Made - - - -	*2013*
Coming into force - -	*1st July 2013*

The Secretary of State makes this Order in exercise of the powers conferred by sections 1(1), 69(1), 71(4), 73(5), 74(11)(b), 84(7), 86(7) and 223(3)(b) and (8) of the Extradition Act 2003(**a**).

In accordance with section 223(5) of that Act, a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and transitional provision

1.—(1) This Order may be cited as the Extradition Act 2003 (Amendment to Designations) Order 2013 and comes into force on 1st July 2013.

(2) This Order shall not apply to a case in respect of which—

(a) the Secretary of State has issued a certificate under section 70 of the Extradition Act 2003(**b**), or

(b) a person has been arrested under a provisional warrant issued under section 73(3) of that Act,

(including those provisions as applied by section 194(3) of that Act) before the coming into force of this Order.

Amendment of Extradition Act 2003 (Designation of Part 1 Territories) Order 2003

2. In article 2(2) of the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003(**c**), after "Bulgaria," insert "Croatia,".

Amendment of Extradition Act 2003 (Designation of Part 2 Territories) Order 2003

3.—(1) In the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003(**d**) ("the Part 2 Order"), in article 2(2)—

(**a**) 2003 c.41.
(**b**) Section 70 has been amended by section 42 of, and Schedule 13 to, the Police and Justice Act 2006 (c.48).
(**c**) S.I. 2003/3333, amended by S.I. 2004/1898, 2005/365, 2036, 2006/3451 and 2007/2238.
(**d**) S.I. 2003/3334, amended by S.I. 2004/1898, 2005/365, 2036, 2006/3451, 2007/2238, 2008/1589 and 2010/861 and section 43(1) of the Police and Justice Act 2006.

(a) omit “Croatia,”; and

(b) after “Peru,” insert “The Republic of Korea,”.

(2) In article 3(2) of the Part 2 Order—

(a) omit “Croatia,”; and

(b) after “Norway,” insert “The Republic of Korea,”.

(3) In article 4(2) of the Part 2 Order, after “Hong Kong Special Administrative Region (65 days)” insert “India (65 days)”.

Home Office
Date

Name
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 (S.I. 2003/3333) (“the Part 1 Order”) and the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 (“the Part 2 Order”) (S.I. 2003/3334).

Croatia will accede to the European Union on 1st July 2013, from which date it will be operating the European Arrest Warrant scheme for extradition. Article 2(1) of this Order amends the Part 1 Order to designate Croatia as a Part 1 territory. This enables the United Kingdom to operate the European Arrest Warrant scheme with Croatia from 1st July 2013. As a consequence of this change, article 3(1)(a) and (2)(a) of this Order omits Croatia from the Part 2 Order.

The Republic of Korea has acceded to the European Convention on Extradition. As a consequence, Article 3(1)(b) of this Order amends the Part 2 Order to designate the Republic of Korea as a Part 2 territory. Further to this, article 3(2)(b) of this Order amends the Part 2 Order to designate the Republic of Korea for the purposes of sections 71(4), 73(5), 84(7) and 86(7) of the Extradition Act 2003 (“the 2003 Act”). The effect is to set the evidential requirements made of the Republic of Korea when it makes an extradition request to the United Kingdom and the matters which a judge must take into account when deciding an extradition request from the Republic of Korea.

Article 3(3) of this Order amends article 4(2) of the Part 2 Order by adding India to the list of territories designated for the purpose of section 74(11)(b) of the 2003 Act. The effect of this designation is to allow 65 days from the date on which someone is arrested under a provisional warrant for the documents required under section 70(9) of the 2003 Act to be provided to the appropriate judge. This time limit reflects the fact that the extradition treaty between the United Kingdom and India requires India to provide these documents to the Secretary of State within 60 days, and then provides a further five days in order to enable the Secretary of State to provide these documents to the appropriate judge.

Article 1(2) of this Order is a transitional provision, which ensures that the changes in designation do not apply where specified steps in the extradition proceedings have taken place before the coming into force of this Order.

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

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ISBN 978-0-11-153874-6

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£4.00

E6452 04/2013 136452T 19585