S C H E D U L E S

SCHEDULE 13

EXTRADITION

PART 2

AMENDMENTS TO OTHER ACTS

Powers of High Court in relation to bail decisions by magistrates' court etc

27   (1) Section 22 of the Criminal Justice Act 1967 (c. 80) (power of High Court to grant, or vary conditions of, bail) is amended as follows.

(2) After subsection (1) (application to grant bail etc where case stated to High Court) there is inserted—

"(1A) Where a magistrates' court withholds bail in extradition proceedings or imposes conditions in granting bail in extradition proceedings, the High Court may grant bail or vary the conditions."

(3) In subsection (4) (which defines certain terms used in section 22), after " "bail in criminal proceedings"" there is inserted " , "extradition proceedings" .

Commencement Information
I1   Sch. 13 para. 27 in force at 15.1.2007 by S.I. 2006/3364, **art. 2(e)**

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28   In section 1(1A) of the Bail (Amendment) Act 1993 (c. 26) (right of prosecution to appeal to Crown Court against granting of bail in extradition proceedings), for "a judge of the Crown Court" there is substituted " the High Court ".

Commencement Information
I2   Sch. 13 para. 28 in force at 15.1.2007 by S.I. 2006/3364, **art. 2(e)**

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29   (1) Section 10 of the Justice (Northern Ireland) Act 2004 (c. 4) (prosecution right of appeal against grant of bail by magistrates' court) is amended as follows.

(2) After subsection (1) there is inserted—

"(1A) Where a magistrates' court grants bail to a person in connection with extradition proceedings, the prosecution may appeal to the High Court against the granting of bail."

(3) In subsection (3), after "subsection (1)" there is inserted " or (1A) ".

(4) In subsection (4)—

    (a) after "subsection (1)" there is inserted " or (1A) ";

    (b) for "the magistrates' court" there is substituted " the court which has granted bail ".

(5) In subsections (5) and (6), for "the magistrates' court" there is substituted " the court which has granted bail ".

(6) In subsection (8)—

    (a) after "subsection (1)" there is inserted " or (1A) ";

    (b) "magistrates'" is omitted.

(7) After subsection (11) there is inserted—

"(12) In this section—

"extradition proceedings" means proceedings under the Extradition Act 2003;

"magistrates' court" and "court", in relation to extradition proceedings, mean a resident magistrate designated in accordance with section 67 or section 139 of the Extradition Act 2003;

"prosecution", in relation to extradition proceedings, means the person acting on behalf of the territory to which extradition is sought."

Commencement Information

I3   Sch. 13 para. 29 in force at 15.1.2007 by S.I. 2006/3364, **art. 2(e)**

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30   After section 10 of the Justice (Northern Ireland) Act 2004 there is inserted—

"10A Prosecution right of appeal against grant of bail by county court judge in extradition proceedings

    (1) Section 10 applies to the granting of bail by a county court judge in extradition proceedings as it applies to the granting of bail by a magistrates' court in such proceedings; and references in that section to a magistrates' court shall be construed accordingly.

    (2) In this section "extradition proceedings" has the same meaning as in section 10."

Commencement Information

I4   Sch. 13 para. 30 in force at 15.1.2007 by S.I. 2006/3364, **art. 2(e)**

Credit against sentence for periods of remand in custody of persons extradited to UK

31   In section 243 of the Criminal Justice Act 2003 (c. 44) (persons extradited to the United Kingdom), in subsection (1), after "imposed" there is inserted " or he received that sentence ".

Commencement Information

I5   Sch. 13 para. 31 in force at 15.1.2007 by S.I. 2006/3364, **art. 2(e)**

[F1]32   . . . .

Textual Amendments

F1   Sch. 13 para. 32 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

[F2]33   . . . .

Textual Amendments

F2   Sch. 13 para. 33 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 19**; S.I. 2012/2906, art. 2(n)

Amendments consequential on amendments in Part 1

34   In section 4(2B) of the Bail Act 1976 (c. 63) (no right to bail in certain extradition proceedings), for "to be unlawfully at large after conviction" there is substituted " to have been convicted ".

Commencement Information

I6   Sch. 13 para. 34 in force at 15.1.2007 by S.I. 2006/3364, **art. 2(e)**

35   In paragraph 81(4) of Schedule 9 to the Constitutional Reform Act 2005 (c. 4) (amendments substituting "Supreme Court" for "House of Lords" in provisions of the Extradition Act 2003)—

    (a)   after paragraph (b) there is inserted—

        "(ba)   section 33A (detention pending conclusion of certain appeals under section 32);";

    (b)   after paragraph (i) there is inserted—

        "(ia)   section 115A (detention pending conclusion of certain appeals under section 114);".

Commencement Information

I7   Sch. 13 para. 35 in force at 15.1.2007 by S.I. 2006/3364, **art. 2(e)**

Status:
Point in time view as at 01/12/2020.

Changes to legislation:
There are currently no known outstanding effects for the Police and Justice Act 2006, Part 2.