

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Extradition (Provisional Arrest) Act 2020, PART 2. (See end of Document for details)

SCHEDULE

POWER OF ARREST FOR EXTRADITION PURPOSES

PART 2

CONSEQUENTIAL AMENDMENTS

Police and Criminal Evidence Act 1984

- 7 In section 65 of the Police and Criminal Evidence Act 1984 (questioning and treatment of persons by police: supplementary), in the definition of “extradition arrest power”, at the end insert—
“(e) section 74A of that Act;”.

Commencement Information

I1 Sch. para. 7 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 8 In Article 53(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (questioning and treatment of persons by police: interpretation), in the definition of “extradition arrest power”, at the end insert—
“(e) section 74A of that Act.”

Commencement Information

I2 Sch. para. 8 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

Nationality, Immigration and Asylum Act 2002

- 9 In section 94 of the Nationality, Immigration and Asylum Act 2002 (appeal from within United Kingdom: unfounded human rights or protection claim), in subsection (6A), after paragraph (c) insert—
“(ca) is the subject of a certificate under section 74B of that Act;”.

Commencement Information

I3 Sch. para. 9 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

Extradition Act 2003

- 10 The Extradition Act 2003 is amended as follows.

Commencement Information

I4 Sch. para. 10 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

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- 11 (1) Section 76 (date of extradition hearing: arrest under provisional warrant) is amended as follows.
- (2) In the heading, after “provisional warrant” insert “ or under section 74A ”.
- (3) In subsection (1)—
- (a) in paragraph (a), after “provisional warrant” insert “ or under section 74A ”;
 - (b) in paragraph (b), after “section 74(10)” insert “ or 74E(4) ”.

Commencement Information

I5 [Sch. para. 11](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 12 In section 76A (person charged with offence in United Kingdom before extradition hearing), in subsection (1)(a), for “or 74(3)” substitute “ , 74(3) or 74A(3) ”.

Commencement Information

I6 [Sch. para. 12](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 13 In section 76B (person serving sentence in United Kingdom before extradition hearing), in subsection (1)(a), for “or 74(3)” substitute “ , 74(3) or 74A(3) ”.

Commencement Information

I7 [Sch. para. 13](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 14 In section 127 (consent to extradition: general), in subsection (2), after “provisional warrant” insert “ or under section 74A ”.

Commencement Information

I8 [Sch. para. 14](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 15 (1) Section 136 (persons serving sentences outside territory where convicted) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) omit “or” at the end;
 - (b) in paragraph (b), at the end insert “ , or
 - (c) a request for the person's arrest is made by an authority of a specified category 2 territory (within the meaning of section 74B(7)) and the request contains the statement referred to in subsection (2).”
- (3) In subsection (3)—
- (a) in paragraph (b), after “subsection (1)(b)” insert “ or (c) (as the case may be) ”;
 - (b) after paragraph (b) insert—

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- “(c) section 74C(1)(b) has effect as if the reference to the statement referred to in subsection (4) of that section were a reference to the statement in subsection (2) of this section;
 - (d) section 74C(5) has effect as if paragraph (c) were omitted and as if in paragraph (d)—
 - (i) “the category 2 territory” read “the convicting territory”;
 - (ii) “if the person has been sentenced for the offence” were omitted.”
- (4) In subsection (4)—
- (a) after paragraph (a) insert—
 - “(aa) section 74(7)(a) has effect as if “accused of the commission of an offence in a category 2 territory or that he is alleged to be unlawfully at large after conviction of an offence by a court in a category 2 territory” read “alleged to be unlawfully at large from a prison in the imprisoning territory after conviction of an offence in the convicting territory”;
 - (b) after paragraph (c) insert—
 - “(ca) section 74B(1)(b) has effect as if sub-paragraph (i) were omitted and as if for sub-paragraph (ii) there were substituted—
 - “(ii) the person is alleged to be unlawfully at large from a prison in the imprisoning territory after conviction of an offence in the convicting territory”;
 - (cb) section 74B(1)(c) has effect as if “a serious extradition offence” read “a serious extradition offence in relation to the convicting territory”;
 - (cc) section 74E(1)(a) has effect as if “accused of the commission of an offence in a category 2 territory or are alleged to be unlawfully at large after conviction of an offence by a court in a category 2 territory” read “alleged to be unlawfully at large from a prison in the imprisoning territory after conviction of an offence in the convicting territory”;
 - (cd) section 74E(2)(a) has effect as if “the category 2 territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence” read “the imprisoning territory”;

Commencement Information

19 Sch. para. 15 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

16 In section 162 (entry and search of premises on arrest), in subsection (3)(d), after “provisional warrant” insert “ or under section 74A ”.

