

2010 No. 861

EXTRADITION

**The Extradition Act 2003 (Amendment to Designations)
Order 2010**

Made - - - - - *18th March 2010*

Coming into force in accordance with article 1

A draft of this Order has been approved by each House of Parliament in accordance with section 223(5) of the Extradition Act 2003^(a).

The Secretary of State, in exercise of the powers conferred by sections 69(1) and 74(11)(b) of the Extradition Act 2003, makes the following order:

1. This Order may be cited as the Extradition Act 2003 (Amendment to Designations) Order 2010 and shall come into force on the expiry of one week beginning with the day on which it was made.
2. Article 2(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003^(b) is amended by inserting “Libya,” below “Liberia.”
3. Article 4(2) of the same Order is amended by inserting “Libya (65 days)” below “Liberia (95 days)”.

Home Office
18th March 2010

West of Spithead
Parliamentary Under Secretary of State

(a) 2003 c.41.

(b) S.I. 2003/3334; to which there have been amendments not relevant to the subject matter of this instrument.

EXPLANATORY NOTE

(This note is not part of the Order)

Instruments of ratification of an extradition treaty between the United Kingdom and Libya were exchanged on 29th April 2009. Article 2 of the Order amends article 2(2) of the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 ('the 2003 Order') and thereby designates Libya as a category 2 territory for the purposes of the Extradition Act 2003 ('the 2003 Act'). The effect of designation as a category 2 territory is that extradition requests made by Libya to the United Kingdom will fall to be considered under Part 2 of the 2003 Act.

Article 3 of the Order amends article 4(2) of the 2003 Order by adding Libya to the list of territories designated for the purpose of section 74(11)(b) of the 2003 Act. The effect of this designation is to allow 65 days from the date on which someone is arrested under a provisional warrant for the documents required under section 70(9) of the 2003 Act to be provided to the appropriate judge. This time limit reflects the fact that the extradition treaty between the United Kingdom and Libya requires Libya to provide these documents to the Secretary of State within 60 days, and then provides a further 5 days in order to enable the Secretary of State to provide these documents to the appropriate judge.

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