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DRAFT STATUTORY INSTRUMENTS

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**2002 No.**

**EXTRADITION**

**The European Union Extradition Regulations 2002**

*Made - - - - 2002  
Coming into force on a date to be notified in the  
London, Edinburgh and Belfast Gazettes*

**THE EUROPEAN UNION EXTRADITION REGULATIONS 2002**

1. Citation, commencement and interpretation
2. Application of the 1989 Act  
Signature

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**SCHEDULE 1 — THE CONVENTION ON SIMPLIFIED EXTRADITION  
PROCEDURE BETWEEN MEMBER STATES OF THE  
EUROPEAN UNION (“THE 1995 CONVENTION”)**

**ARTICLE 1**

**GENERAL PROVISIONS**

1. The aim of this Convention is to facilitate the application,...
2. Paragraph 1 shall not affect the application of more favourable...

**ARTICLE 2**

**OBLIGATION TO SURRENDER PERSONS**

**ARTICLE 3**

**CONDITIONS FOR SURRENDER**

1. Pursuant to Article 2, any person who is the subject...
2. The surrender referred to in paragraph 1 shall not be...

#### ARTICLE 4

##### INFORMATION TO BE PROVIDED

1. The following information from the requesting State shall be regarded...
2. Notwithstanding paragraph 1, further information may be requested if the...

#### ARTICLE 5

##### CONSENT AND AGREEMENT

1. The consent of the arrested person shall be given in...
2. The competent authority of the requested State shall give its...

#### ARTICLE 6

##### INFORMATION TO BE GIVEN TO THE PERSON

#### ARTICLE 7

##### ESTABLISHING CONSENT

1. The consent of the arrested person and, if appropriate, his...
2. Each Member State shall adopt the measures necessary to ensure...
3. Consent and, where appropriate, renunciation, as referred to in paragraph...
4. Consent and, where appropriate, renunciation, as referred to in paragraph...

#### ARTICLE 8

##### NOTIFICATION OF CONSENT

1. The Requested State shall immediately notify the requesting State of...
2. Notification referred to in paragraph 1 shall be made directly...

#### ARTICLE 9

##### RENUNCIATION OF ENTITLEMENT TO THE SPECIALITY RULE

#### ARTICLE 10

##### NOTIFICATION OF THE EXTRADITION DECISION

1. Notwithstanding the rules laid down in Article 18(1) of the...
2. The decision referred to in paragraph 1 shall be notified...

#### ARTICLE 11

##### DEADLINE FOR SURRENDER

1. Surrender shall take place within 20 days of the date...
2. After the deadline laid down in paragraph 1, if the...
3. Should surrender of the person within the deadline laid down...
4. Paragraphs 1, 2 and 3 of this Article shall not...

## ARTICLE 12

### CONSENT GIVEN AFTER EXPIRY OF THE DEADLINE LAID DOWN IN ARTICLE 8 OR IN OTHER CIRCUMSTANCES

1. Where an arrested person has given his consent after expiry...
2. Where no request for provisional arrest has been made, and...
3. Upon deposit of its instrument of ratification, acceptance, approval or...

## ARTICLE 13

### RE-EXTRADITION TO ANOTHER MEMBER STATE

## ARTICLE 14

### TRANSIT

## ARTICLE 15

### DETERMINING THE COMPETENT AUTHORITIES

## ARTICLE 16

### ENTRY INTO FORCE

1. This Convention shall be subject to ratification, acceptance or approval....
2. This Convention shall enter into force 90 days after the...
3. Until this Convention enters into force, any Member State may,...
4. Any declaration made pursuant to Article 9 shall take effect...
5. This Convention shall apply only to requests submitted after the...

## ARTICLE 17

### ACCESSION

1. This Convention shall be open to accession by any State...
2. The text of this Convention in the language of the...
3. The instruments of accession shall be deposited with the General...
4. This Convention shall enter into force with respect to any...
5. Where this Convention is not yet in force at the...