Status: Point in time view as at 31/12/2020.

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Commencement Information

I10 [Sch. para. 16](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 17 In section 164 (entry and search of premises after arrest), in subsection (3)(d), after “provisional warrant” insert “ or under section 74A ”.

Commencement Information

I11 [Sch. para. 17](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 18 In section 172 (delivery of seized property), in subsection (4)(d), after “provisional warrant” insert “ or section 74A. ”

Commencement Information

I12 [Sch. para. 18](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 19 In section 174 (interpretation), in subsection (2), after paragraph (d) insert—
“(e) section 74A.”

Commencement Information

I13 [Sch. para. 19](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 20 In section 193 (parties to international conventions), in subsection (4)(a), after “74(11)(b)” insert “ , 74A to 74E ”.

Commencement Information

I14 [Sch. para. 20](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 21 In section 194 (special extradition arrangements), in subsection (4)(a), after “74(11)(b)” insert “ , 74A to 74E ”.

Commencement Information

I15 [Sch. para. 21](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 22 (1) Section 206B (live links: supplementary) is amended as follows.
(2) In subsection (6)(b), for “or 74(3)” substitute “ , 74(3) or 74A(3) ”.
(3) In subsection (7), for “or 74(3)” substitute “ , 74(3) or 74A(3) ”.

Commencement Information

I16 [Sch. para. 22](#) in force at 31.12.2020 by [S.I. 2020/1652](#), [reg. 2\(1\)\(b\)](#)

- 23 (1) In section 206C (live links: interpretation), subsection (4) is amended as follows.

Status: Point in time view as at 31/12/2020.

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- (2) In paragraph (c) omit “or” at the end.
- (3) In paragraph (d), at the end insert “; or
- (e) a certificate is issued under section 74B in respect of the person.”

Commencement Information

I17 Sch. para. 23 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

- 24 (1) In section 208 (national security), subsection (9) is amended as follows.
- (2) In paragraph (b), for “or under a provisional warrant” substitute “, under a provisional warrant or under section 74A ”.
- (3) In paragraph (c), after “74” insert “, 74D, 74E ”.

Commencement Information

I18 Sch. para. 24 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

- 25 (1) Section 216 (other interpretive provisions) is amended as follows.
- (2) After subsection (2) insert—
 - “(2A) References in sections 74B and 74C to the designated authority must be read in accordance with section 74B(4).”
- (3) In subsection (3), at the start insert “ Other ”.

Commencement Information

I19 Sch. para. 25 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

- 26 In section 223 (orders and regulations), after subsection (6) insert—
 - “(6A) No regulations under section 74B(8) may be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”

Commencement Information

I20 Sch. para. 26 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

UK Borders Act 2007

- 27 The UK Borders Act 2007 is amended as follows.

Commencement Information

I21 Sch. para. 27 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

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- 28 In section 2 (detention), in subsections (1) and (1A), at the end of paragraph (a) (but before “or”) insert—
- “(aa) is the subject of a certificate under section 74B of the Extradition Act 2003,”.

Commencement Information

I22 Sch. para. 28 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

- 29 In section 33 (exceptions to automatic deportation), in subsection (5), after paragraph (c) insert—
- “(ca) is the subject of a certificate under section 74B of that Act,”.

Commencement Information

I23 Sch. para. 29 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

Criminal Justice (Scotland) Act 2016 (asp 1)

- 30 In section 57A of the Criminal Justice (Scotland) Act 2016 (arrest without warrant otherwise than in respect of an offence), in subsection (3)(e), for “section 5” substitute “sections 5 and 74A”.

Commencement Information

I24 Sch. para. 30 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

Further consequential provision

- 31 (1) The Secretary of State may by regulations make further provision that is consequential on the amendments made by this Schedule.
- (2) Regulations under this paragraph may amend, repeal or revoke any provision made by primary legislation.
- (3) Regulations under this paragraph may make transitional, saving or incidental provision.
- (4) Regulations under this paragraph are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under this paragraph that amend, repeal or revoke a provision of primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) Any other statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this paragraph, “primary legislation” means—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of Senedd Cymru, or

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(d) Northern Ireland legislation.

Commencement Information

I25 Sch. para. 31 in force at 31.12.2020 by S.I. 2020/1652, reg. 2(1)(b)

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