Draft Order laid before Parliament under section 223(5) of the Extradition Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. XXXX

EXTRADITION

The Extradition Act 2003 (Amendment to Designations) Order 2025

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes this Order in exercise of the powers conferred by sections 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, extent and transitional provision

1.—(1) This Order may be cited as the Extradition Act 2003 (Amendment to Designations) Order 2025 and comes into force on the seventh day after the day on which it is made.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

(3) Article 2 of 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(**c**),

before the coming into force of this Order.

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

2.—(1) The Extradition Act 2003 (Designation of Part 2 Territories) Order 2003(**d**) is amended as follows.

(2) In article 2(2)—

(**a**) 2003 c. 41

(**b**) Section 70 was amended by Schedule 13 to the Police and Justice Act 2006 (c. 48) and Schedule 20 to the Crime and Court Act 2013 (c. 22); there are other amendments to section 70 which are not relevant to this Order.

(**c**) There are amendments to section 73 which are not relevant to this Order.

(**d**) S.I. 2003/3334, amended by S.I. 2004/1898, 2005/365, 2005/2036, 2006/3451, 2007/2238, 2008/1589, 2010/861, 2013/1583, 2015/992, 2019/742, 2020/265 and section 11(2) European Union (Future Relationship) Act 2020 (c. 29).

(a) omit “Hong Kong Special Administrative Region,”;

(b) after “Zambia” omit “,

Zimbabwe”.

(3) In article 3(2), after “Canada,” insert “Chile,”.

(4) Omit article 3(3).

(5) In article 4(2)—

(a) omit “Chile (65 days)”;

(b) omit “Hong Kong Special Administrative Region (65 days)”.

Name
Minister of State
Home Office

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 ("the Part 2 Order") (S.I. 2003/3334).

Article 1(3) 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.

The treaty between the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland for the Surrender of Fugitive Offenders 1998 has been suspended. Consequently, there is no international agreement or arrangement in place to underpin the designation of the Hong Kong Special Administrative Region for the purposes of Part 2 of the Extradition Act 2003 ("the 2003 Act"). Article 2(2)(a), (4) and (5)(b) of this Order omits the Hong Kong Special Administrative Region from the Part 2 Order meaning that it is no longer a designated Part 2 territory. Cooperation can instead take place under section 194 of the 2003 Act on a case by case basis.

Zimbabwe is no longer party to the London Scheme for Extradition within the Commonwealth (1996) ("the London Scheme"). Consequently there is no international agreement or arrangement in place to underpin the designation of Zimbabwe for the purposes of Part 2 of the 2003 Act. Article 2(2)(b) of this Order omits Zimbabwe from the Part 2 Order meaning that it is no longer a designated Part 2 territory. Cooperation can instead take place under section 194 of the 2003 Act on a case by case basis.

Chile acceded to the European Convention on Extradition 1957 (ETS No. 024) ("the 1957 Convention") on 3 March 2025. To enable the UK to process extradition requests from Chile in accordance with the provisions of the 1957 Convention, this Order amends Chile's designation for the purposes of Part 2 of the 2003 Act. Article 2(3) of this Order amends article 3(2) of the Part 2 Order to designate Chile as a Part 2, category A territory. Article 2(5)(a) of this Order removes Chile from article 4(2) of the Part 2 Order to reflect the fact that the applicable time frame for providing a request for extradition and required documents following provisional arrest is now governed by the 1957 Convention.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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