Explanatory Memorandum

The Extradition Act 2003 (Amendment to Designations) 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 amend the Extradition Act 3003 (Designation of Part 1 Territories) Order 2003 and Extradition Act 2003 (Designation of Part 2 Territories) Order 2003.

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

None.

4. Legislative Background:

i) **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.

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. This instrument amends these previous orders to re-designate current Part Two territories to Part One Territories, following their implementation of the Framework Decision on the European Arrest Warrant.

In addition, this Order amends Article 4(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 to replace the 90 day limit relating to Chile with a 95 day limit.

ii) **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

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

6. European Convention on Human Rights

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

7. Policy background:

Part 1 of the Act introduced a simplified extradition system, which gave effect to the Framework Decision on the European arrest warrant. Additional Member States have now transposed the Framework Decision in to their domestic legislation 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.

In addition, the instrument amends the 90 day time limit to 95 days for Chile. This is the time limit in which relevant documents have to be received by the judge when a person is arrested under a provisional warrant.

8. Impact:

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

9. Contact:

Karen Townsend
Judicial Co-operation Unit
Room 462
50 Queen Anne's Gate
London SW1H 9AT

☎: 020 7273 4550
✉: Karen.Townsend@homeoffice.gsi.gov.uk

CAROLINE FLINT

PARLIAMENTARY UNDER SECRETARY OF STATE

FOR THE HOME DEPARTMENT