### SCHEDULE 2 — RESERVATION, DECLARATIONS AND STATEMENTS BY THE UNITED KINGDOM RELATING TO THE 1995 CONVENTION

Article 7  
Article 9  
Article 12  
Article 14  
Article 15  
Article 16

### SCHEDULE 3 — PARTIES TO THE 1995 CONVENTION

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Extradition Regulations 2002 No. 419

SCHEDULE 4 — RESERVATIONS, DECLARATIONS AND STATEMENTS MADE BY THE PARTIES TO THE 1995 CONVENTION

— AUSTRIA

Article 9  
Article 12  
Article 15  
Article 16

— DENMARK

Article 7  
Article 9  
Article 12  
Article 15  
Article 16

— FINLAND

Article 7  
Article 9  
Article 12  
Article 16

— GERMANY

Article 12  
Article 15  
Article 16

— GREECE

Article 9  
Article 12  
Article 15

— LUXEMBOURG

Articles 9 and 13  
Article 12  
Article 15  
Article 16

— NETHERLANDS

Articles 6 and 12  
Article 9  
Article 16

— PORTUGAL

Article 12  
Article 15

— SPAIN

Article 9  
Article 12  
Article 15  
Article 16

— SWEDEN

Article 7  
Article 9  
Article 12  
Article 15  
Article 16

SCHEDULE 5 — THE CONVENTION RELATING TO EXTRADITION BETWEEN MEMBER STATES OF THE EUROPEAN UNION (“THE 1996 CONVENTION”)

## ARTICLE 1

### GENERAL PROVISIONS

1. The purpose of this Convention is to supplement the provisions...
2. Paragraph 1 shall not affect the application of more favourable...

## ARTICLE 2

### EXTRADITABLE OFFENCES

1. Extradition shall be granted in respect of offences which are...
2. Extradition may not be refused on the grounds that the...
3. Article 2(2) of the European Convention on Extradition and Article...

## ARTICLE 3

### CONSPIRACY AND ASSOCIATION TO COMMIT OFFENCES

1. Where the offence for which extradition is requested is classified...
2. For the purpose of determining whether the conspiracy or the...
3. When giving the notification referred to in Article 18(2), any...
4. Any Member State which has entered a reservation under paragraph...

## ARTICLE 4

### ORDER FOR DEPRIVATION OF LIBERTY IN A PLACE OTHER THAN A PENITENTIARY INSTITUTION

## ARTICLE 5

### POLITICAL OFFENCES

1. For the purposes of applying this Convention, no offence may...
2. Each Member State may, when giving the notification referred to...
3. The provisions of Article 3(2) of the European Convention on...
4. Reservations made under Article 13 of the European Convention on...

## ARTICLE 6

### FISCAL OFFENCES

1. With regard to taxes, duties, customs and exchange, extradition shall...
2. Extradition may not be refused on the ground that the...
3. When giving the notification referred to in Article 18(2), any...

## ARTICLE 7

### EXTRADITION OF NATIONALS

1. Extradition may not be refused on the ground that the...
2. When giving the notification referred to in Article 18(2), any...
3. Reservations referred to in paragraph 2 shall be valid for...

## ARTICLE 8

### LAPSE OF TIME

1. Extradition may not be refused on the ground that the...
2. The requested Member State shall have the option of not...

## ARTICLE 9

### AMNESTY

## ARTICLE 10

### OFFENCES OTHER THAN THOSE UPON WHICH THE REQUEST FOR EXTRADITION IS BASED

1. A person who has been extradited may, in respect of...
2. Waiver on the part of the person extradited as referred...
3. Each Member State shall adopt the measures necessary to ensure...
4. When the requested Member State has made a declaration pursuant...

## ARTICLE 11

### PRESUMPTION OF CONSENT OF THE REQUESTED STATE

## ARTICLE 12

### RE-EXTRADITION TO ANOTHER MEMBER STATE

1. Article 15 of the European Convention on Extradition and Article...
2. When giving the notification referred to in Article 18(2), a...

