



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

The extradition hearing

[^{F1}19D Prosecutor's certificates

- (1) A “prosecutor's certificate” is a certificate given by a designated prosecutor which—
 - (a) certifies both matter A and matter B, and
 - (b) certifies either matter C or matter D.
- (2) Matter A is that a responsible prosecutor has considered the offences for which D could be prosecuted in the United Kingdom, or a part of the United Kingdom, in respect of the conduct constituting the extradition offence.
- (3) Matter B is that the responsible prosecutor has decided that there are one or more such offences that correspond to the extradition offence (the “corresponding offences”).
- (4) Matter C is that—
 - (a) the responsible prosecutor has made a formal decision as to the prosecution of D for the corresponding offences,
 - (b) that decision is that D should not be prosecuted for the corresponding offences, and
 - (c) the reason for that decision is a belief that—
 - (i) there would be insufficient admissible evidence for the prosecution; or
 - (ii) the prosecution would not be in the public interest.
- (5) Matter D is that the responsible prosecutor believes that D should not be prosecuted for the corresponding offences because there are concerns about the disclosure of sensitive material in—
 - (a) the prosecution of D for the corresponding offences, or

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 19D. (See end of Document for details)

- (b) any other proceedings.
- (6) In relation to the extradition of any person to a category 1 territory, neither this section nor any other rule of law (whether or not contained in an enactment) may require a designated prosecutor—
- (a) to consider any matter relevant to giving a prosecutor's certificate; or
 - (b) to consider whether to give a prosecutor's certificate.
- (7) In this section “ sensitive material ” means material which appears to the responsible prosecutor to be sensitive, including material appearing to be sensitive on grounds relating to—
- (a) national security,
 - (b) international relations, or
 - (c) the prevention or detection of crime (including grounds relating to the identification or activities of witnesses, informants or any other persons supplying information to the police or any other law enforcement agency who may be in danger if their identities are revealed).]

Textual Amendments

- F1** Ss. 19B-19F inserted (18.9.2013 for specified purposes, 14.10.2013 for E.W.N.I. in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 3](#) (with [Sch. 20 para. 78](#)); [S.I. 2013/2349](#), art. 2(2)(3)

Changes to legislation:

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