

Extradition legislation comparison table

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<p>1 Short title The short title of this Act is the Extradition Act 202x.</p>	<p>122 Citation This Law may be cited as the Extradition (Jersey) Law 2004.</p>	<p>Citation and commencement. 130. (1) This Law may be cited as the Extradition (Bailiwick of Guernsey) Law, 2019.</p>	<p>227 Short title This Act may be cited as the Extradition Act 2003.</p>
<p>2 Commencement (1) This Act, apart from section 1, this section and the meaning of the "Department" in section 4, comes into operation on such day or days as the Department by order appoints. Tynwald procedure – laying only. (2) An order under subsection (1) may make such supplemental, incidental, consequential and transitional provisions as the Department considers to be necessary or expedient.</p>		<p>(2) This Law shall come into force on such day as the Committee may by regulations appoint, and different days may be appointed for different provisions of this Law.</p>	<p>221 Commencement The preceding provisions of this Act come into force in accordance with provision made by the Secretary of State by order.</p>
<p>3 Application (1) This Act applies for the purposes of – (a) every request for extradition that is received in the Island on or after the day on which this section comes into operation; and (b) every request for extradition to the Island that is made by the Attorney General on or after the day on which this section comes into operation. (2) For the purposes of this Act, it is immaterial whether an extradition offence is committed before or after the commencement of this Act.</p>	<p>2 Application of Law (1) This Law shall apply for the purposes of – (a) every request for extradition or re-extradition that is received in Jersey on or after the day on which the Law comes into force; and (b) every request for extradition to Jersey that is made by the Attorney General on or after the day on which this Law comes into force. (2) For the purposes of this Law, it is immaterial whether an extradition offence is committed before or after the commencement of this Law.</p>	<p>Application of Law. 1. (1) This Law shall apply for the purposes of – (a) every request for extradition or re-extradition that is received in the Bailiwick on or after the day on which this Law comes into force, and (b) every request for extradition to the Bailiwick that is made by Her Majesty's Procureur on or after the day on which this Law comes into force. (2) For the purposes of this Law, it is immaterial whether an extradition offence is committed before or after the commencement of this Law.</p>	<p>69 Extradition to category 2 territories (1) This Part deals with extradition from the United Kingdom to the territories designated for the purposes of this Part by order made by the Secretary of State. (2) In this Act references to category 2 territories are to the territories designated for the purposes of this Part.</p>
<p>4 General interpretation (1) In this Act, unless the context otherwise requires – "appropriate consent" has the same meaning as it has in section 69(1) of PPPA; "appropriate day" has the meaning given by section 8; "British overseas territory" has the same meaning as in the British Nationality Act 1981 (of Parliament);</p>	<p>1 Interpretation (1) In this Law, unless the context otherwise requires – "appropriate consent" has the same meaning as it has in Article 1(1) of the Police Procedures and Criminal Evidence (Jersey) Law 2003; "Chief Officer of Police" means the</p>	<p>Interpretation. 129. (1) In this Law, unless the context otherwise requires – "appropriate consent" has the same meaning as it has in section 91 of PPACE, "asylum claim" means a claim made by a person to the Lieutenant-Governor</p>	<p>140 The extradition hearing (1) The extradition hearing is the hearing at which the appropriate judge is to deal with a request for extradition to a category 2 territory. (2) This section applies for the purposes of this Part.</p>

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<p>"Department" means the Department of Home Affairs; "designated territory" has the meaning given by section 12(1); "disposed of" — (a) in relation to a request for a person's extradition, is to be construed in accordance with section 9; and (b) in relation to a charge against a person, is to be construed in accordance with section 10; "excluded material" has the same meaning as it has in section 14(1) of PPPA; "extradition" includes re-extradition; "extradition offence" is to be construed in accordance with sections 5 to 7; "extradition arrest warrant" means — (a) a warrant issued under section 14; or (b) a provisional warrant; "extradition hearing" means the hearing at which the High Bailiff is to deal with a request for extradition to a designated territory; "fingerprints" has the same meaning as it has in section 69(1) of PPPA; "High Court" means the Staff of Government Division of the High Court when sitting as an appellate court; "Human Rights Convention" has the meaning given to "the Convention" by section 19(1) of the Human Rights Act 2001; "Human Rights Convention rights" has the meaning given to "the Convention rights" by section 1(1) of the Human Rights Act 2001; "intimate search" has the same meaning as it has in section 69(1) of PPPA; "items subject to legal privilege" has the same meaning as it has in section 13 of PPPA; "non-intimate sample" has the same meaning as it has in section 69(1) of PPPA; "Part 1 designated territory" means a designated territory that is specified in Part 1 of Schedule 1; "Part 2 designated territory" means a designated territory that is specified in Part 2 of Schedule 1; "PPPA" means the Police Powers and Procedures Act 1998;</p>	<p>Chief Officer of the States of Jersey Police Force; "designated territory" means a territory that is specified in Part 1 or Part 2 of Schedule 1; "designated territory of the first category" means a designated territory that is specified in Part 1 of Schedule 1; "designated territory of the second category" means a designated territory that is specified in Part 2 of Schedule 1; "excluded material" has the same meaning as it has in Article 6(1) of PPCEL; "extradition" includes re-extradition; "extradition arrest warrant" means — (a) a warrant issued under Article 8; or (b) a provisional warrant; "extradition claim" means a request for a person's extradition; "extradition hearing" means the hearing at which the Magistrate is to deal with a request for extradition to a designated territory; "fingerprints" has the same meaning as it has in Article 1(1) of PPCEL; "honorary police officer" means a member of the Honorary Police; "Human Rights Convention" has the meaning given to "Convention" by Article 1(1) of the Human Rights (Jersey) Law 2000; "intimate search" has the same meaning as it has in Article 1(1) of PPCEL; "items subject to legal privilege" has the same meaning as it has in Article 5 of PPCEL; "Magistrate" means the 'Juge d'Instruction' appointed under the Loi (1864) concernant la charge de Juge d'Instruction and includes a person</p>	<p>that to remove that person from or require that person to leave the Bailiwick would breach the Bailiwick's obligations under the Refugee Convention, "Chief Officer of Customs and Excise" has the same meaning as it has in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, "Chief Officer of Police" means the Chief Officer of the Island Police Force, "the Committee" means the Committee for Home Affairs of the States of Guernsey, "Commonwealth country" means a member of the Commonwealth of Nations, "designated territory", "designated territory of the first category" and "designated territory of the second category": see section 5, "extradition" includes re-extradition, "extradition arrest warrant" means — (a) a warrant issued under section 7, or (b) a provisional warrant, "extradition claim" means a request for a person's extradition, "extradition hearing" means the hearing at which the Magistrate's Court is to deal with a request for extradition to a designated territory, "fingerprints" has the same meaning as it has in section 91 of PPACE, "the Human Rights Convention" means the European Convention on Human Rights, "the Human Rights Law" means the Human Rights (Bailiwick of Guernsey) Law, 2000, "intimate search" has the same meaning as it has in section 91 of</p>	

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<p>"premises" has the same meaning as it has in section 81(1) of PPPA;</p> <p>"provisional warrant" means a warrant issued under section 16;</p> <p>"re-extradition hearing" means a re-extradition hearing under Part 3;</p> <p>"Refugee Convention" means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to that Convention;</p> <p>"special procedure material" has the same meaning as it has in section 17 of PPPA;</p> <p>"territory" includes a State and any other country;</p> <p>"unlawfully at large" is to be construed in accordance with section 11;</p> <p>"war crime" means —</p> <p>(a) an offence under section 45 of the International Criminal Court Act 2003 (genocide, crimes against humanity and war crimes); and</p> <p>(b) an offence under section 46 of that Act (conduct that is ancillary to those crimes and is committed outside the jurisdiction).</p> <p>(2) In this Act, references to a valid request for a person's extradition are references to a request that is valid because it satisfies the requirements in section 13(3).</p> <p>(3) In this Act, taking a photograph includes using any process by means of which a visual image may be produced.</p>	<p>exercising those functions;</p> <p>"Minister" means the Minister for Justice and Home Affairs¹;</p> <p>"non-intimate sample" has the same meaning as it has in Article 1(1) of PPC¹;</p> <p>"police officer" mean a member of the States of Jersey Police Force or an honorary police officer;</p> <p>"PPCEL" means the Police Procedures and Criminal Evidence (Jersey) Law 2003;</p> <p>"police station" does not include a parish hall;</p> <p>"premises" has the same meaning as it has in Article 1(1) of PPC¹;</p> <p>"provisional warrant" means a warrant issued under Article 10;</p> <p>"re-extradition hearing" means an extradition hearing under Part 3;</p> <p>"Refugee Convention" means the Convention relating to the status of Refugees done at Geneva of 28 July 1951 and the Protocol to that Convention;</p> <p>"special procedure material" has the same meaning as it has in Article 7(4) of PPC¹;</p> <p>"territory" includes a State and any other country.²</p> <p>(2) In this Law, references to a valid request for a person's extradition are references to a request that is valid because it satisfies the requirements in Article 7(3).</p> <p>(3) In this Law, taking a photograph includes using a process by means of which a visual image may be produced, and "photographed" shall be construed accordingly.</p>	<p>PPACE,</p> <p>"Island Police Force" means the salaried police force of the island of Guernsey,</p> <p>"items subject to legal privilege" has the same meaning as it has in section 24 of PPACE,</p> <p>"Judge" means a person appointed to the office of Judge of the Magistrate's Court under section 2 of the Magistrate's Court (Guernsey) Law, 2008,</p> <p>"non-intimate sample" has the same meaning as it has in section 91 of PPACE,</p> <p>"PPACE" means the Police Powers and Criminal Evidence</p> <p>"premises" has the same meaning as it has in section 91 of PPACE,</p> <p>"Procureur's certificate": section 24,</p> <p>"provisional warrant" means a warrant issued under section 8,</p> <p>"re-extradition hearing" means an extradition hearing under Part III,</p> <p>"the Refugee Convention" means the United Nations Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951, and the Protocol relating to the Status of Refugees, which entered into force on 4 October 1967,</p> <p>"the Royal Court" means the Royal Court sitting as an Ordinary Court,</p> <p>"special material" has the same meaning as it has in section 25 of PPACE, and</p> <p>"territory" includes a state and any other country.</p> <p>(2) In this Law, references to a valid request for a person's extradition are references to a request that is valid because it satisfies the requirements in</p>	

