2002 No. 1135

MAGISTRATES' COURTS
PROCEDURE

The Magistrates' Courts (Extradition) (Amendment) Rules 2002

Made - - - - -	*18th April 2002*
Laid before Parliament	*19th April 2002*
Coming into force - -	*13th May 2002*

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980(**a**), after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:—

1. These Rules may be cited as the Magistrates' Courts (Extradition) (Amendment) Rules 2002 and shall come into force on 13th May 2002.

2. The Magistrates' Courts (Extradition) Rules 1989(**b**) are amended as follows.

3. After "the Act" at the end of rule 2, insert:

> ""the 1995 Convention" means the Convention drawn up on the basis of Article K.3 of the Treaty on European Union on Simplified Extradition Procedures between the Member States of the European Union;
>
> "party to the 1995 Convention" means a state in respect of which the 1995 Convention is in force either generally or between it and the United Kingdom".

4. After rule 6 insert:

"**7.**—(1) This rule applies as between the United Kingdom and states other than the Republic of Ireland that are parties to the 1995 Convention, in relation to which section 14A of the Act applies by virtue of section 34A and Schedule 1A of the Act(**c**).

(2) A notice of consent for the purposes of section 14A(3) of the Act shall be given in form 3 set out in the Schedule to these Rules or a form to the like effect and shall be signed in the presence of the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him for the purposes of the Act.

(3) A Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him for the purposes of the Act may order the committal for return of a person if he gives consent under section 14A of the Act in accordance with paragraph (2) above before he is committed under section 9 of the Act.".

(**a**) 1980 c. 43; section 144 was extended by section 14A(4) and (5) of the Extradition Act 1989 (c. 33), as inserted by paragraph 5 of Schedule 9 to the European Union Extradition Regulations 2002 (S.I. 2002/419).
(**b**) S.I. 1989/1597, as amended by S.I. 2000/1872.
(**c**) Section 14A was inserted by paragraph 5 of Schedule 9 to the European Union Extradition Regulations 2002 as part of Schedule 1A to the Act; section 34A was also inserted by Schedule 9 to those Regulations.

5. At the end of the Schedule (forms), insert:

"3

Notice of consent to committal for return (Extradition Act 1989, s.14A)

Whereas on the day of 20 , I was arrested in pursuance of a warrant under section 8 of the Extradition Act 1989 with a view to my committal to await the Secretary of State's decision as to my return to (insert name of foreign state) which has requested my extradition:

Whereas I understand that, unless I consent to my committal, I shall have the right:

(a) to make representations at committal proceedings as to the matters of which the court of committal is to be satisfied before making an order of committal, and

(b) thereafter, if such an order is made, to make an application for habeas corpus, and

(c) not to be returned for so long as proceedings on any application for habeas corpus are pending and in any case within 15 days of the order of committal:

Whereas I understand that any consent to return agreed to and confirmed in this form is irrevocable;

Whereas I understand that by consenting I lose the speciality protection which would have been given to me under the rules laid down in Article 14 of the European Convention on Extradition (which entered into force for the United Kingdom on 14th May 1991) (rule of speciality), and Article 15 of that Convention (re-extradition to a third state);

Now, therefore, I give notice that I consent to an order of committal being made against me by a Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him for the purposes of the Act, and to my earlier return before the said period of 15 days has expired.

AB

This notice was signed by the above-mentioned person in my presence on the day of 20 .

District Judge (Magistrates' Courts)".

Dated 18th April 2002

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

Rules 4 and 5 of these Rules amend the Magistrates' Courts (Extradition) Rules 1989 to provide a form of notice of consent to committal for return to be used for the purposes of section 14A(3) of the Extradition Act 1989 ("the Act"). The amendment made by rule 4 provides that a Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him for the purposes of the Act may order the committal for return of a person who gives consent under section 14A of the Act before he is committed under section 9 of the Act.

Section 14A of the Act was inserted by Schedule 9 to the European Union Extradition Regulations 2002. Those Regulations implement the provisions of the 1995 Convention and the provisions of the Convention relating to extradition between the Member States of the European Union (which was opened for signature on 27th September 1996) ("the 1996 Convention"). The amendments made to the Act by Schedule 9 to the Regulations apply in relation to the United Kingdom and states other than the Republic of Ireland that are parties to the 1995 Convention or the 1996 Convention, as appropriate.

STATUTORY INSTRUMENTS

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