

SCHEDULES

SCHEDULE 20

EXTRADITION

PART 2

HUMAN RIGHTS ISSUES

Extradition to category 2 territories

- 10 Part 2 of the Extradition Act 2003 (extradition to category 2 territories) is amended as follows.
- 11 In section 70 (extradition request and certificate), after subsection (9) insert—
- “(10) Subsection (11) applies at all times after the Secretary of State issues a certificate under this section.
- (11) The Secretary of State is not to consider whether the extradition would be compatible with the Convention rights within the meaning of the Human Rights Act 1998.”.
- 12 In section 108 (appeal against extradition order) after subsection (4) insert—
- “(5) But notice of an appeal under this section may be given after the end of the permitted period if it is an appeal on human rights grounds.
- (6) Notice of any such appeal must be given in accordance with rules of court at a time before the person is extradited to the category 2 territory in accordance with section 117.
- (7) Where notice of an appeal is given in accordance with subsections (5) and (6), the High Court is to consider the appeal only if it appears to the High Court that—
- (a) the appeal is necessary to avoid real injustice, and
- (b) the circumstances are exceptional and make it appropriate to consider the appeal.
- (8) In this section “appeal on human rights grounds” means an appeal against the order for the person’s extradition on the grounds (and only on the grounds) that the extradition would not be compatible with the Convention rights within the meaning of the Human Rights Act 1998.”
- 13 In section 117 (extradition where no appeal), after subsection (4) insert—
- “(5) If a person brings an appeal under section 108 by virtue of subsection (5) of that section, this section ceases to apply (but section 118 applies instead).”

Transitional provision and saving

- 14 (1) In a case where a request for a person's extradition has been issued before the time when the amendments made by this Part of this Schedule come into force, those amendments apply to the extradition concerned only if—
- (a) the person concerned has not made any human rights representations to the Secretary of State during the relevant period, or
 - (b) the person concerned has made such representations during that period and the Secretary of State has finished considering them by the end of that period.
- (2) For that purpose—
- “human rights representations” means representations that the extradition would not be compatible with the Convention rights within the meaning of the Human Rights Act 1998;
 - “relevant period” means the period that—
 - (a) begins when the Secretary of State issues a certificate under section 70 of the Extradition Act 2003 in relation to the extradition, and
 - (b) ends when the amendments made by this Part of this Schedule come into force;
 - “request for a person's extradition” has the same meaning as in the Extradition Act 2003.
- 15 The powers conferred by section 177, 178 and 222 of the Extradition Act 2003 are exercisable in relation to any amendment of that Act made by this Part of this Schedule.