



Extradition Act 1989 (repealed)

1989 CHAPTER 33

PART III

PROCEDURE

General

9 Proceedings for committal.

- (1) A person arrested in pursuance of a warrant under section 8 above shall (unless previously discharged under subsection (4) of that section) be brought as soon as practicable before a court (in this Act referred to as “the court of committal”) consisting of a metropolitan magistrate or the sheriff of Lothian and Borders, as may be directed by the warrant.
- (2) For the purposes of proceedings under this section a court of committal in England and Wales shall have the like [^{F1} powers, as nearly as may be, including powers to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, as if the proceedings were the summary trial of an information against him; and section 16(1)(c) of the ^{M1}Prosecution of Offences Act 1985 (costs on dismissal) shall apply accordingly reading the reference to the dismissal of the information as a reference to the discharge of the person arrested.]

[^{F2}(2A) If a court of committal in England and Wales exercises its power to adjourn the case it shall on so doing remand the person arrested in custody or on bail.]

- (3) For the purposes of proceedings under this section a court of committal in Scotland shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were summary proceedings in respect of an offence alleged to have been committed by that person; and the provisions of the ^{M2}Legal Aid (Scotland) Act 1986 relating to such proceedings or any appellate proceedings following thereon shall apply accordingly to that person.

Status: Point in time view as at 01/07/1999. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 1989 (repealed), Section 9. (See end of Document for details)

- (4) Where—
- (a) the extradition request is made by a foreign state; and
 - (b) an Order in Council such as is mentioned in subsection (8) below is in force in relation to that state,
- there is no need to furnish the court of committal with evidence sufficient to [^{F3}make a case requiring an answer by the arrested person if the proceedings were the summary trial of an information against him.]
- (5) Where the person arrested is in custody by virtue of a provisional warrant and no authority to proceed has been received in respect of him, the court of committal may fix a period (of which the court shall give notice to the Secretary of State [^{F4}or the Scottish Ministers]) after which he will be discharged from custody unless such an authority has been received.
- (6) In exercising the power conferred by subsection (5) above in a case where the extradition request is made under general extradition arrangements the court shall have regard to any period specified for the purpose in the Order in Council relating to the arrangements.
- (7) Where—
- (a) the extradition request is made under general extradition arrangements but no period is so specified; or
 - (b) the application is made under special extradition arrangements,
- the court of committal may fix a reasonable period.
- [^{F5}(7A) In exercising the power conferred by subsection (5) above in a case where the extradition request is made by or on behalf of the Government of the Hong Kong Special Administrative Region the court shall not fix a period ending more than 60 days after the day of the person's arrest, unless the exceptional circumstances of the case justify a longer period.]
- (8) Where an authority to proceed has been issued in respect of the person arrested and the court of committal is satisfied, after hearing any representations made in support of the extradition request or on behalf of that person, that the offence to which the authority relates is an extradition crime, and is further satisfied—
- (a) where that person is accused of the offence, unless an Order in Council giving effect to general extradition arrangements under which the extradition request was made otherwise provides, that the evidence would be sufficient to [^{F6}make a case requiring an answer by that person if the proceedings were the summary trial of an information against him.]
 - (b) where that person is alleged to be unlawfully at large after conviction of the offence, that he has been so convicted and appears to be so at large,
- the court, unless his committal is prohibited by any other provision of this Act, shall commit him to custody or on bail—
- (i) to await the Secretary of State's [^{F4}or the Scottish Ministers'] decision as to his return; and
 - (ii) if the Secretary of State decides [^{F4}or the Scottish Ministers decide] that he shall be returned, to await his return.
- (9) If the court commits a person under subsection (8) above, it shall issue a certificate of the offence against the law of the United Kingdom which would be constituted by his conduct.

Status: Point in time view as at 01/07/1999. 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 9. (See end of Document for details)

(10) If the court commits a person to custody in the exercise of that power, it may subsequently grant bail if it considers it appropriate to do so.

(11) If—

- (a) the court is not satisfied as mentioned in subsection (8) above in relation to the person arrested; or
 - (b) his committal is prohibited by a provision of this Act,
- it shall discharge him.

Textual Amendments

- F1** Words in s. 9(2) substituted (1.4.1997) by 1994 c. 33, s. 158(5)(a); S.I. 1997/882, art. 3.
- F2** S. 9(2A) inserted (1.4.1997) by 1994 c. 33, s. 158(5)(b); S.I. 1997/882, art. 3.
- F3** Words in s. 9(4) substituted (1.4.1997) by 1994 c. 33, s. 158(5)(c); S.I. 1997/882, art. 3.
- F4** Words in 9(5)(8)(i)(ii) inserted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 9(5)(6)** (with art. 7); S.I. 1998/3178, art. 3
- F5** S. 9(7A) inserted (1.7.1997) by S.I. 1997/1178, art. 2, **Sch. para. 6**.
- F6** Words in s. 9(8)(a) substituted (1.4.1997) by 1994 c. 33, s. 158(5)(d); S.I. 1997/882, art. 3.

Modifications etc. (not altering text)

- C1** S. 9(1)(2)(5)(6)(8)-(11) extended (British Antarctic Territory) (with modifications) (6.7.1992) by S.I. 1992/1300, art. 2, **Sch.**
S. 9(5): transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**

Marginal Citations

- M1** 1985 c. 23.
- M2** 1986 c. 47.

Status:

Point in time view as at 01/07/1999. 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 9.