



Criminal Justice Act 1993

1993 CHAPTER 36

PART VI

MISCELLANEOUS

72 **Backing of warrants: safeguards**

- (1) The Backing of Warrants (Republic of Ireland) Act 1965 shall be amended as follows.
- (2) In section 2 (proceedings before magistrates' courts), the following subsection shall be added at the end—

“(5) The Secretary of State may by order provide that an order may not be made under subsection (1) of this section if it is shown to the satisfaction of the court that no provision is made in the law of the Republic, in respect of a person delivered up to the Republic by the United Kingdom, corresponding to the provision made by or under sections 6A and 6B of this Act in respect of a person delivered up to the United Kingdom by the Republic.”

- (3) The following sections shall be inserted after section 6—

“6A Persons delivered up by the Republic: the rule of speciality

- (1) The Secretary of State may by order provide that, except in such cases as may be specified in the order, no person delivered up to the United Kingdom under corresponding arrangements in force in the Republic (“the defendant”) may be dealt with for, or in respect of, any offence committed before his surrender, other than the offence for which he was delivered up.
- (2) In subsection (1) of this section, “corresponding” means corresponding to provisions contained in this Act.
- (3) Any order under this section may, in particular, specify the following cases for the purposes of subsection (1) of this section—
 - (a) where consent is given by a Minister of the Republic;

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- (b) where the defendant, having had an opportunity to leave the United Kingdom, has not done so within 45 days of his final discharge in respect of the offence for which he was delivered up;
- (c) where the defendant has, after being returned to the United Kingdom, left the United Kingdom and subsequently returned to it;
- (d) where the description of the offence charged in the United Kingdom is altered in the course of proceedings but the offence under its new description is shown by its constituent elements to be an offence for which the defendant could have been delivered up under the corresponding legislation.

6B Extradition to third country

- (1) The Secretary of State may by order provide that, except in such cases as may be specified in the order, no person delivered up to the United Kingdom under corresponding arrangements in force in the Republic (“the defendant”) may be delivered up to a territory other than the Republic to be dealt with for, or in respect of, any offence committed before his surrender to the United Kingdom.
- (2) In subsection (1) of this section “corresponding” means corresponding to provisions contained in this Act.
- (3) Any order under this section may, in particular, specify the following cases for the purposes of subsection (1) of this section—
 - (a) where consent is given by a Minister of the Republic;
 - (b) where the defendant, having had an opportunity to leave the United Kingdom, has not done so within 45 days of his final discharge in respect of the offence for which he was delivered up;
 - (c) where the defendant has, after being returned to the United Kingdom, left the United Kingdom and subsequently returned to it.

6C Provisions supplementing sections 2(5), 6A and 6B

- (1) The power to make an order under section 2(5), 6A or 6B of this Act shall be exercisable by statutory instrument.
- (2) Any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any such order may—
 - (a) make different provision for different cases; and
 - (b) make such incidental or supplemental provision as the Secretary of State considers appropriate.
- (4) Any incidental or supplemental provision may, in particular, include—
 - (a) in the case of an order under section 2(5) of this Act, provision as to the circumstances in which, and the presumptions which may be applied in considering whether, provision made by the law of the Republic is to be treated as corresponding to provision made by or under section 6A or 6B of this Act;
 - (b) in the case of an order under section 6A or 6B of this Act—

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- (i) provision as to the notification of any consent;
 - (ii) provision as to the drawing up of any document to support a request for consent.
- (5) Where any consent is notified in accordance with the provisions of an order under section 6A or 6B of this Act—
- (a) judicial notice shall be taken of that consent; and
 - (b) a certificate of the Secretary of State to the effect that that consent was given in accordance with those provisions shall be evidence without further proof (or in Scotland sufficient evidence).”