



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Custody and bail

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- (1) The Bail Act 1976 (c. 63) is amended as follows.
- (2) In section 1(1) (meaning of “bail in criminal proceedings”) after paragraph (b) insert—
 - “, or
 - (c) bail grantable in connection with extradition proceedings in respect of an offence.”
- (3) In section 2(2) (other definitions) omit the definition of “proceedings against a fugitive offender” and in the appropriate places insert—
 - ““extradition proceedings” means proceedings under the Extradition Act 2003;”;
 - ““prosecutor”, in relation to extradition proceedings, means the person acting on behalf of the territory to which extradition is sought;”.
- (4) In section 4 (general right to bail) in subsection (2) omit the words “or proceedings against a fugitive offender for the offence”.
- (5) In section 4 after subsection (2) insert—
 - “(2A) This section also applies to a person whose extradition is sought in respect of an offence, when—
 - (a) he appears or is brought before a court in the course of or in connection with extradition proceedings in respect of the offence, or

Status: This is the original version (as it was originally enacted).

- (b) he applies to a court for bail or for a variation of the conditions of bail in connection with the proceedings.
- (2B) But subsection (2A) above does not apply if the person is alleged to be unlawfully at large after conviction of the offence.”
- (6) In section 5B (reconsideration of decisions granting bail) for subsection (1) substitute—
- “(A1) This section applies in any of these cases—
- (a) a magistrates' court has granted bail in criminal proceedings in connection with an offence to which this section applies or proceedings for such an offence;
- (b) a constable has granted bail in criminal proceedings in connection with proceedings for such an offence;
- (c) a magistrates' court or a constable has granted bail in connection with extradition proceedings.
- (1) The court or the appropriate court in relation to the constable may, on application by the prosecutor for the decision to be reconsidered—
- (a) vary the conditions of bail,
- (b) impose conditions in respect of bail which has been granted unconditionally, or
- (c) withhold bail.”
- (7) In section 7 (liability to arrest for absconding or breaking conditions of bail) after subsection (1) insert—
- “(1A) Subsection (1B) applies if—
- (a) a person has been released on bail in connection with extradition proceedings,
- (b) the person is under a duty to surrender into the custody of a constable, and
- (c) the person fails to surrender to custody at the time appointed for him to do so.
- (1B) A magistrates' court may issue a warrant for the person's arrest.”
- (8) In section 7(4) omit the words from “In reckoning” to “Sunday”.
- (9) In section 7 after subsection (4) insert—
- “(4A) A person who has been released on bail in connection with extradition proceedings and is under a duty to surrender into the custody of a constable may be arrested without warrant by a constable on any of the grounds set out in paragraphs (a) to (c) of subsection (3).
- (4B) A person arrested in pursuance of subsection (4A) above shall be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area in which he was arrested.”
- (10) In section 7(5) after “subsection (4)” insert “or (4B)”.
- (11) In section 7 after subsection (6) insert—

“(7) In reckoning for the purposes of this section any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.”

(12) In Part 1 of Schedule 1 (defendants accused or convicted of imprisonable offences) for paragraph 1 substitute—

“1 The following provisions of this Part of this Schedule apply to the defendant if—

- (a) the offence or one of the offences of which he is accused or convicted in the proceedings is punishable with imprisonment, or
- (b) his extradition is sought in respect of an offence.”

(13) In Part 1 of Schedule 1 after paragraph 2A insert—

“2B The defendant need not be granted bail in connection with extradition proceedings if—

- (a) the conduct constituting the offence would, if carried out by the defendant in England and Wales, constitute an indictable offence or an offence triable either way; and
- (b) it appears to the court that the defendant was on bail on the date of the offence.”

(14) In Part 1 of Schedule 1 in paragraph 6 after “the offence” insert “or the extradition proceedings”.