SCOTTISH STATUTORY INSTRUMENTS

2022 No. 127

EXTRADITION

The Extradition Act 2003 (Part 2 Territories) (Designation of Prosecutors) (Scotland) Order 2022

Made - - - -	*30th March 2022*
Laid before the Scottish Parliament	*1st April 2022*
Coming into force - -	*17th May 2022*

The Scottish Ministers make the following Order in exercise of the power conferred by section 83E(2)(b) of the Extradition Act 2003(**a**) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Extradition Act 2003 (Part 2 Territories) (Designation of Prosecutors) (Scotland) Order 2022 and comes into force on 17 May 2022.

Designation of prosecutors

2. The following persons are designated as prosecutors for the purposes of section 83E of the Extradition Act 2003—

(a) the Lord Advocate,

(b) a procurator fiscal.

KEITH BROWN
A member of the Scottish Government

St Andrew's House,
Edinburgh
30th March 2022

(**a**) 2003 c. 41. Sections 83A to 83E were inserted by the Crime and Courts Act 2013 (c. 22), schedule 20 paragraph 6. Under section 141(1) of the Extradition Act 2003, the reference to the Secretary of State in section 83E(2)(b)(i) is to be read as a reference to the Scottish Ministers.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Lord Advocate and procurators fiscal for the purposes of section 83E of the Extradition Act 2003 (forum bar). The designation enables those persons to issue a prosecutor's certificate under section 83C of that Act.

Sections 83A to 83E of the 2003 Act, as inserted by the Crime and Courts Act 2013, provide that the extradition of a person to a category 2 territory is barred by reason of forum if the extradition would not be in the interests of justice. If a designated prosecutor issues a prosecutor's certificate, the sheriff hearing the proceedings must decide that extradition is not barred by reason of forum.

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