



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

#### *Evidence*

#### **Commencement Information**

- II** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103, art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

#### **202 Receivable documents**

- (1) A Part 1 warrant may be received in evidence in proceedings under this Act.
- (2) Any other document issued in a category 1 territory may be received in evidence in proceedings under this Act if it is duly authenticated.
- (3) A document issued in a category 2 territory may be received in evidence in proceedings under this Act if it is duly authenticated.
- (4) A document issued in a category 1 or category 2 territory is duly authenticated if (and only if) one of these applies—
  - (a) it purports to be signed by a judge, magistrate or [<sup>F1</sup>officer]<sup>F1</sup> of the territory;
  - [<sup>F2</sup>(aa) it purports to be certified, whether by seal or otherwise, by the Ministry or Department of the territory responsible for justice or for foreign affairs;]
  - <sup>F2</sup>(b) it purports to be authenticated by the oath or affirmation of a witness.
- (5) Subsections (2) and (3) do not prevent a document that is not duly authenticated from being received in evidence in proceedings under this Act.

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Evidence. (See end of Document for details)*

**Textual Amendments**

- F1** Words in s. 202(4)(a) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 26\(a\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F2** S. 202(4)(aa) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 26\(b\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

**Commencement Information**

- I2** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

**203 Documents sent by facsimile**

- (1) This section applies if a document to be sent in connection with proceedings under this Act is sent by facsimile transmission.
- (2) This Act has effect as if the document received by facsimile transmission were the document used to make the transmission.

**Commencement Information**

- I3** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

**[<sup>F3</sup>204 Warrant issued by category 1 territory: transmission by other electronic means**

- (1) This section applies if—
  - (a) an arrest warrant is issued by an authority of a category 1 territory <sup>F4</sup>...,
  - (b) the information contained in the warrant [<sup>F5</sup>is] transmitted to the designated authority by electronic means, and
  - (c) that information is received by the designated authority in [<sup>F6</sup>a form in which it is intelligible and which is capable of being used for subsequent reference].

<sup>F7</sup>(2) .....

- (3) The reference in section 2(2) to an arrest warrant issued by a judicial authority of a category 1 territory is to be read as if it were a reference to the information received by the designated authority.
- (4) The references in section 63(1) to an arrest warrant are to be read as if they were references to the information received by the designated authority.
- (5) For the purposes of [<sup>F8</sup>subsection (1) —
  - <sup>F9</sup>(a) .....
  - [<sup>F10</sup>(b) information contained in the warrant is treated as being received by the designated authority in a form in which it is intelligible if the authority receives—
    - (i) a summary of that information in English, and
    - (ii) the text of the warrant itself,
 in a form in which it is legible.]

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Evidence. (See end of Document for details)*

- (6) For the purposes of this section—
- <sup>F11</sup>(a) .....
  - (b) references to information being transmitted by electronic means do not include facsimile transmission, <sup>F12</sup> ...
  - <sup>F12</sup>(c) .....]

#### Textual Amendments

- F3** S. 204 substituted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 67**, 116; S.I. 2009/3096, **art. 3(j)** (with **art. 4**)
- F4** Words in s. 204(1)(a) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **53(2)(a)(i)** (with reg. 57) (as amended by S.I. 2020/1408, regs. 1, 26); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in s. 204(1)(b) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **53(2)(a)(ii)** (with reg. 57) (as amended by S.I. 2020/1408, regs. 1, 26); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 204(1)(c) substituted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 120(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)
- F7** S. 204(2) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **53(2)(b)** (with reg. 57) (as amended by S.I. 2020/1408, regs. 1, 26); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 204(5) substituted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 170(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(o)
- F9** S. 204(5)(a) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **53(2)(c)** (with reg. 57) (as amended by S.I. 2020/1408, regs. 1, 26); 2020 c. 1, Sch. 5 para. 1(1)
- F10** S. 204(5)(b) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 170(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(o)
- F11** S. 204(6)(a) and word omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **53(2)(d)** (with reg. 57) (as amended by S.I. 2020/1408, regs. 1, 26); 2020 c. 1, Sch. 5 para. 1(1)
- F12** S. 204(6)(c) and preceding word omitted (21.7.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 120(3)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)

#### Commencement Information

- I4** Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, **art. 2** (subject to **arts. 3-5**) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

## 205 Written statements and admissions

- (1) The provisions mentioned in subsection (2) apply in relation to proceedings under this Act as they apply in relation to proceedings for an offence.
- (2) The provisions are—
- (a) section 9 of the Criminal Justice Act 1967 (c. 80) (proof by written statement in criminal proceedings);
  - (b) section 10 of the Criminal Justice Act 1967 (proof by formal admission in criminal proceedings);

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- (c) section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) (proof by written statement in criminal proceedings);
  - (d) section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (proof by formal admission in criminal proceedings).
- (3) As applied by subsection (1) in relation to proceedings under this Act, section 10 of the Criminal Justice Act 1967 and section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 have effect as if—
- (a) references to the defendant were to the person whose extradition is sought (or who has been extradited);
  - (b) references to the prosecutor were to the category 1 or category 2 territory concerned;
  - (c) references to the trial were to the proceedings under this Act for the purposes of which the admission is made;
  - (d) references to subsequent criminal proceedings were to subsequent proceedings under this Act.

#### **Commencement Information**

- I5** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

## **206 Burden and standard of proof**

- (1) This section applies if, in proceedings under this Act, a question arises as to burden or standard of proof.
- (2) The question must be decided by applying any enactment or rule of law that would apply if the proceedings were proceedings for an offence.
- (3) Any enactment or rule of law applied under subsection (2) to proceedings under this Act must be applied as if—
  - (a) the person whose extradition is sought (or who has been extradited) were accused of an offence;
  - (b) the category 1 or category 2 territory concerned were the prosecution.
- (4) Subsections (2) and (3) are subject to any express provision of this Act.
- (5) In this section “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

#### **Commencement Information**

- I6** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Evidence.