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		section 6(3). (3) In this Law, "taking a photograph" includes using a process by means of which a visual image may be produced, and "photographed" and related expressions shall be construed accordingly.	
<p>5 Meaning of "extradition offence": persons not sentenced</p> <p>(1) This section sets out whether a person's conduct constitutes an "extradition offence" for the purposes of this Act in a case where the person —</p> <p>(a) is accused in a designated territory of an offence constituted by the conduct; or</p> <p>(b) has been convicted in that territory of an offence constituted by the conduct but not sentenced for it.</p> <p>(2) The conduct constitutes an extradition offence in relation to a designated territory if the conditions in subsections (3), (4) or (5) are satisfied.</p> <p>(3) The conditions in this subsection are that —</p> <p>(a) the conduct occurs in the designated territory;</p> <p>(b) the conduct would constitute an offence under Manx law punishable with custody for a term of 12 months or a greater punishment if it occurred in the Island; and</p> <p>(c) the conduct is so punishable under the law of the designated territory.</p> <p>(4) The conditions in this subsection are that —</p> <p>(a) the conduct occurs outside the designated territory;</p> <p>(b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under Manx law punishable with custody for a term of 12 months or a greater punishment; and</p> <p>(c) the conduct is so punishable under the law of the designated territory.</p> <p>(5) The conditions in this subsection are that —</p> <p>(a) the conduct occurs outside the designated territory;</p> <p>(b) no part of the conduct occurs in the Island;</p> <p>(c) the conduct constitutes, or if committed in the</p>	<p>3 "Extradition offence" – persons not sentenced</p> <p>(1) This Article sets out whether a person's conduct constitutes an "extradition offence" for the purposes of this Law in a case where the person —</p> <p>(a) is accused in a designated territory of an offence constituted by the conduct; or</p> <p>(b) has been convicted in that territory of an offence constituted by the conduct but not sentenced for it.³</p> <p>(2) The conduct constitutes an extradition offence in relation to a designated territory if the conditions in paragraphs (3), (4) or (5) are satisfied.⁴</p> <p>(3) The conditions in this paragraph are that —</p> <p>(a) the conduct occurs in the designated territory;</p> <p>(b) the conduct would constitute an offence under the law of Jersey punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in Jersey;</p> <p>(c) the conduct is so punishable under the law of the designated territory.⁵</p> <p>(4) The conditions in this paragraph are that —</p> <p>(a) the conduct occurs outside the designated territory;</p> <p>(b) in corresponding circumstances</p>	<p>Extradition offences - persons not sentenced.</p> <p>2. (1) This section sets out whether a person's conduct constitutes an extradition offence in a case where the person —</p> <p>(a) is accused in a designated territory of the commission of an offence constituted by the conduct, or</p> <p>(b) has been convicted in that territory of an offence constituted by the conduct but not sentenced for it.</p> <p>(2) The conduct constitutes an extradition offence in relation to the designated territory if —</p> <p>(a) the conduct occurs in the designated territory,</p> <p>(b) the conduct would constitute an offence under the laws of the Bailiwick, punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment, if it occurred in the Bailiwick, and</p> <p>(c) the conduct is so punishable under the law of the designated territory.</p> <p>(3) The conduct also constitutes an extradition offence in relation to the designated territory if —</p> <p>(a) the conduct occurs outside the designated territory,</p> <p>(b) the conduct is punishable under the law of the designated territory with imprisonment or another form of detention for a term of 12 months or a greater punishment, and</p>	<p>137 Extradition offences: person not sentenced for offence</p> <p>[(1) This section sets out whether a person's conduct constitutes an "extradition offence" for the purposes of this Part in a case where the person—</p> <p>(a) is accused in a category 2 territory of an offence constituted by the conduct, or</p> <p>(b) has been convicted in that territory of an offence constituted by the conduct but not sentenced for it.</p> <p>(2) The conduct constitutes an extradition offence in relation to the category 2 territory if the conditions in subsection (3), (4) or (5) are satisfied.</p> <p>(3) The conditions in this subsection are that—</p> <p>(a) the conduct occurs in the category 2 territory;</p> <p>(b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in that part of the United Kingdom;</p> <p>(c) the conduct is so punishable under the law of the category 2 territory.</p> <p>(4) The conditions in this subsection are that—</p> <p>(a) the conduct occurs outside the category 2 territory;</p> <p>(b) in corresponding circumstances</p>

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<p>Island would constitute, a war crime; and</p> <p>(d) the conduct is punishable under the law of the designated territory with custody or another form of detention for a term of 12 months or a greater punishment.</p> <p>(6) This section is subject to section 7.</p> <p>(7) References in this section to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the request for the person’s extradition.</p>	<p>equivalent conduct would constitute an extra-territorial offence under the law of Jersey punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment;</p> <p>(c) the conduct is so punishable under the law of the designated territory.</p> <p>(5) The conditions in this paragraph are that –</p> <p>(a) the conduct occurs outside the designated territory;</p> <p>(b) no part of the conduct occurs in Jersey;</p> <p>(c) the conduct constitutes, or if committed in Jersey would constitute, an offence to which paragraph (6) refers;</p> <p>(d) the conduct is punishable under the law of the designated territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.⁷</p> <p>(6) The offences to which this paragraph refers are –</p> <p>(a) an offence under section 51 or section 58 of the International Criminal Court Act 2001 (c.17) of the United Kingdom as it applies to Jersey (relating to genocide, crimes against humanity and war crimes);</p> <p>(b) an offence under section 52 or section 59 of that Act (relating to conduct that is ancillary to those crimes and is committed outside the jurisdiction); and</p> <p>(c) an ancillary offence, as defined in section 55 or section 62 of that Act, in relation to an offence to which either of sub-paragraphs (a) and (b) refers.</p> <p>(7) This Article is subject to Article 5.</p> <p>(8) References in this Article to “conduct” (except in the expression</p>	<p>(c) in corresponding circumstances, equivalent conduct would constitute an extra-territorial offence under the laws of the Bailiwick.</p> <p>(4) The conduct also constitutes an extradition offence in relation to the designated territory if –</p> <p>(a) the conduct occurs outside the designated territory,</p> <p>(b) no part of the conduct occurs in the Bailiwick,</p> <p>(c) the conduct constitutes, or if committed in the Bailiwick would constitute, an offence mentioned in subsection (5), and</p> <p>(d) the conduct is punishable under the law of the designated territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.</p> <p>(5) The offences to which subsection (4) refers are –</p> <p>(a) an offence that if committed in the Bailiwick would be punishable as an offence under section 45 of the International Criminal Court (Bailiwick of Guernsey) Law, 2019 (genocide, crimes against humanity and war crimes),</p> <p>(b) an offence that if committed in the Bailiwick would be punishable as an offence under section 46 of that Law (conduct ancillary to genocide, etc. committed outside the jurisdiction), and</p> <p>(c) any offence that is punishable in the Bailiwick as an offence under section 1 of the Geneva Conventions Act 1957 as it applies to the Bailiwick (relating to grave breaches of scheduled conventions)</p>	<p>equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment;</p> <p>(c) the conduct is so punishable under the law of the category 2 territory.</p> <p>(5) The conditions in this subsection are that—</p> <p>(a) the conduct occurs outside the category 2 territory;</p> <p>(b) no part of the conduct occurs in the United Kingdom;</p> <p>(c) the conduct constitutes, or if committed in the United Kingdom would constitute, an offence mentioned in subsection (6);</p> <p>(d) the conduct is punishable under the law of the category 2 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.] 1</p> <p>(6) The offences are—</p> <p>(a) an offence under section 51 or 58 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity and war crimes);</p> <p>(b) an offence under section 52 or 59 of that Act (conduct ancillary to genocide etc. committed outside the jurisdiction);</p> <p>(c) an ancillary offence, as defined in section 55 or 62 of that Act, in relation to an offence falling within paragraph (a) or (b);</p> <p>(d) an offence under section 1 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity and war crimes);</p> <p>(e) an offence under section 2 of that Act (conduct ancillary to genocide etc.</p>

