

*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

2007 No.

EXTRADITION

**The Extradition Act 2003 (Amendment
to Designations) Order 2007**

Made - - - -

Coming into force - - -

A draft of this Order has been approved by each House of Parliament in accordance with section 223(5) of the Extradition Act 2003⁽¹⁾.

The Secretary of State, in exercise of the powers conferred upon him by sections 1, 69(1) and 74(11) (b) of the Extradition Act 2003, makes the following Order:

1.—(1) This Order may be cited as the Extradition Act 2003 (Amendment to Designations) Order 2007 and, subject to paragraph (2), shall come into force on the expiry of one week beginning with the day on which it was made.

(2) The coming into force of article 2(2) shall not apply to a request in respect of which a person has been arrested under a provisional warrant issued under section 73(3) of the Extradition Act 2003 before the coming into force of this Order.

2.—(1) Article 2(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003⁽²⁾ is amended by inserting “Algeria” after “Albania”.

(2) Article 4(2) of the same Order is amended by omitting “Bosnia and Herzegovina (65 days)”.

3. Article 2(2) of the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003⁽³⁾ is amended by inserting “Gibraltar” after “Germany”.

⁽¹⁾ 2003 c.41.

⁽²⁾ S.I. 2003/3334; to which there have been amendments not relevant to the subject matter of this instrument.

⁽³⁾ S.I. 2003/3333; to which there have been amendments not relevant to the subject matter of this instrument.

Home Office
Date

Name
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

Instruments of ratification of a new extradition treaty between the United Kingdom and the People's Democratic Republic of Algeria were exchanged on February 25 2007. Algeria is therefore now being designated, by article 2(1), as a category 2 territory for the first time.

Gibraltar is a party to Council Framework Decision 2002/584/JHA(4). It has now passed its own law implementing that Framework Decision and therefore now needs to be designated as a category 1 territory. This is done by article 3 of this Order.

Bosnia and Herzegovina were designated in article 3(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003, as amended, for the purposes of sections 71(4), 73(5), 84(7) and 86(7) of the Extradition Act 2003. This was as a result of their ratification of the European Convention on Extradition. That Convention only allows a person to be held in provisional detention, pending the receipt of an extradition request, for a period of 40 days. Article 2(2) of this Order therefore has the effect of bringing that provision into effect.

Article 1(2) of this Order is a transitional provision, which ensures that the change in designation does not apply where a person has already been provisionally arrested in respect of a request from Bosnia and Herzegovina.

(4) OJ No L 190, 18.7.2002, p1.