



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

[^{F1}Live links

Textual Amendments

F1 Ss. 206A-206C inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 78, 116](#); S.I. 2009/3096, [art. 3\(u\)](#)

206A Use of live links at [^{F2}certain] hearings

- (1) This section applies in relation to—
- (a) a hearing before the appropriate judge in proceedings under Part 1, [^{F3}other than—
 - (i) an extradition hearing within the meaning of that Part;
 - (ii) a hearing under section 54 or 56,] and
 - (b) a hearing before the appropriate judge in proceedings under Part 2 [^{F4}, other than an extradition hearing within the meaning of that Part].
- (2) If satisfied that [^{F5}the person affected by an extradition claim is likely to be in custody during the hearing,][^{F5}it is in the interests of justice to do so,] the appropriate judge may give a live link direction [^{F6}at any time before the hearing].

[A live link direction is a direction requiring a person to take part in the hearing through ^{F7}(3) a live link.

- (3A) The power to give a live link direction under this section includes the power to give a direction to all or any of the following persons to take part in the hearing through a live link—
- (a) the appropriate judge,

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- (b) the person affected by the extradition claim,
 - (c) any other party,
 - (d) the prosecutor or any other legal representative acting in the hearing,
 - (e) any witnesses in the hearing, and
 - (f) any interpreter or other person appointed by the court to assist in the hearing.]
- (4) Such a direction—
- (a) may be given on the appropriate judge's own motion or on the application of a party to the proceedings, and
 - (b) may be given in relation to all subsequent hearings to which this section applies, or to such hearing or hearings to which this section applies as may be specified or described in the direction.
- [^{F8}(5) The appropriate judge may give such a direction only if satisfied that it is not contrary to the interests of justice to give the direction.]
- [A person who takes part in the hearing through a live link is to be treated as present ^{F9}(6) in court for the purposes of the hearing.]

Textual Amendments

- F2** Word in s. 206A heading omitted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 24 para. 9\(2\)](#) (with ss. 88-90) (which affecting provision is continued (E.W.) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), [reg. 2](#), but expires (S.N.I.) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90) and is otherwise repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\)](#), [ss. 201\(1\)](#), 208(5))
- F3** Words in s. 206A(1)(a) omitted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 24 para. 9\(3\)\(a\)](#) (with ss. 88-90) (which affecting provision is continued (E.W.) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), [reg. 2](#), but expires (S.N.I.) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90) and is otherwise repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\)](#), [ss. 201\(1\)](#), 208(5))
- F4** Words in s. 206A(1)(b) omitted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 24 para. 9\(3\)\(b\)](#) (with ss. 88-90) (which affecting provision is continued (E.W.) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), [reg. 2](#), but expires (S.N.I.) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90) and is otherwise repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\)](#), [ss. 201\(1\)](#), 208(5))
- F5** Words in s. 206A(2) substituted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 24 para. 9\(4\)\(a\)](#) (with ss. 88-90) (which affecting provision is continued (E.W.) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), [reg. 2](#), but expires (S.N.I.) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90) and is otherwise repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\)](#), [ss. 201\(1\)](#), 208(5))
- F6** Words in s. 206A(2) omitted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 24 para. 9\(4\)\(b\)](#) (with ss. 88-90) (which affecting provision is continued (E.W.) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), [reg. 2](#), but expires (S.N.I.) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90) and is otherwise repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\)](#), [ss. 201\(1\)](#), 208(5))

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- F7** S. 206A(3)(3A) substituted for s. 206A(3) (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 87\(1\), Sch. 24 para. 9\(5\)](#) (with ss. 88-90) (which affecting provision is continued (E.W.) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\), reg. 2](#), but expires (S.N.I.) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90) and is otherwise repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\), ss. 201\(1\), 208\(5\)](#))
- F8** S. 206A(5) omitted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 87\(1\), Sch. 24 para. 9\(6\)](#) (with ss. 88-90) (which affecting provision is continued (E.W.) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\), reg. 2](#), but expires (S.N.I.) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90) and is otherwise repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\), ss. 201\(1\), 208\(5\)](#))
- F9** S. 206A(6) substituted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 87\(1\), Sch. 24 para. 9\(7\)](#) (with ss. 88-90) (which affecting provision is continued (E.W.) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\), reg. 2](#), but expires (S.N.I.) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90) and is otherwise repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\), ss. 201\(1\), 208\(5\)](#))