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	<p>"equivalent conduct") are to the conduct specified in the request for the person's extradition.⁸</p>		<p>committed outside the jurisdiction); (f) an ancillary offence, as defined in section 7 of that Act, in relation to an offence falling within paragraph (d) or (e). (7) If the conduct constitutes an offence under the military law of the category 2 territory but does not constitute an offence under the general criminal law of the relevant part of the United Kingdom it does not constitute an extradition offence; and subsections (1) to (6) have effect subject to this. [(7A) References in this section to "conduct" (except in the expression "equivalent conduct") are to the conduct specified in the request for the person's extradition.] 2 (8) The relevant part of the United Kingdom is the part of the United Kingdom in which— (a) the extradition hearing took place, if the question of whether conduct constitutes an extradition offence is to be decided by the Secretary of State; (b) proceedings in which it is necessary to decide that question are taking place, in any other case. (9) [...] 3</p>
<p>6 Meaning of "extradition offence": persons sentenced (1) This section sets out whether a person's conduct constitutes an "extradition offence" for the purposes of this Act in a case where the person — (a) has been convicted, in the designated territory to which extradition is requested, of an offence constituted by the conduct; and (b) has been sentenced for the offence. (2) The conduct constitutes an extradition offence in relation to the designated territory if the conditions in subsections (3), (4) or (5) are satisfied. (3) The conditions in this subsection are that —</p>	<p>4 "Extradition offence" – persons sentenced (1) This Article sets out whether a person's conduct constitutes an "extradition offence" for the purposes of this Law in a case where the person — (a) has been convicted, in the designated territory to which extradition is requested, of an offence constituted by the conduct; and (b) has been sentenced for the offence.⁹</p>	<p>Extradition offences - persons sentenced. 3. (1) This section sets out whether a person's conduct constitutes an extradition offence in a case where the person — (a) has been convicted in a designated territory of the commission of an offence constituted by the conduct, and (b) has been sentenced for the offence. (2) The conduct constitutes an extradition offence in relation to the designated territory if —</p>	<p>138 Extradition offences: person sentenced for offence [(1) This section sets out whether a person's conduct constitutes an "extradition offence" for the purposes of this Part in a case where the person— (a) has been convicted, in the category 2 territory to which extradition is requested, of an offence constituted by the conduct, and (b) has been sentenced for the offence. (2) The conduct constitutes an</p>

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<p>(a) the conduct occurs in the designated territory;</p> <p>(b) the conduct would constitute an offence under Manx law punishable with custody for a term of 12 months or a greater punishment if it occurred in the Island; and</p> <p>(c) a sentence of custody or another form of detention for a term of 4 months or a greater punishment has been imposed in the designated territory in respect of the conduct.</p> <p>(4) The conditions in this subsection are that —</p> <p>(a) the conduct occurs outside the designated territory;</p> <p>(b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under Manx law punishable as mentioned in subsection (3)(b); and</p> <p>(c) a sentence of custody or another form of detention for a term of 4 months or a greater punishment has been imposed in the designated territory in respect of the conduct.</p> <p>(5) The conditions in this subsection are that —</p> <p>(a) the conduct occurs outside the designated territory;</p> <p>(b) no part of the conduct occurs in the Island; and</p> <p>(c) the conduct constitutes, or if committed in the Island would constitute, a war crime; and</p> <p>(d) a sentence of custody or another form of detention for a term of 4 months or a greater punishment has been imposed in the designated territory in respect of the conduct.</p> <p>(6) This section is subject to section 7.</p> <p>(7) References in this section to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the request for the person’s extradition.</p>	<p>(2) The conduct constitutes an extradition offence in relation to the designated territory if the conditions in paragraphs (3), (4) or (5) are satisfied.¹⁰</p> <p>(3) The conditions in this paragraph are that —</p> <p>(a) the conduct occurs in the designated territory;</p> <p>(b) the conduct would constitute an offence under the law of Jersey punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in Jersey;</p> <p>(c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the designated territory in respect of the conduct.¹¹</p> <p>(4) The conditions in this paragraph are that —</p> <p>(a) the conduct occurs outside the designated territory;</p> <p>(b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of Jersey punishable as mentioned in paragraph (3)(b);</p> <p>(c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the designated territory in respect of the conduct.¹²</p> <p>(5) The conditions in this paragraph are that —</p> <p>(a) the conduct occurs outside the designated territory;</p> <p>(b) no part of the conduct occurs in Jersey;</p> <p>(c) the conduct constitutes, or if committed in the Jersey would</p>	<p>(a) the conduct occurs in the designated territory,</p> <p>(b) the conduct would constitute an offence under the laws of the Bailiwick, punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment, if it occurred in the Bailiwick, and</p> <p>(c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the designated territory in respect of the conduct.</p> <p>(3) The conduct also constitutes an extradition offence in relation to the designated territory if —</p> <p>(a) the conduct occurs outside the designated territory,</p> <p>(b) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the designated territory in respect of the conduct, and</p> <p>(c) in corresponding circumstances, equivalent conduct would constitute an extra-territorial offence under the laws of the Bailiwick punishable as mentioned in subsection (2)(b).</p> <p>(4) The conduct also constitutes an extradition offence in relation to the designated territory if —</p> <p>(a) the conduct occurs outside the designated territory,</p> <p>(b) no part of the conduct occurs in the Bailiwick,</p> <p>(c) the conduct constitutes, or if committed in the Bailiwick would constitute, an offence mentioned in subsection (5),</p> <p>(d) a sentence of imprisonment or another form of detention for a term of four months or a greater punishment</p>	<p>extradition offence in relation to the category 2 territory if the conditions in subsection (3), (4) or (5) are satisfied.</p> <p>(3) The conditions in this subsection are that—</p> <p>(a) the conduct occurs in the category 2 territory;</p> <p>(b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in that part of the United Kingdom;</p> <p>(c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 2 territory in respect of the conduct.</p> <p>(4) The conditions in this subsection are that—</p> <p>(a) the conduct occurs outside the category 2 territory;</p> <p>(b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the relevant part of the United Kingdom punishable as mentioned in subsection (3)(b);</p> <p>(c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 2 territory in respect of the conduct.”</p> <p>(5) The conditions in this subsection are that—</p> <p>(a) the conduct occurs outside the category 2 territory;</p> <p>(b) no part of the conduct occurs in the United Kingdom;</p> <p>(c) the conduct constitutes, or if committed in the United Kingdom</p>

