

**2005 No. 365**

**EXTRADITION**

**The Extradition Act 2003 (Amendment to Designations)  
Order 2005**

*Made* - - - - - *22nd February 2005*

*Coming into force* - - - - - *1st March 2005*

Whereas a draft of this Order has been approved by each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 1, 69(1), 71(4), 73(5), 74(11)(b), 84(7) and 86(7) of the Extradition Act 2003(a) hereby makes the following Order:

**1.**—(1) This Order may be cited as the Extradition Act 2003 (Amendment to Designations) Order 2005 and, subject to paragraphs (2) and (3), shall come into force on the expiry of one week beginning with the day on which it was made.

(2) The coming into force of articles 2 and 3 shall not apply to a request in respect of which—

- (a) the Secretary of State has issued a certificate under section 70 of the Extradition Act 2003, or
- (b) a person has been arrested under a provisional warrant issued under section 73(3) of the Extradition Act 2003,

before the coming into force of this Order.

(3) The coming into force of article 4 shall not apply to a request in respect of which a person has been arrested under a provisional warrant issued under section 73(3) of the Extradition Act 2003 before the coming into force of this Order.

**2.**—(1) Articles 2(2) and 3(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003(b) are amended by omitting the territories listed in paragraph (3).

(2) Article 2(2) of the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003(c) is amended by inserting (in the appropriate place) the territories listed in paragraph (3).

(3) Those territories are—

- Czech Republic;
- Estonia;
- Germany;
- Greece;
- Slovakia.

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(a) 2003 c.41.  
(b) S.I. 2003/3334; article 4(2) was amended by S.I. 2004/1898.  
(c) S.I. 2003/3333.

3. Article 3 of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 is amended by inserting after paragraph (2)—

“(3) The Hong Kong Special Administrative Region is hereby designated for the purposes of section 71(4) and 73(5) of the Act.”

4. Article 4(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 is amended as follows—

- (a) before “Bolivia (65 days)”, insert “Argentina (65 days)”;
- (b) after “Bosnia and Herzegovina (65 days)”, insert “Brazil (65 days)”;
- (c) after “Chile” substitute the words “(65 days)” for “(95 days)”;
- (d) after “Chile (65 days)”, insert “Colombia (65 days)”;
- (e) after “Cuba (65 days)”, insert “El Salvador (65 days)” and “Guatemala (95 days)”;
- (f) after “Haiti (65 days)” insert “Hong Kong Special Administrative Region (65 days)”;
- (g) after “Liberia (95 days)”, insert “Mexico (65 days)”;
- (h) after “Panama”, substitute “(95 days)” for “(65 days)”;
- (i) after “Paraguay”, substitute “(95 days)” for “(65 days)”.

Home Office  
22nd February 2005

*Caroline Flint*  
Parliamentary Under-Secretary of State

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Article 2 of this Order amends the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 and the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 by omitting the territories listed in article 2(3) from the latter Order and adding them to the former Order. The effect of this is that the territories become category 1 territories for the purposes of the Extradition Act 2003 so that Part 1 of that Act applies to them.

Article 3 of this Order amends article 3 of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 by adding the Hong Kong Special Administrative Region. The effect of this is that the Hong Kong Special Administrative Region will not be required to provide evidence under sections 71(2) and 73(3) of the Extradition Act 2003 but can instead provide information as required under the Act.

Article 4 of this Order amends article 4(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 by adding various new territories, together with relevant time limits, and amending the time limits in relation to others. This is the time limit within which relevant documents have to be received by the judge when a person is arrested under a provisional warrant. The time limits are contained within the extradition treaty signed with the respective territories.

Articles 1(2) and 1(3) of this Order are transitional provisions, which ensure that the change in designations does not apply to cases where extradition proceedings have already begun.

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STATUTORY INSTRUMENTS

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**£3.00**

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E0278 3/2005 150278T 19585

ISBN 0-11-072294-9



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