## ARTICLE 13

### CENTRAL AUTHORITY AND TRANSMISSION OF DOCUMENTS BY FACSIMILE

1. Each Member State shall designate a central authority or, where...
2. When giving the notification referred to in Article 18(2) each...
3. The extradition request and the documents referred to in paragraph...
4. In order to ensure the authenticity and confidentiality of the...
5. In order to guarantee the authenticity of extradition documents, the...

## ARTICLE 14

### SUPPLEMENTARY INFORMATION

## ARTICLE 15

### AUTHENTICATION

## ARTICLE 16

### TRANSIT

## ARTICLE 17

### RESERVATIONS

## ARTICLE 18

### ENTRY INTO FORCE

1. This Convention shall be subject to adoption by the Member...
2. Member States shall notify the Secretary-General of the Council of...
3. This Convention shall enter into force 90 days after the...
4. Until this Convention enters into force, any Member State may,...
5. This Convention shall apply only to requests submitted after the...

## ARTICLE 19

### ACCESSION OF NEW MEMBER STATES

1. This Convention shall be open to accession by any State...
2. The text of this Convention in the language of the...
3. The instruments of accession shall be deposited with the depositary...
4. This Convention shall enter into force with respect to any...
5. Where this Convention is not yet in force at the...

## ARTICLE 20

### DEPOSITARY

1. The Secretary-General of the Council of the European Union shall...
2. The depositary shall publish in the Official Journal of the...

### SCHEDULE 6 — DECLARATIONS AND STATEMENTS BY THE UNITED KINGDOM RELATING TO THE 1996 CONVENTION

Article 11  
Article 13  
Article 16  
Article 18

### SCHEDULE 7 — PARTIES TO THE 1996 CONVENTION

### SCHEDULE 8 — RESERVATIONS, DECLARATIONS AND STATEMENTS MADE BY THE PARTIES TO THE 1996 CONVENTION — ANNEX TO THE 1996 CONVENTION

*Joint Declaration on the right of asylum*

*Declaration by Denmark, Finland and Sweden concerning Article 7 of this Convention*

*Declaration on the concept of “nationals”*

*Declaration by Greece re Article 5*

*Declaration by Portugal on extradition requested for an offence punishable by a life sentence or detention order*

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## AUSTRIA

Article 3  
Article 5  
Article 7  
Article 11  
Article 13  
Article 14  
Article 18

## BELGIUM

Article 3  
Article 7  
Article 12  
Article 13  
Article 14  
Article 18

## DENMARK

Article 3  
Article 5  
Article 7  
Article 12  
Article 13  
Article 14  
Article 18

## FINLAND

Article 7  
Article 12  
Article 13  
Article 14  
Article 18

## GERMANY

Article 7  
Article 11  
Article 13  
Article 14  
Article 18



## GREECE

Article 5  
Article 6  
Article 7  
Article 12  
Article 13

## LUXEMBOURG

Article 3  
Article 5  
Article 6  
Article 7  
Article 12  
Article 13  
Article 14  
Article 18

## NETHERLANDS

Article 3  
Article 5  
Article 7  
Article 12  
Article 14  
Article 18

## PORTUGAL

Article 7  
Article 12  
Article 13  
Article 18

## SPAIN

Article 7  
Article 13  
Article 14  
Article 18

## SWEDEN

Article 3  
Article 7  
Article 12

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Article 13

Article 14

Article 18

SCHEDULE 9 — AMENDMENTS TO THE EXTRADITION ACT 1989

1. The Act is amended as follows.
2. In section 24 (suppression of terrorism) in subsection (3)(a) after...
3. After section 34 insert— 1995 and 1996 Convention cases Application...
4. In section 35(1) (interpretation)after the definition of “Hong Kong Special...
5. After Schedule 1 insert— SCHEDULE 1A THE 1995 CONVENTION AND...

Explanatory Note