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	<p>constitute, an offence mentioned in paragraph (6);</p> <p>(d) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the designated territory in respect of the conduct.¹³</p> <p>(6) The offences to which this paragraph refers are –</p> <p>(a) an offence under section 51 or section 58 of the International Criminal Court Act 2001 (c.17) of the United Kingdom as it applies to Jersey (relating to genocide, crimes against humanity and war crimes);</p> <p>(b) an offence under section 52 or section 59 of that Act (relating to conduct that is ancillary to those crimes and is committed outside the jurisdiction); and</p> <p>(c) an ancillary offence, as defined in section 55 or section 62 of that Act, in relation to an offence to which either of sub-paragraphs (a) and (b) refers.</p> <p>(7) This Article is subject to Article 5.</p> <p>(8) References in this Article to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the request for the person’s extradition.</p>	<p>has been imposed in the designated territory in respect of the conduct.</p> <p>(5) The offences to which subsection (4) refers are –</p> <p>(a) an offence that if committed in the Bailiwick would be punishable as an offence under section 45 of the International Criminal Court (Bailiwick of Guernsey) Law, 2019 (genocide, crimes against humanity and war crimes),</p> <p>(b) an offence that if committed in the Bailiwick would be punishable as an offence under section 46 of that Law (conduct ancillary to genocide, etc. committed outside the jurisdiction), and</p> <p>(c) any offence that is punishable in the Bailiwick as an offence under section 1 of the Geneva Conventions Act 1957 as it applies to the Bailiwick (relating to grave breaches of scheduled conventions).</p>	<p>would constitute, an offence mentioned in subsection (6);</p> <p>(d) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 2 territory in respect of the conduct.</p> <p>(6) The offences are—</p> <p>(a) an offence under section 51 or 58 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity and war crimes);</p> <p>(b) an offence under section 52 or 59 of that Act (conduct ancillary to genocide etc. committed outside the jurisdiction);</p> <p>(c) an ancillary offence, as defined in section 55 or 62 of that Act, in relation to an offence falling within paragraph (a) or (b);</p> <p>(d) an offence under section 1 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity and war crimes);</p> <p>(e) an offence under section 2 of that Act (conduct ancillary to genocide etc. committed outside the jurisdiction);</p> <p>(f) an ancillary offence, as defined in section 7 of that Act, in relation to an offence falling within paragraph (d) or (e).</p> <p><i>(7) – see row below</i></p> <p>[(7A) References in this section to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the request for the person's extradition.] 2</p> <p>(8) The relevant part of the United Kingdom is the part of the United Kingdom in which—</p> <p>(a) the extradition hearing took place, if the question of whether conduct</p>

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			constitutes an extradition offence is to be decided by the Secretary of State; (b) proceedings in which it is necessary to decide that question are taking place, in any other case. (9) [...] 13
<p>7 Military offences: qualification to meaning of "extradition offence" If conduct constitutes an offence under the military law of the designated territory, but does not constitute an offence under the general criminal law of the Island, it does not constitute an extradition offence under section 5 or section 6.</p>	<p>5 Military offences If conduct constitutes an offence under the military law of the designated territory, but does not constitute an offence under the general criminal law of Jersey, it does not constitute an extradition offence under Article 3 or Article 4.</p>	<p>Military offences, and meaning of "conduct". 4. If conduct constitutes an offence under the military law of the designated territory, but does not constitute an offence under the general criminal law of the Bailiwick, it does not constitute an extradition offence under section 2 or 3; and references in those sections to "conduct" (except in the expression "equivalent conduct") are to the conduct specified in the request for the person's extradition.</p>	<p>(7) If the conduct constitutes an offence under the military law of the category 2 territory but does not constitute an offence under the general criminal law of the relevant part of the United Kingdom it does not constitute an extradition offence; and subsections (1) to (6) have effect subject to this.</p>
<p>8 Meaning of "appropriate day" (1) This section applies for the purposes of sections 43 and 49 if the High Bailiff sends a case to the Attorney General for the latter's decision whether a person is to be extradited. (2) If the person is charged with an offence in the Island, the appropriate day is — (a) the day on which the charge is disposed of; (b) the day on which the charge is withdrawn; or (c) the day on which proceedings in respect of the charge are otherwise discontinued. (3) If under section 47(2) or section 48, the Attorney General defers making a decision until the person has served a sentence, the appropriate day is the day on which the person is released from custody pursuant to the sentence (whether on licence or otherwise). (4) If section 76 (competing extradition requests) applies to the request for the person's extradition ("the request concerned"), the appropriate day is — (a) the day on which the Attorney General makes</p>	<p>37 The appropriate day (1) This Article applies for the purposes of Articles 30 and 36 if the Magistrate sends a case to the Attorney General for the Attorney General's decision whether a person is to be extradited. (2) If the person is charged with an offence in Jersey, the appropriate day is — (a) the day on which the charge is disposed of; (b) the day on which the charge is withdrawn; (c) the day on which an order is made for the charge to lie on the file; or (d) the day on which a declaration is made that the charge has been abandoned. (3) If under Article 34(2) or Article 35 the Attorney General defers making a decision until the person has served a</p>	<p>The appropriate day. 42. (1) This section applies for the purposes of sections 35 and 41 if the Magistrate's Court sends a case to Her Majesty's Procureur for Her Majesty's Procureur's decision whether a person is to be extradited. (2) If the person is charged with an offence in the Bailiwick, the appropriate day is — (a) the day on which the charge is disposed of, (b) the day on which the charge is withdrawn, or (c) the day on which proceedings in respect of the charge are discontinued. (3) If under section 39(2) or section 40 Her Majesty's Procureur defers making a decision until the person has served a sentence, the appropriate day is the day on which the person is released</p>	<p>102 The appropriate day (1) This section applies for the purposes of sections 93 and 99 if the appropriate judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited. (2) If the person is charged with an offence in the United Kingdom, the appropriate day is the day on which one of these occurs— (a) the charge is disposed of; (b) the charge is withdrawn; (c) proceedings in respect of the charge are discontinued; (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted <i>pro loco et tempore</i>. (3) If under section 97(3) or 98(2) the Secretary of State defers making a</p>

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<p>an order under section 76(2), if the order is for proceedings on the other request to be deferred; or</p> <p>(b) the day on which an order is made under section 117, if the order under section 76(2) is for proceedings on the request concerned to be deferred and the order under section 117 is for the proceedings to be resumed.</p> <p>(5) If two or more of subsections (2) to (4) apply, the appropriate day is the latest of the days specified in those subsections.</p> <p>(6) In any other case, the appropriate day is the day on which the High Bailiff sends the case to the Attorney General for a decision as to whether the person is to be extradited.</p>	<p>sentence, the appropriate day is the day on which the person finishes serving the sentence.</p> <p>(4) If Article 65 (competing extradition requests) applies to the request for the person's extradition (the request concerned), the appropriate day is –</p> <p>(a) the day on which the Attorney General makes an order under Article 65, if the order is for proceedings on the other request to be deferred; or</p> <p>(b) the day on which an order is made under Article 105, if the order under Article 65(2) is for proceedings on the request concerned to be deferred and the order under Article 103 is for the proceedings to be resumed.</p> <p>(5) If more than one of paragraphs (2) to (4) (inclusive) applies, the appropriate day is the latest of the days specified in those paragraphs that applies.</p> <p>(6) In any other case, the appropriate day is the day on which the Magistrate sends the case to the Attorney General for a decision as to whether the person is to be extradited.</p>	<p>from detention pursuant to the sentence (whether on licence or otherwise).</p> <p>(4) If section 75 (competing extradition requests) applies to the request for the person's extradition (the request concerned), the appropriate day is –</p> <p>(a) the day on which Her Majesty's Procureur makes an order under that section, if the order is for proceedings on the other request to be deferred, or</p> <p>(b) the day on which an order is made under section 107, if the order under section 75 is for proceedings on the request concerned to be deferred and the order under section 107 is for the proceedings to be resumed.</p> <p>(5) If more than one of subsections (2) to (4) applies, the appropriate day is the latest of the days specified in those sections that applies.</p> <p>(6) In any other case, the appropriate day is the day on which the Magistrate's Court sends the case to Her Majesty's Procureur for a decision as to whether the person is to be extradited.</p>	<p>decision [, the appropriate day is the day on which the person is released from detention pursuant to the sentence (whether on licence or otherwise)] 1 .</p> <p>(4) If section 126 applies in relation to the request for the person's extradition (the request concerned) the appropriate day is—</p> <p>(a) the day on which the Secretary of State makes an order under that section, if the order is for proceedings on the other request to be deferred;</p> <p>(b) the day on which an order under section 180 is made, if the order under section 126 is for proceedings on the request concerned to be deferred and the order under section 180 is for the proceedings to be resumed.</p> <p>(5) If section 179 applies in relation to the request for the person's extradition, the appropriate day is—</p> <p>(a) the day on which the Secretary of State makes an order under that section, if the order is for proceedings on the warrant to be deferred;</p> <p>(b) the day on which an order under section 180 is made, if the order under section 179 is for proceedings on the request to be deferred and the order under section 180 is for the proceedings to be resumed.</p> <p>(6) If more than one of subsections (2) to (5) applies, the appropriate day is the latest of the days found under the subsections which apply.</p> <p>(7) In any other case, the appropriate day is the day on which the judge sends the case to the Secretary of State for his decision whether the person is to be extradited.</p>
9	107 Disposal of request for	Disposal of request for extradition.	213 Disposal of Part 1 warrant and

