



Extradition Act 1989 (repealed)

1989 CHAPTER 33

PART III

PROCEDURE

General

7 Extradition request and authority to proceed.

(1) Subject to the provisions of this Act relating to provisional warrants, a person shall not be dealt with under this Part of this Act except in pursuance of an order of the Secretary of State (in this Act referred to as an “authority to proceed”) issued in pursuance of a request (in this Act referred to as an “extradition request”) for the surrender of a person under this Act made—

- (a) by some person recognised by the Secretary of State as a diplomatic or consular representative of a foreign state; or
- (b) by or on behalf of the Government of a designated Commonwealth country, or the Governor of a colony.

(2) There shall be furnished with any such request—

- (a) particulars of the person whose return is requested;
- (b) particulars of the offence of which he is accused or was convicted (including evidence [^{F1}or, in a case falling within subsection (2A) below, information] sufficient to justify the issue of a warrant for his arrest under this Act);
- (c) in the case of a person accused of an offence, a warrant for his arrest issued in the foreign state, Commonwealth country or colony; and
- (d) in the case of a person unlawfully at large after conviction of an offence, a certificate of the conviction and sentence,

and copies of them shall be served on the person whose return is requested before he is brought before the court of committal.

[^{F2}(2A) Where—

- (a) the extradition request is made by a foreign state; and

Status: Point in time view as at 03/11/1994. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 1989 (repealed), Section 7. (See end of Document for details)

- (b) an Order in Council falling within section 4(5) above is in force in relation to that state,
it shall be a sufficient compliance with subsection (2)(b) above to furnish information sufficient to justify the issue of a warrant for his arrest under this Act.]
- (3) Rules under section 144 of the ^{M1}Magistrates' Courts Act 1980 may make provision as to the procedure for service under subsection (2) above in England and Wales and the High Court of Justiciary may, by Act of Adjournal, make rules as to such procedure in Scotland.
- (4) On receipt of any such request the Secretary of State may issue an authority to proceed unless it appears to him that an order for the return of the person concerned could not lawfully be made, or would not in fact be made, in accordance with the provisions of this Act.
- (5) An authority to proceed shall specify the offence or offences under the law of the United Kingdom which it appears to the Secretary of State would be constituted by equivalent conduct in the United Kingdom.
- (6) In this section "warrant", in the case of any foreign state, includes any judicial document authorising the arrest of a person accused of a crime.

Textual Amendments

- F1** Words in s. 7(2)(b) inserted (3.11.1994) by 1994 c. 33, s. 158(3)(a).
F2 S. 7(2A) inserted (3.11.1994) by 1994 c. 33, s. 158(3)(b).

Modifications etc. (not altering text)

- C1** S. 7(1)-(5) extended (British Antarctic Territory) (with modifications) (6.7.1992) by S.I. 1992/1300, art. 2, Sch.

Marginal Citations

- M1** 1980 c. 43.

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