



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Evidence

Commencement Information

- II** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103, art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

202 Receivable documents

- (1) A Part 1 warrant may be received in evidence in proceedings under this Act.
- (2) Any other document issued in a category 1 territory may be received in evidence in proceedings under this Act if it is duly authenticated.
- (3) A document issued in a category 2 territory may be received in evidence in proceedings under this Act if it is duly authenticated.
- (4) A document issued in a category 1 or category 2 territory is duly authenticated if (and only if) one of these applies—
 - (a) it purports to be signed by a judge, magistrate or [^{F1}officer]^{F1} of the territory;
 - [^{F2}(aa) it purports to be certified, whether by seal or otherwise, by the Ministry or Department of the territory responsible for justice or for foreign affairs;]
 - ^{F2}(b) it purports to be authenticated by the oath or affirmation of a witness.
- (5) Subsections (2) and (3) do not prevent a document that is not duly authenticated from being received in evidence in proceedings under this Act.

Status: Point in time view as at 21/07/2014.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Evidence. (See end of Document for details)

Textual Amendments

- F1** Words in s. 202(4)(a) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 26\(a\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F2** S. 202(4)(aa) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 26\(b\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

Commencement Information

- I2** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

203 Documents sent by facsimile

- (1) This section applies if a document to be sent in connection with proceedings under this Act is sent by facsimile transmission.
- (2) This Act has effect as if the document received by facsimile transmission were the document used to make the transmission.

Commencement Information

- I3** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

[^{F3}204 Warrant issued by category 1 territory: transmission by other electronic means

- (1) This section applies if—
 - (a) an arrest warrant is issued by an authority of a category 1 territory in a case in which an article 26 alert is issued,
 - (b) the information contained in the warrant and the alert are transmitted to the designated authority by electronic means, and
 - (c) that information is received by the designated authority in [^{F4}a form in which it is intelligible and which is capable of being used for subsequent reference].
- (2) This section also applies if—
 - (a) an arrest warrant is issued by an authority of a category 1 territory in a case in which no article 26 alert is issued,
 - (b) the information contained in the warrant is transmitted to the designated authority by electronic means, and
 - (c) that information is received by the designated authority in [^{F5}a form in which it is intelligible and which is capable of being used for subsequent reference].
- (3) The reference in section 2(2) to an arrest warrant issued by a judicial authority of a category 1 territory is to be read as if it were a reference to the information received by the designated authority.
- (4) The references in section 63(1) to an arrest warrant are to be read as if they were references to the information received by the designated authority.
- (5) For the purposes of [^{F6}subsection (1) —

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- (a) a] reference to the information contained in the article 26 alert includes a reference to any information sent with that information relating to the case in question.
- [^{F7}(b) information contained in the warrant is treated as being received by the designated authority in a form in which it is intelligible if the authority receives—
 - (i) a summary of that information in English, and
 - (ii) the text of the warrant itself,in a form in which it is legible.]
- (6) For the purposes of this section—
 - (a) an article 26 alert is an alert issued pursuant to article 26 of the Council Decision on the establishment, operation and use of the second generation Schengen Information System of 12 June 2007, [^{F8}and]
 - (b) references to information being transmitted by electronic means do not include facsimile transmission, ^{F9} ...
 - ^{F9}(c)]

Textual Amendments

- F3** S. 204 substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 67**, 116; S.I. 2009/3096, **art. 3(j)** (with **art. 4**)
- F4** Words in s. 204(1)(c) substituted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 120(2)** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/1916, art. 2(t)
- F5** Words in s. 204(2)(c) substituted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 120(2)** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/1916, art. 2(t)
- F6** Words in s. 204(5) substituted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 170(a)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/1916, art. 2(o)
- F7** S. 204(5)(b) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 170(b)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/1916, art. 2(o)
- F8** Word in s. 204(6)(a) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 120(3)(a)** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/1916, art. 2(t)
- F9** S. 204(6)(c) and preceding word omitted (21.7.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 120(3)(b)** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/1916, art. 2(t)

Commencement Information

- I4** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), **art. 2** (subject to **arts. 3-5**) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

205 Written statements and admissions

- (1) The provisions mentioned in subsection (2) apply in relation to proceedings under this Act as they apply in relation to proceedings for an offence.
- (2) The provisions are—
 - (a) section 9 of the Criminal Justice Act 1967 (c. 80) (proof by written statement in criminal proceedings);
 - (b) section 10 of the Criminal Justice Act 1967 (proof by formal admission in criminal proceedings);

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- (c) section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) (proof by written statement in criminal proceedings);
 - (d) section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (proof by formal admission in criminal proceedings).
- (3) As applied by subsection (1) in relation to proceedings under this Act, section 10 of the Criminal Justice Act 1967 and section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 have effect as if—
- (a) references to the defendant were to the person whose extradition is sought (or who has been extradited);
 - (b) references to the prosecutor were to the category 1 or category 2 territory concerned;
 - (c) references to the trial were to the proceedings under this Act for the purposes of which the admission is made;
 - (d) references to subsequent criminal proceedings were to subsequent proceedings under this Act.

Commencement Information

- I5** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), **art. 2** (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

206 Burden and standard of proof

- (1) This section applies if, in proceedings under this Act, a question arises as to burden or standard of proof.
- (2) The question must be decided by applying any enactment or rule of law that would apply if the proceedings were proceedings for an offence.
- (3) Any enactment or rule of law applied under subsection (2) to proceedings under this Act must be applied as if—
 - (a) the person whose extradition is sought (or who has been extradited) were accused of an offence;
 - (b) the category 1 or category 2 territory concerned were the prosecution.
- (4) Subsections (2) and (3) are subject to any express provision of this Act.
- (5) In this section “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

Commencement Information

- I6** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), **art. 2** (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

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