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<p>extradition</p> <p>(1) A request for a person's extradition is disposed of —</p> <p>(a) when an order is made for the person's discharge in respect of the request and there is no further possibility of an appeal;</p> <p>(b) when the person is taken to be discharged in respect of the request; or</p> <p>(c) when an order is made for the person's extradition in pursuance of the request and there is no further possibility of an appeal.</p> <p>(2) There is no further possibility of an appeal against an order for a person's discharge or extradition —</p> <p>(a) when the period permitted for giving notice of the appeal to the High Court ends, if notice is not given before the end of that period;</p> <p>(b) when the decision of the High Court on the appeal becomes final, if there is no appeal to the Privy Council against that decision; or</p> <p>(c) when the decision of the Privy Council on the appeal is made, if there is such an appeal.</p> <p>(3) The decision of the High Court on the appeal becomes final —</p> <p>(a) when the period permitted for applying to the High Court for leave to appeal to the Privy Council ends, if there is no such application;</p> <p>(b) when the period permitted for applying to the Privy Council for leave to appeal ends, if the High Court refuses leave to appeal and there is no application to the Privy Council for leave to appeal;</p> <p>(c) when the Privy Council refuses leave to appeal; or</p> <p>(d) at the end of the period of 28 days starting with the day on which leave to appeal to the Privy Council is granted, if no such appeal is brought before the end of that period.</p> <p>(4) For the purposes of subsections (2) and (3) —</p> <p>(a) any power of a court to extend the period permitted for giving notice of appeal or for applying for leave to appeal; and</p> <p>(b) any power of a court to grant leave to take a</p>	<p>extradition</p> <p>(1) A request for a person's extradition is disposed of —</p> <p>(a) when an order is made for the person's discharge in respect of the request and there is no further possibility of an appeal;</p> <p>(b) when the person is taken to be discharged in respect of the request; or</p> <p>(c) when an order is made for the person's extradition in pursuance of the request and there is no further possibility of an appeal.</p> <p>(2) There is no further possibility of an appeal against an order for a person's discharge or extradition —</p> <p>(a) when the period permitted for giving notice of the appeal to the Royal Court ends, if notice is not given before the end of that period;</p> <p>(b) when the decision of the Royal Court on the appeal becomes final, if there is no appeal to the Privy Council against that decision; or</p> <p>(c) when the decision of the Privy Council on the appeal is made, if there is such an appeal.</p> <p>(3) The decision of the Royal Court on the appeal becomes final —</p> <p>(a) when the period permitted for applying to the Royal Court for leave to appeal to the Privy Council ends, if there is no such application;</p> <p>(b) when the period permitted for applying to the Privy Council for leave to appeal to it ends, if the Royal Court refuses leave to appeal and there is no application to the Privy Council for leave to appeal;</p> <p>(c) when the Privy Council refuses leave to appeal to it; or</p> <p>(d) at the end of the period 28 days</p>	<p>108. (1) A request for a person's extradition is disposed of —</p> <p>(a) when an order is made for the person's discharge in respect of the request and there is no further possibility of an appeal,</p> <p>(b) when the person is taken to be discharged in respect of the request, or</p> <p>(c) when an order is made for the person's extradition in pursuance of the request and there is no further possibility of an appeal.</p> <p>(2) There is no further possibility of an appeal against an order for a person's discharge or extradition —</p> <p>(a) when the period permitted for giving notice of application for leave to appeal to the Royal Court ends, if notice is not given before the end of that period,</p> <p>(b) when the decision of the Royal Court refusing leave to appeal to it becomes final,</p> <p>(c) when the decision of the Royal Court on the appeal becomes final, if there is no appeal to the Privy Council against that decision, or</p> <p>(c) when the decision of the Privy Council on the appeal is made, if there is such an appeal.</p> <p>(3) The decision of the Royal Court refusing leave to appeal to it becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal.</p> <p>(4) The decision of the Royal Court on the appeal becomes final —</p> <p>(a) when the period permitted for applying to the Royal Court for leave to appeal to the Privy Council ends, if there is no such application,</p>	<p>extradition request</p> <p>(1) A Part 1 warrant issued in respect of a person is disposed of—</p> <p>(a) when an order is made for the person's discharge in respect of the warrant and there is no further possibility of an appeal;</p> <p>(b) when the person is taken to be discharged in respect of the warrant;</p> <p>(c) when an order is made for the person's extradition in pursuance of the warrant and there is no further possibility of an appeal.</p> <p>(2) A request for a person's extradition is disposed of—</p> <p>(a) when an order is made for the person's discharge in respect of the request and there is no further possibility of an appeal;</p> <p>(b) when the person is taken to be discharged in respect of the request;</p> <p>(c) when an order is made for the person's extradition in pursuance of the request and there is no further possibility of an appeal.</p> <p>(3) There is no further possibility of an appeal against an order for a person's discharge or extradition—</p> <p>(a) when the period permitted for giving [notice of application for leave to appeal] 1 to the High Court ends, if notice is not given before the end of that period;</p> <p>[(aa) when the decision of the High Court refusing leave to appeal to it becomes final;] 2</p> <p>(b) when the decision of the High Court on an appeal becomes final, if there is no appeal to the [Supreme Court] 3 against that decision;</p> <p>(c) when the decision of the [Supreme Court] 3 on an appeal is made, if there</p>

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<p>step out of time, must be ignored.</p>	<p>commencing on the day on which leave to appeal to the Privy Council is granted, if no such appeal is brought before the end of that period. (4) For the purposes of paragraphs (2) and (3) – (a) any power of a court to extend the period permitted for giving notice of appeal or for applying for leave to appeal; and (b) any power of a court to grant leave to take a step out of time, shall be ignored.</p>	<p>(b) when the period permitted for applying to the Privy Council for leave to appeal to it ends, if the Royal Court refuses leave to appeal and there is no application to the Privy Council for leave to appeal, (c) when the Privy Council refuses leave to appeal to it, or (d) at the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council is granted, if no such appeal is brought before the end of that period. (5) For the purposes of subsections (2) and (3) – (a) any power of a court to extend the period permitted for giving notice of appeal or for applying for leave to appeal, and (b) any power of a court to grant leave to take a step out of time, shall be disregarded.</p>	<p>is such an appeal. [(3A) The decision of the High Court refusing leave to appeal to it becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal.] 4 (4) The decision of the High Court on an appeal becomes final— (a) when the period permitted for applying to the High Court for leave to appeal to the [Supreme Court] 3 ends, if there is no such application; (b) when the period permitted for applying to the [Supreme Court] 3 for leave to appeal to it ends, if the High Court refuses leave to appeal and there is no application to the [Supreme Court] 3 for leave to appeal; (c) when the [Supreme Court] 3 refuses leave to appeal to it; (d) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [Supreme Court] 3 is granted, if no such appeal is brought before the end of that period. (5) These must be ignored for the purposes of subsections (3) [to] 5 (4)— (a) any power of a court to extend the period permitted for giving notice of appeal or for applying for leave to appeal; (b) any power of a court to grant leave to take a step out of time. (6) Subsections (3) to (5) do not apply to Scotland.</p>
<p>10 Meaning of “disposed of”: charges (1) A charge against a person is disposed of — (a) if the person is acquitted in respect of it, when he or she is acquitted; or</p>	<p>108 Disposal of charge (1) A charge against a person is disposed of – (a) if the person is acquitted in respect</p>	<p>Disposal of charge. 109. (1) A charge against a person is disposed of – (a) when the person is acquitted, or</p>	<p>214 Disposal of charge (1) A charge against a person is disposed of— (a) if the person is acquitted in respect</p>

