



Extradition Act 1989 (repealed)

1989 CHAPTER 33

PART IV

TREATMENT OF PERSONS RETURNED

- 18 Restrictions upon proceedings for other offences in case of persons returned by foreign states.**
- (1) Where any person is returned to the United Kingdom by a foreign state in pursuance of extradition arrangements, he shall not, unless he has first been restored or had an opportunity of leaving the United Kingdom, be triable or tried for any offence committed prior to the surrender in any part of the United Kingdom, other than—
- (a) an offence in respect of which he was returned; or
 - (b) any offence disclosed by the particulars furnished to the foreign state on which his return is grounded; or
 - (c) any other offence in respect of which the foreign state may consent to his being tried.
- (2) Where any person returned to the United Kingdom in pursuance of extradition arrangements has been convicted before his return of an offence for which his return was not granted, any punishment for that offence shall by operation of this section be remitted; but his conviction for it shall be treated as a conviction for all other purposes.
- 19 Restrictions upon proceedings for other offences in case of persons returned by designated Commonwealth countries or colonies.**
- (1) This section applies to any person accused or convicted of an offence under the law of or of any part of the United Kingdom who is returned to the United Kingdom—
- (a) from any designated Commonwealth country, under any law of that country corresponding with this Act;
 - (b) from any colony, under this Act as extended to that colony or under any corresponding law of that colony.

Status: Point in time view as at 01/10/1992. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 1989 (repealed), Part IV. (See end of Document for details)

- (2) A person to whom this section applies shall not, during the period described in subsection (3) below, be dealt with in the United Kingdom for or in respect of any offence committed before he was returned to the United Kingdom other than—
- (i) the offence in respect of which he was returned;
 - (ii) any lesser offence disclosed by the particulars furnished to the Commonwealth country or colony on which his return is grounded; or
 - (iii) any other offence in respect of which the Government of the Commonwealth country or Governor of the colony from which he was returned may consent to his being dealt with.
- (3) The period referred to in subsection (2) above in relation to a person to whom this section applies is the period beginning with the day of his arrival in the United Kingdom on his return as mentioned in subsection (1) above and ending 45 days after the first subsequent day on which he has the opportunity to leave the United Kingdom.
- (4) Where a person to whom this section applies has been convicted before his return to the United Kingdom of an offence for which his return was not granted, any punishment for that offence shall by operation of this section be remitted; but his conviction for it shall be treated as a conviction for all other purposes.
- (5) In this section “dealt with” means tried or returned or surrendered to any country or colony or detained with a view to trial or with a view to such return or surrender.

Modifications etc. (not altering text)

- C1** [S. 19](#) extended (British Antarctic Territory) (with modifications) (6.7.1992) by [S.I. 1992/1300, art. 2, Sch.](#)
- [S. 19](#) extended (16.8.2002) (with modifications) by [The Extradition \(Overseas Territories\) Order 2002 \(S.I. 2002/1823\), art. 2, Schs. 1-4](#) (as amended (16.8.2002) by [S.I. 2002/1825, art. 2, Sch. 2](#))

VALID FROM 01/07/1997

[^{F1}19A] Restrictions upon proceedings for other offences in case of persons returned by the Hong Kong Special Administrative Region

- (1) This section applies to any person accused or convicted of an offence under the law of or any part of the United Kingdom who is returned to the United Kingdom from the Hong Kong Special Administrative Region under any law of that Region corresponding to this Act.
- (2) A person to whom this section applies shall not, during the period described in subsection (3) below, be dealt with in the United Kingdom for or in respect of any offence committed before he was returned to the United Kingdom other than—
- (i) the offence in respect of which he was returned;
 - (ii) any lesser offence disclosed by the particulars furnished to the Hong Kong Special Administrative Region on which his return is grounded; or
 - (iii) any other offence in respect of which the Government of the Hong Kong Special Administrative Region may consent to his being dealt with.
- (3) The period referred to in subsection (2) above, in relation to a person to whom this section applies, is the period beginning with the day of his arrival in the United

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Kingdom on his return as mentioned in subsection (1) above and ending 40 days after the first subsequent day on which he has the opportunity to leave the United Kingdom.

- (4) Where a person to whom this section applies has been convicted before his return to the United Kingdom of an offence for which his return was not granted, any punishment for that conviction shall by operation of this section be remitted; but his conviction for it shall be treated as a conviction for all other purposes.
- (5) In this section “dealt with” has the same meaning as in section 19.]

Textual Amendments

F1 S. 19A inserted (1.7.1997) by S.I. 1997/1178, art. 2, Sch. para.10.

20 Restoration of persons not tried or acquitted.

- (1) This section applies to any person accused of an offence under the law of the United Kingdom who is returned to the United Kingdom in pursuance of extradition arrangements or as mentioned in section 19(1) above.
- (2) If in the case of a person to whom this section applies either—
- (a) proceedings against him for the offence for which he was returned are not begun within the period of six months beginning with the day of his arrival in the United Kingdom on being returned; or
 - (b) on his trial for that offence, he is acquitted or discharged under any of the following provisions—
 - (i) [F2section 1A(1)] of the M1Powers of Criminal Courts Act 1973;
 - (ii) section 182 or 383 of the M2Criminal Procedure (Scotland) Act 1975;
 - (iii) section 5(1) of the M3Probation Act (Northern Ireland) 1950,the Secretary of State may, if he thinks fit, on the request of that person, arrange for him to be sent back free of charge and with as little delay as possible to the jurisdiction of the foreign state, Commonwealth country or colony from which he was returned.

Textual Amendments

F2 Words in s. 20(2)(b)(i) substituted (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para.39; S.I. 1992/333, art. 2(2), Sch. 2

Modifications etc. (not altering text)

C2 S. 20 extended (British Antarctic Territory) (with modifications) (6.7.1992) by S.I. 1992/1300, art. 2, Sch.

Marginal Citations

M1 1973 c. 62.
M2 1975 c. 21.
M3 1950 c. 7. (N.I.)

Status:

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Changes to legislation:

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