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## EXPLANATORY NOTE

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

This Order amends the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 (S.I. 2003/3334) (“the Part 2 Order”) and the Extradition Act 2003 (c.41) (“the Act”).

Article 2(2) of this Order amends article 2 of the Part 2 Order by designating for the purposes of Part 2 of the Act the British Overseas Territories (except Gibraltar), the overseas territories of Denmark and the Netherlands, Kosovo and the Philippines. The latter designation follows ratification by the United Kingdom and the Philippines of the bilateral extradition treaty dated 18th September 2009.

Article 2(3) of this Order amends article 3 of the Part 2 Order by designating the Danish and Dutch overseas territories, Monaco and San Marino for the purposes of sections 71(4), 73(5), 84(7) and 86(7) of the Act. The effect is to set the evidential requirements made of these territories when they make an extradition request to the United Kingdom and the matters which a judge must take into account when deciding an extradition request from these territories.

Article 2(4) of this Order amends article 4 of the Part 2 Order by designating Saint Helena, Ascension and Tristan de Cunha for the purpose of section 74(11)(b) of the 2003 Act. The effect 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 Act to be provided to the appropriate judge. This reflects the fact Saint Helena, Ascension and Tristan da Cunha is only accessible by sea and, as such, more time is required to send the original papers.

Article 2(4) also amends article 4 of the Part 2 Order by removing Monaco and San Marino from the list of territories designated for the purpose of section 74(11)(b) of the 2003 Act. This reflects the fact these territories now operate the 1957 Council of Europe Convention on Extradition.

Article 3 makes a number of minor, technical amendments to the Act which are necessary as a result of section 160 (appeals) of the Anti-social Behaviour, Crime and Policing Act 2014 (c.12).

An impact assessment has not been produced for this Order as no impact on business, charities, voluntary bodies or the public sector is foreseen.