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<p>(b) if the person is convicted in respect of it, when there is no further possibility of an appeal against the conviction.</p> <p>(2) There is no further possibility of an appeal against a conviction —</p> <p>(a) when the period permitted for giving notice of application for leave to appeal to the High Court against the conviction ends, if the leave of the High Court is required and no such notice is given before the end of that period;</p> <p>(b) when the High Court refuses leave to appeal against the conviction, if the leave of the High Court is required and notice of application for leave is given before the end of that period;</p> <p>(c) when the period permitted for giving notice of appeal to the High Court against the conviction ends, if notice is not given before the end of that period;</p> <p>(d) when the decision of the High Court becomes final, if there is no appeal to the Privy Council against that decision; or</p> <p>(e) when the decision of the Privy Council is made, if there is such an appeal.</p> <p>(3) The decision of the High Court becomes final —</p> <p>(a) when the period permitted for applying to the Privy Council for special leave to appeal ends, if there is no application for leave to appeal; or</p> <p>(b) when the Privy Council refuses leave to appeal, if there is such an application.</p> <p>(4) For the purposes of subsections (2) and (3) —</p> <p>(a) any power of a court to extend the period permitted for giving notice of appeal or of application for leave to appeal or for applying for leave to appeal; and</p> <p>(b) any power of a court to grant leave to take a step out of time, must be ignored.</p>	<p>of it, when he or she is acquitted; or</p> <p>(b) if the person is convicted in respect of it, when there is no further possibility of an appeal against the conviction.</p> <p>(2) There is no further possibility of an appeal against a conviction —</p> <p>(a) when the period permitted for giving notice of application for leave to appeal to the Court of Appeal against the conviction ends, if the leave of the Court of Appeal is required and no such notice is given before the end of that period;</p> <p>(b) when the Court of Appeal refuses leave to appeal against the conviction, if the leave of the Court of Appeal is required and notice of application for leave is given before the end of that period;</p> <p>(c) when the period permitted for giving notice of appeal to the Court of Appeal against the conviction ends, if notice is not given before the end of that period;</p> <p>(d) when the decision of the Court of Appeal becomes final, if there is no appeal to the Privy Council against that decision; or</p> <p>(e) when the decision of the Privy Council is made, if there is such an appeal.</p> <p>(3) The decision of the Court of Appeal becomes final —</p> <p>(a) when the period permitted for applying to the Privy Council for special leave to appeal to it ends, if there is no application for leave to appeal; or</p> <p>(b) when the Privy Council refuses leave to appeal to it, if there is such an application.</p> <p>(4) For the purposes of paragraphs (2) and (3) —</p>	<p>(b) if the person is convicted in respect of it, when there is no further possibility of an appeal against the conviction.</p> <p>(2) There is no further possibility of an appeal against a conviction —</p> <p>(a) when the period permitted for giving notice of application for leave to appeal to the Court of Appeal against the conviction ends, if the leave of the Court of Appeal is required and no such notice is given before the end of that period,</p> <p>(b) when the Court of Appeal refuses leave to appeal against the conviction, if the leave of the Court of Appeal is required and notice of application for leave is given before the end of that period,</p> <p>(c) when the period permitted for giving notice of appeal to the Court of Appeal against the conviction ends, if notice is not given before the end of that period,</p> <p>(d) when the decision of the Court of Appeal becomes final, if there is no appeal to the Privy Council against that decision, or</p> <p>(e) when the decision of the Privy Council is made, if there is such an appeal.</p> <p>(3) The decision of the Court of Appeal becomes final —</p> <p>(a) when the period permitted for applying to the Privy Council for special leave to appeal to it ends, if there is no application for leave to appeal,</p> <p>(b) when the Privy Council refuses leave to appeal to it, or</p> <p>(c) at the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council is granted, if no such appeal is brought</p>	<p>of it, when he is acquitted;</p> <p>(b) if the person is convicted in respect of it, when there is no further possibility of an appeal against the conviction.</p> <p>(2) There is no further possibility of an appeal against a conviction—</p> <p>(a) when the period permitted for giving notice of application for leave to appeal to the Court of Appeal against the conviction ends, if the leave of the Court of Appeal is required and no such notice is given before the end of that period;</p> <p>(b) when the Court of Appeal refuses leave to appeal against the conviction, if the leave of the Court of Appeal is required and notice of application for leave is given before the end of that period;</p> <p>(c) when the period permitted for giving notice of appeal to the Court of Appeal against the conviction ends, if notice is not given before the end of that period;</p> <p>(d) when the decision of the Court of Appeal on an appeal becomes final, if there is no appeal to the [Supreme Court] 1 against that decision;</p> <p>(e) when the decision of the [Supreme Court] 1 on an appeal is made, if there is such an appeal.</p> <p>(3) The decision of the Court of Appeal on an appeal becomes final—</p> <p>(a) when the period permitted for applying to the Court of Appeal for leave to appeal to the [Supreme Court] 1 ends, if there</p>

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	<p>(a) any power of a court to extend the period permitted for giving notice of appeal or of application for leave to appeal or for applying for leave to appeal; and</p> <p>(b) any power of a court to grant leave to take a step out of time, shall be ignored.</p>	<p>before the end of that period.</p> <p>(4) For the purposes of subsections (2) and (3) –</p> <p>(a) any power of a court to extend the period permitted for giving notice of appeal or of application for leave to appeal or for applying for leave to appeal, and</p> <p>(b) any power of a court to grant leave to take a step out of time, shall be ignored.</p>	<p>is no such application;</p> <p>(b) when the period permitted for applying to the [Supreme Court] 1 for leave to appeal to it ends, if the Court of Appeal refuses leave to appeal and there is no application to the [Supreme Court] 1 for leave to appeal;</p> <p>(c) when the [Supreme Court] 1 refuses leave to appeal to it;</p> <p>(d) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [Supreme Court] 1 is granted, if no such appeal is brought before the end of that period.</p> <p>(4) These must be ignored for the purposes of subsections (2) and (3)—</p> <p>(a) any power of a court to extend the period permitted for giving notice of appeal or of application for leave to appeal or for applying for leave to appeal;</p> <p>(b) any power of a court to grant leave to take a step out of time.</p> <p>(5) Subsections (2) to (4) do not apply to Scotland.</p>
<p>11 Meaning of “unlawfully at large” after conviction</p> <p>Except in sections 27 and 82 or where the context otherwise requires, a person is alleged to be unlawfully at large after conviction of an offence —</p> <p>(a) if the person is alleged to have been convicted of it; and</p> <p>(b) if the person’s extradition is sought for the purpose of the person’s being sentenced for the offence or for the serving of a custodial sentence imposed following such conviction.</p>			<p>140A Unlawfully at large</p> <p>(1) A person is alleged to be unlawfully at large after conviction of an offence if—</p> <p>(a) he is alleged to have been convicted of it, and</p> <p>(b) his extradition is sought for the purpose of his being sentenced for the offence or of his serving a sentence of imprisonment or another form of detention imposed in respect of the offence.</p> <p>(2) This section applies for the</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
			purposes of this Part, other than sections 82 and 136.
<p>12 Designated territories</p> <p>(1) A designated territory means a territory that is specified in Part 1 or Part 2 of Schedule 1.</p> <p>(2) A designated territory may be specified in Part 1 of Schedule 1 for some purposes of this Act and specified in Part 2 of that Schedule for other purposes of this Act and references to a designated territory so specified are to be construed accordingly.</p> <p>(3) The Council of Ministers may by order amend Schedule 1 so as to —</p> <p>(a) add to or delete from the list of designated territories; or</p> <p>(b) vary the description of any designated territory. Tynwald procedure – affirmative.</p> <p>(4) Orders under this section —</p> <p>(a) may designate a territory by name or by its falling within a description set out in the order;</p> <p>(b) may provide that this Act has effect in respect of a designated territory with such modifications as are specified in the order.</p>	<p>6 Designated territories</p> <p>(1) A designated territory is a territory that is specified in Schedule 1.</p> <p>(2) A designated territory of the first category is a territory that is specified in Part 1 of Schedule 1.</p> <p>(3) A designated territory of the second category is a territory that is specified in Part 2 of Schedule 1.</p> <p>(3A) A designated territory may be specified in Part 1 of Schedule 1 for some purposes of this Law and specified in Part 2 of that Schedule for other purposes of this Law and references to a designated territory of the first category or the second category shall be construed accordingly.¹⁵</p> <p>(4) The States may by Regulations –</p> <p>(a) specify any territory in Part 1 or Part 2 of Schedule 1;</p> <p>(aa) specify any territory in Part 1 of Schedule 1 for some purposes of this Law and in Part 2 of that Schedule for other purposes of this Law;</p> <p>(b) vary the description of any territory that is specified in either of those Parts; or</p> <p>(c) delete any territory from either or both of those Parts.¹⁶</p>	<p>Designated territories.</p> <p>5. (1) A designated territory is a territory that is specified in Schedule 1.</p> <p>(2) A designated territory of the first category is a territory that is specified in Part 1 of Schedule 1.</p> <p>(3) A designated territory of the second category is a territory that is specified in Part 2 of Schedule 1.</p> <p>(4) A designated territory may be specified in Part 1 of Schedule 1 for some purposes of this Law and specified in Part 2 of that Schedule for other purposes of this Law and references to a designated territory of the first category or the second category shall be construed accordingly.</p> <p>(5) The States may by Ordinance –</p> <p>(a) amend Schedule 1 by specifying any additional territory in Part 1 or Part 2 of that Schedule,</p> <p>(b) amend Schedule 1 by specifying any additional territory in Part 1 of that Schedule for some purposes of this Law and in Part 2 of that Schedule for other purposes of this Law,</p> <p>(c) amend Schedule 1 by varying the description of any territory that is specified in either Part 1 or Part 2 of that Schedule, including (but not limited to) by specifying it in Part 1 of that Schedule for some purposes of this Law and in Part 2 of that Schedule for other purposes of this Law,</p> <p>(d) amend Schedule 1 by deleting any territory from either or both of those Parts, and</p> <p>(e) make special provision, whether by amendment to Schedule 1 or otherwise,</p>	

