



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **217 Form of documents**

The Secretary of State may by regulations prescribe the form of any document required for the purposes of this Act.

##### **Commencement Information**

- I1** 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))

#### **218 Existing legislation on extradition**

These Acts shall cease to have effect—

- (a) the Backing of Warrants (Republic of Ireland) Act 1965 (c. 45);
- (b) the Extradition Act 1989 (c. 33).

##### **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))

#### **219 Amendments**

- (1) Schedule 3 contains miscellaneous and consequential amendments.

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

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- (2) The Secretary of State may by order make—
- (a) any supplementary, incidental or consequential provision, and
  - (b) any transitory, transitional or saving provision,
- which he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision of this Act.
- (3) An order under subsection (2) may, in particular—
- (a) provide for any provision of this Act which comes into force before another such provision has come into force to have effect, until that other provision has come into force, with such modifications as are specified in the order, and
  - (b) amend, repeal or revoke any enactment other than one contained in an Act passed in a Session after that in which this Act is passed.
- (4) The amendments that may be made under subsection (3)(b) are in addition to those made by or under any other provision of this Act.

**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))

**220 Repeals**

Schedule 4 contains repeals.

**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))

**221 Commencement**

The preceding provisions of this Act come into force in accordance with provision made by the Secretary of State by order.

**Subordinate Legislation Made**

- P1** S. 221 power fully exercised: 1.1.2004 appointed by [{S.I. 2003/3103}](#), art. 2 (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3312](#) and [S.I. 2003/3258](#))

**222 Channel Islands and Isle of Man**

An Order in Council may provide for this Act to extend to any of the Channel Islands or the Isle of Man with the modifications (if any) specified in the Order.

**Modifications etc. (not altering text)**

- C1** S. 222 extended (1.5.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. 151(2)(c), **153(2)**

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**C2** S. 222 power extended (22.10.2020) by Extradition (Provisional Arrest) Act 2020 (c. 18), s. 2(2)(3)

## 223 Orders and regulations

- (1) References in this section to subordinate legislation are to—
  - (a) an order of the Secretary of State under this Act (other than an order within subsection (2));
  - (b) an order of the Treasury under this Act;
  - (c) regulations under this Act.
- (2) The orders referred to in subsection (1)(a) are—
  - (a) an order for a person’s extradition or discharge;
  - (b) an order deferring proceedings on a warrant or request;
  - (c) an order deferring a person’s extradition in pursuance of a warrant or request.
- (3) Subordinate legislation—
  - (a) may make different provision for different purposes;
  - (b) may include supplementary, incidental, saving or transitional provisions.
- (4) A power to make subordinate legislation is exercisable by statutory instrument [<sup>F1</sup>(subject to subsection (10))].
- (5) No order mentioned in subsection (6) may be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (6) The orders are—
  - (a) an order under any of these provisions—
    - section 1(1);
    - [<sup>F2</sup>section 62B(3)];
    - section 69(1);
    - section 71(4);
    - section 73(5);
    - section 74(11)(b);
    - section 84(7);
    - section 86(7);
    - [<sup>F2</sup>section 135B(3)];
    - section 142(9);
    - section 173(4);
    - <sup>F3</sup>...
  - (b) an order under section 219(2) which contains any provision (whether alone or with other provisions) amending or repealing any Act or provision of an Act.
- [<sup>F4</sup>(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.]
- (7) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if it contains subordinate legislation other than an order mentioned in subsection (6) or an order under section 221.
- (8) A territory may be designated by being named in an order made by the Secretary of State under this Act or by falling within a description set out in such an order.

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- (9) An order made by the Secretary of State under section 1(1) or 69(1) may provide that this Act has effect in relation to a territory designated by the order with specified modifications.
- [<sup>F5</sup>(10) The power of the Department of Justice in Northern Ireland to make regulations under section 61(8)(b) or 134(8)(b) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 <sup>M1</sup> .
- (11) Regulations made by the Department of Justice are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954). ]

#### Textual Amendments

- F1** Words in s. 223(4) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), **Sch. 18 para. 70(5)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F2** Words in s. 223(6) inserted (1.10.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 7 para. 19** (with Sch. 7 Pt. 4); S.I. 2012/2412, art. 2(g)
- F3** Words in s. 223(6)(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(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 223(6A) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), **Sch. para. 26**; S.I. 2020/1652, reg. 2(1)(b)
- F5** S. 223(10)(11) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), **Sch. 18 para. 70(5)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

#### Marginal Citations

- M1** [S.I. 1979/1573 \(N.I. 12\)](#).

## 224 Orders in Council

- (1) An Order in Council under section 177 or 178 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) An Order in Council under this Act—
- (a) may make different provision for different purposes;
  - (b) may include supplementary, incidental, saving or transitional provisions.

## 225 Finance

The following are to be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Lord Chancellor under this Act;
- (b) any increase attributable to this Act in the sums payable out of money provided by Parliament under any other enactment.

## 226 Extent

- (1) Sections 157 to 160, 166 to 168, 171, 173 and 205 do not extend to Scotland.
- (2) Sections [<sup>F6</sup>151B,] 154, 198, 200 and 201 extend to England and Wales only.

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(3) Sections 183 and 199 extend to Scotland only.

(4) Sections 184 and 185 extend to Northern Ireland only.

**Textual Amendments**

**F6** Word in s. 226(2) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 123](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)

**227 Short title**

This Act may be cited as the Extradition Act 2003.

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