206B Live links: supplementary

- (1) The appropriate judge may rescind a live link direction at any time before or during a hearing to which it relates.
- (2) The appropriate judge must not give a live link direction or rescind such a direction unless the parties to the proceedings have been given the opportunity to make representations.
- (3) If a hearing takes place in relation to the giving or rescinding of a live link direction, the appropriate judge may require or permit any party to the proceedings who wishes to make representations to do so through a live link.
- (4) If in a case where an appropriate judge has power to give a live link direction but decides not to do so, the appropriate judge must—
 - (a) state in open court the reasons for not doing so, and
 - (b) cause those reasons to be entered in the register of proceedings.
- (5) Subsection (7) applies if—
 - (a) an application for a live link direction is made under section 206A(4) in relation to a qualifying hearing but the application is refused, or
 - (b) a live link direction is given in relation to a qualifying hearing but the direction is rescinded before the hearing takes place.
- (6) A hearing is a qualifying hearing—
 - (a) in relation to proceedings under Part 1, if it is a hearing by virtue of which section 4(3) would be complied with;
 - (b) in relation to proceedings under Part 2, if it is a hearing by virtue of which section 72(3) ^[F10], 74(3) or 74A(3) would be complied with.
- (7) The requirement in section 4(3), 72(3) ^[F11], 74(3) or 74A(3) (as the case requires) to bring the person as soon as practicable before the appropriate judge is to be read as a requirement to bring the person before that judge as soon as practicable after the application is refused or the direction is rescinded.

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Textual Amendments

- F10** Words in s. 206B(6)(b) substituted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 22\(2\)](#); S.I. 2020/1652, reg. 2(1)(b)
- F11** Words in s. 206B(7) substituted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 22\(3\)](#); S.I. 2020/1652, reg. 2(1)(b)

206C Live links: interpretation

- (1) This section applies for the purposes of section 206A and subsections (2) and (3) also apply for the purposes of section 206B.
- (2) In relation to proceedings under Part 1, section 67 applies for determining the appropriate judge.
- (3) In relation to proceedings under Part 2, section 139 applies for determining the appropriate judge.
- (4) A person is affected by an extradition claim if—
 - (a) a Part 1 warrant is issued in respect of the person;
 - (b) the person is arrested under section 5;
 - (c) a request for the person's extradition is made; ^{F12}...
 - (d) a warrant under section 73 is issued in respect of the person^{F13}; or
 - (e) a certificate is issued under section 74B in respect of the person.]

^{F14}(5) References to being in custody include—

- (a) in England and Wales, references to being in police detention within the meaning of the Police and Criminal Evidence Act 1984;
- (b) in Northern Ireland, references to being in police detention within the meaning of the Police and Criminal Evidence (Northern Ireland) Order 1989;

^{F15}(c)]

- (6) “Live link” means an arrangement by which a person ^{F16}, while absent from the place where the hearing is being held, ^{F16}(P) is able—
 - (a) to see and hear ^{F17}the appropriate judge, and other persons, ^{F17}all other persons taking part in the hearing who are not in the same location as P, and]
 - (b) to be seen and heard by ^{F18}the judge, other persons, ^{F18}all other persons taking part in the hearing who are not in the same location as P,]
 and for this purpose any impairment of eyesight or hearing is to be disregarded.]

Textual Amendments

- F12** Word in s. 206C(4)(c) omitted (31.12.2020) by virtue of [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 23\(2\)](#); S.I. 2020/1652, reg. 2(1)(b)
- F13** S. 206C(4)(e) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 23\(3\)](#); S.I. 2020/1652, reg. 2(1)(b)
- F14** S. 206C(5) omitted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 24 para. 10\(2\)](#) (with ss. 88-90) (which affecting provision is continued (E.W.) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), [reg. 2](#), but expires (S.N.I.) (25.3.2022) by

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- Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90) and is otherwise repealed (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (2022 c. 32), **ss. 201(1), 208(5)**
- F15** S. 206C(5)(c) omitted (S.) (25.1.2018) by virtue of The Criminal Justice (Scotland) Act 2016 (Consequential and Supplementary Modifications) Regulations 2017 (S.S.I. 2017/452), reg. 1, **sch. para. 14** (with reg. 2(2))
- F16** Word in s. 206C(6) substituted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 24 para. 10(3)(a)** (with ss. 88-90) (which affecting provision is continued (E.W.) by The Coronavirus Act 2020 (Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay) (England and Wales and Northern Ireland) Regulations 2022 (S.I. 2022/362), **reg. 2**, but expires (S.N.I.) (25.3.2022) by Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90) and is otherwise repealed (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (2022 c. 32), **ss. 201(1), 208(5)**)
- F17** Words in s. 206C(6)(a) substituted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 24 para. 10(3)(b)** (with ss. 88-90) (which affecting provision is continued (E.W.) by The Coronavirus Act 2020 (Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay) (England and Wales and Northern Ireland) Regulations 2022 (S.I. 2022/362), **reg. 2**, but expires (S.N.I.) (25.3.2022) by Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90) and is otherwise repealed (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (2022 c. 32), **ss. 201(1), 208(5)**)
- F18** Words in s. 206C(6)(b) substituted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 24 para. 10(3)(c)** (with ss. 88-90) (which affecting provision is continued (E.W.) by The Coronavirus Act 2020 (Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay) (England and Wales and Northern Ireland) Regulations 2022 (S.I. 2022/362), **reg. 2**, but expires (S.N.I.) (25.3.2022) by Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90) and is otherwise repealed (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (2022 c. 32), **ss. 201(1), 208(5)**)

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