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
		in relation to the extradition and re-extradition of persons to and from Jersey and the Isle of Man.	
<p>13 Extradition request and certificate</p> <p>(1) If the Attorney General receives a valid request for the extradition to a designated territory of a person who is in the Island, the Attorney General must issue a certificate under this section unless subsection (2) applies.</p> <p>(2) The Attorney General may refuse to issue a certificate under this section if —</p> <p>(a) there is a competing extradition request and the Attorney General has decided under section 76 (competing extradition requests) to order that proceedings on the request be deferred;</p> <p>(b) the Secretary of State has recorded the person whose extradition is requested as a refugee within the meaning of the Refugee Convention; or</p> <p>(c) the person whose extradition is requested has been granted leave to enter or remain in the Island or the United Kingdom on the ground that it would be a breach of Article 2 or 3 of the Human Rights Convention to remove the person to the territory to which extradition is requested.</p> <p>(3) A request for a person’s extradition is valid if —</p> <p>(a) it contains the statement referred to in either subsection (4) or subsection (5); and</p> <p>(b) it is made in the approved way.</p> <p>(4) The statement is one that —</p> <p>(a) the person is accused in the designated territory of the commission of an offence specified in the request; and</p> <p>(b) the request is made with a view to the person’s arrest and extradition to the designated territory for the purpose of being prosecuted for the offence.</p> <p>(5) The statement is one that —</p> <p>(a) the person has been convicted of an offence specified in the request by a court in the designated territory; and</p> <p>(b) the request is made with a view to the person’s arrest and extradition to the designated territory for the purpose of being sentenced for the offence or of serving</p>	<p>7 Extradition request and certificate</p> <p>(1) If the Attorney General receives a valid request for the extradition to a designated territory of a person who is in Jersey, the Attorney General shall issue a certificate under this Article.</p> <p>(2) However, the Attorney General may refuse to issue a certificate under this Article if —</p> <p>(a) the Attorney General has power under Article 65 to order that proceedings on the request be deferred;</p> <p>(b) the person whose extradition is requested has been recorded by the Secretary of State as a refugee within the meaning of the Refugee Convention; or</p> <p>(c) the person whose extradition is requested has been granted leave to enter or remain in the United Kingdom on the ground that it would be a breach of Article 2 or 3 of the Human Rights Convention to remove the person to the territory to which extradition is requested.¹⁷</p> <p>(3) A request for a person’s extradition is valid if it contains a statement —</p> <p>(a) that the person is accused in the designated territory of the commission of an offence specified in the request; or</p> <p>(b) that the person is alleged to be unlawfully at large after conviction by a court in the designated territory of an offence specified in the request, and the request is made in the approved way.</p>	<p>Extradition request and certificate.</p> <p>6. (1) If Her Majesty’s Procureur receives a valid request for the extradition to a designated territory of a person who is in the Bailiwick, Her Majesty’s Procureur shall issue a certificate under this section.</p> <p>(2) However, Her Majesty’s Procureur may refuse to issue a certificate under this section if —</p> <p>(a) Her Majesty’s Procureur has power under section 75 to order that proceedings on the request be deferred,</p> <p>(b) the person whose extradition is requested has been recorded by Her Majesty’s Procureur as a refugee within the meaning of the Refugee Convention, or</p> <p>(c) the person whose extradition is requested has been granted leave to enter or remain in the United Kingdom on the ground it would be a breach of Article 2 or 3 of the Human Rights Convention to remove the person whose extradition is requested to the territory to which extradition is requested.</p> <p>(3) A request for a person’s extradition is valid if it contains a statement —</p> <p>(a) that the person is accused in the designated territory of the commission of an offence specified in the request and the request is made with a view to the person’s arrest and extradition to the designated territory for the purpose of being prosecuted for the offence, or</p> <p>(b) that the person is alleged to be unlawfully at large after conviction by a</p>	<p>70 Extradition request and certificate</p> <p>(1) The Secretary of State must [(subject to subsection (2))] 1 issue a certificate under this section if he receives a valid request for the extradition [of a person to a category 2 territory] 2 .</p> <p>[(2) The Secretary of State may refuse to issue a certificate under this section if—</p> <p>(a) he has power under section 126 to order that proceedings on the request be deferred,</p> <p>(b) the person whose extradition is requested has been recorded by the Secretary of State as a refugee within the meaning of the Refugee Convention, or</p> <p>(c) the person whose extradition is requested has been granted leave to enter or remain in the United Kingdom on the ground that it would be a breach of Article 2 or 3 of the Human Rights Convention to remove him to the territory to which extradition is requested.</p> <p>(2A) [...] 4] 3</p> <p>(3) A request for a person’s extradition is valid if—</p> <p>(a) it contains the statement referred to in subsection (4) [or the statement referred to in subsection (4A)] 5 , and</p> <p>(b) it is made in the approved way.</p> <p>[(4) The statement is one that—</p> <p>(a) the person is accused in the category 2 territory of the commission of an offence specified in the request, and</p>

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<p>a custodial sentence imposed in respect of the offence.</p> <p>(6) A request for extradition to a designated territory that is a British overseas territory is made in the approved way if it is made by or on behalf of the person administering the designated territory.</p> <p>(7) While the Hong Kong Special Administrative Region of the People's Republic of China is a designated territory, a request for extradition to it is made in the approved way if it is made by or on behalf of the government of the Region.</p> <p>(8) A request for extradition to any other designated territory is made in the approved way if it is made by —</p> <p>(a) an authority of the designated territory whom the Attorney General believes to have the function of making requests for extradition in that designated territory; or</p> <p>(b) a diplomatic or consular representative of the designated territory.</p> <p>(9) A certificate under this section must certify that the request is made in the approved way.</p> <p>(10) If a certificate is issued under this section, the Attorney General must send the request and the certificate to the High Bailiff.</p> <p>(11) Subsection (12) applies at all times after the Attorney General issues a certificate under this section.</p> <p>(12) The Attorney General must not consider whether the extradition would be compatible with the Human Rights Convention rights.</p>	<p>(4) A request for extradition to a designated territory that is a British overseas territory is made in the approved way if it is made by or on behalf of the person administering the designated territory.</p> <p>(5) If the Hong Kong Special Administrative Region of the People's Republic of China is a designated territory, a request for extradition to it is made in the approved way if it is made by or on behalf of the government of the Region.</p> <p>(6) A request for extradition to any other designated territory is made in the approved way if it is made by —</p> <p>(a) an authority of the designated territory whom the Attorney General believes to have the function of making requests for extradition in that designated territory; or</p> <p>(b) a diplomatic or consular representative of the designated territory.</p> <p>(7) A certificate under this Article shall certify that the request is made in the approved way.</p> <p>(8) If a certificate is issued under this Article, the Attorney General shall send —</p> <p>(a) the request; and</p> <p>(b) the certificate, to the Magistrate.</p> <p>(9) Paragraph (10) applies at all times after the Attorney General issues a certificate under this Article.18</p> <p>(10) The Attorney General shall not consider whether the extradition would be compatible with the Convention rights within the meaning of the Human Rights (Jersey) Law 2000.</p>	<p>court in the designated territory of an offence specified in the request, and the request is made in the approved way.</p> <p>(4) A request for extradition to a designated territory that is a British overseas territory is made in the approved way if it is made by or on behalf of the person administering the designated territory.</p> <p>(5) If the Hong Kong Special Administrative Region of the People's Republic of China is a designated territory, a request for extradition to it is made in the approved way if it is made by or on behalf of the government of the Region.</p> <p>(6) A request for extradition to any other designated territory is made in the approved way if it is made by —</p> <p>(a) an authority of the designated territory whom Her Majesty's Procureur believes to have the function of making requests for extradition in that designated territory, or</p> <p>(b) a diplomatic or consular representative of the designated territory.</p> <p>(7) A certificate under this section shall certify that the request is made in the approved way.</p> <p>(8) If a certificate is issued under this section, Her Majesty's Procureur shall send —</p> <p>(a) the request, and</p> <p>(b) the certificate, to the Magistrate's Court.</p> <p>(9) At any time after Her Majesty's Procureur has issued a certificate under this section, he or she must not consider whether the extradition would be compatible with the Convention</p>	<p>(b) the request is made with a view to his arrest and extradition to the category 2 territory for the purpose of being prosecuted for the offence.</p> <p>(4A) The statement is one that—</p> <p>(a) the person has been convicted of an offence specified in the request by a court in the category 2 territory, and</p> <p>(b) the request is made with a view to his arrest and extradition to the category 2 territory for the purpose of being sentenced for the offence or of serving a sentence of imprisonment or another form of detention imposed in respect of the offence.] 6</p> <p>(5) A request for extradition to a category 2 territory which is a British overseas territory is made in the approved way if it is made by or on behalf of the person administering the territory.</p> <p>(6) A request for extradition to a category 2 territory which is the Hong Kong Special Administrative Region of the People's Republic of China is made in the approved way if it is made by or on behalf of the government of the Region.</p> <p>(7) A request for extradition to any other category 2 territory is made in the approved way if it is made—</p> <p>(a) by an authority of the territory which the Secretary of State believes has the function of making requests for extradition in that territory, or</p> <p>(b) by a person recognised by the Secretary of State as a diplomatic or consular representative of the territory.</p> <p>(8) [A certificate under this section must—</p> <p>(a) certify that the request is made in the approved way, and</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
		rights within the meaning of the Human Rights Law.	(b) identify the order by which the territory in question is designated as a category 2 territory.] 7 [(9) If a certificate is issued under this section the Secretary of State must send the request and the certificate to the appropriate judge.] 8 [(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.] 9
<p>14 Arrest warrant following extradition request</p> <p>(1) This section applies where the Attorney General sends documents to the High Bailiff under section 13.</p> <p>(2) If the High Bailiff has reasonable grounds for believing —</p> <p>(a) that the offence in respect of which extradition is requested is an extradition offence; and</p> <p>(b) that there is evidence to which subsection (3) refers,</p> <p>the High Bailiff may issue a warrant for the arrest of the person whose extradition is requested.</p> <p>(3) The evidence is —</p> <p>(a) if the person whose extradition is requested is accused of the commission of the offence, evidence that would justify the arrest of a person accused of the offence within the Island; or</p> <p>(b) if the person whose extradition is requested is alleged to be unlawfully at large after conviction of the offence, evidence that would justify the arrest of a person unlawfully at large after conviction of the offence within the Island.</p> <p>(4) However, if the designated territory to which extradition is requested is a Part 1 designated territory, subsections (2) and (3) have effect as if references in them to evidence were references to information.</p>	<p>8 Arrest warrant following extradition request</p> <p>(1) This Article applies if the Attorney General sends documents to the Magistrate under Article 7.</p> <p>(2) If the Magistrate has reasonable grounds for believing –</p> <p>(a) that the offence in respect of which extradition is requested is an extradition offence; and</p> <p>(b) that there is evidence to which paragraph (3) refers,</p> <p>the Magistrate may issue a warrant for the arrest of the person whose extradition is requested.</p> <p>(3) The evidence to which this paragraph refers is –</p> <p>(a) if the person whose extradition is requested is accused of the commission of the offence, evidence that would justify the arrest of a person accused of the offence within Jersey; or</p> <p>(b) if the person whose extradition is requested is alleged to be unlawfully at large after conviction of the offence, evidence that would justify the arrest of</p>	<p>Arrest warrant following extradition request.</p> <p>7. (1) This section applies if Her Majesty's Procureur sends documents to the Magistrate's Court under section 6.</p> <p>(2) If the Judge has reasonable grounds for believing –</p> <p>(a) that the offence in respect of which extradition is requested is an extradition offence, and</p> <p>(b) that there is evidence to which subsection (3) refers,</p> <p>the Magistrate's Court may issue a warrant for the arrest of the person whose extradition is requested.</p> <p>(3) The evidence to which this section refers is –</p> <p>(a) if the person whose extradition is requested is accused of the commission of the offence, evidence that would justify the arrest of a person accused of the offence within the Bailiwick, or</p> <p>(b) if the person whose extradition is requested is alleged to be unlawfully at large after conviction of the offence,</p>	<p>71 Arrest warrant following extradition request</p> <p>(1) This section applies if the Secretary of State sends documents to the appropriate judge under section 70.</p> <p>(2) The judge may issue a warrant for the arrest of the person whose extradition is requested if the judge has reasonable grounds for believing that—</p> <p>(a) the offence in respect of which extradition is requested is an extradition offence, and</p> <p>(b) there is evidence falling within subsection (3).</p> <p>(3) The evidence is—</p> <p>(a) evidence that would justify the issue of a warrant for the arrest of a person accused of the offence within the judge's jurisdiction, if the person whose extradition is requested is accused of the commission of the offence;</p> <p>(b) evidence that would justify the issue of a warrant for the arrest of a person unlawfully at large after conviction of the offence within the</p>

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<p>(5) A warrant may be executed by a constable.</p> <p>(6) A warrant may be executed whether or not, at the time of the arrest, the warrant or a copy of it is in the possession of the constable executing it.</p>	<p>a person unlawfully at large after conviction of the offence within Jersey.</p> <p>(4) However, if the designated territory to which extradition is requested is a designated territory of the first category, paragraphs (2) and (3) shall have effect as if references in them to evidence were references to information.</p> <p>(5) A warrant may be executed by any police officer.</p> <p>(6) A warrant may be executed whether or not, at the time of the arrest, the warrant or a copy of it is in the possession of the police officer executing it.</p>	<p>evidence that would justify the arrest of a person unlawfully at large after conviction of the offence within the Bailiwick.</p> <p>(4) However, if the designated territory to which extradition is requested is a designated territory of the first category, subsections (2) and (3) shall have effect as if references in them to evidence were references to information.</p> <p>(5) A warrant may be executed by any officer of police.</p> <p>(6) A warrant may be executed whether or not, at the time of the arrest, the warrant or a copy of it is in the possession of the officer of police executing it.</p>	<p>judge's jurisdiction, if the person whose extradition is requested is alleged to be unlawfully at large after conviction of the offence.</p> <p>(4) But if the category 2 territory to which extradition is requested is designated for the purposes of this section by order made by the Secretary of State, subsections (2) and (3) have effect as if "evidence" read "information".</p> <p>(5) A warrant issued under this section may—</p> <p>(a) be executed by any person to whom it is directed or by any constable or customs officer;</p> <p>(b) be executed even if neither the warrant nor a copy of it is in the possession of the person executing it at the time of the arrest.</p> <p>[(6) If a warrant issued under this section—</p> <p>(a) is directed to a service policeman, and</p> <p>(b) is in respect of a person subject to service law or a civilian subject to service discipline,</p> <p>it may be executed anywhere.] 1</p> <p>(7) In any other case, a warrant issued under this section may be executed in any part of the United Kingdom.</p> <p>(8) [...]2</p>
<p>15 Person arrested under section 14</p> <p>(1) This section applies if a person is arrested under a warrant issued under section 14.</p> <p>(2) As soon as practicable after his or her arrest, a copy of the warrant must be given to the person.</p> <p>(3) The arrested person must be brought as soon as practicable before the High Bailiff.</p> <p>(4) However, subsection (3) does not apply if the Attorney General decides under section 76 (competing extradition requests) that the request for the person's</p>	<p>9 Person arrested under Article 8</p> <p>(1) This Article applies if a person is arrested under a warrant issued under Article 8.</p> <p>(2) As soon as practicable after his or her arrest, a copy of the warrant shall be given to the person.</p> <p>(3) The arrested person shall be brought as soon as practicable before the Magistrate.</p>	<p>Person arrested under section 7.</p> <p>8. (1) This section applies if a person is arrested under a warrant issued under section 7.</p> <p>(2) As soon as practicable after his or her arrest, a copy of the warrant shall be given to the person.</p> <p>(3) Subject to subsection (4) and section 117 (transfer from Alderney or Sark to Guernsey), the arrested person</p>	<p>72 Person arrested under section 71</p> <p>(1) This section applies if a person is arrested under a warrant issued under section 71.</p> <p>(2) A copy of the warrant must be given to the person as soon as practicable after his arrest.</p> <p>(3) The person must be brought as soon as practicable before the</p>

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<p>extradition is to be deferred.</p> <p>(5) If subsection (2) is not complied with, and the person applies to the High Bailiff to be discharged, the High Bailiff may order that he or she be discharged.</p> <p>(6) If subsection (3) is not complied with, and the person applies to the High Bailiff to be discharged, the High Bailiff must order that he or she be discharged.</p> <p>(7) As soon as practicable after the person first appears or is brought before the High Bailiff, the High Bailiff must —</p> <p>(a) inform the person of the contents of the request for extradition;</p> <p>(b) inform the person that he or she may consent to being extradited to the designated territory to which the person's extradition is requested;</p> <p>(c) explain to the person the effect of consent, and the procedure that will apply if the person gives consent; and</p> <p>(d) explain to the person that consent must be given in writing, and that it is irrevocable.</p> <p>(8) When the person first appears or is brought before the High Bailiff, the High Bailiff must remand the person in custody or on bail.</p> <p>(9) If the High Bailiff remands the person in custody, the High Bailiff may later grant bail to the person.</p>	<p>(4) However, paragraph (3) does not apply if the Attorney General decides under Article 65 that the request for the person's extradition is not to be proceeded with.</p> <p>(5) If paragraph (2) is not complied with, and the person applies to the Magistrate to be discharged, the Magistrate may order that he or she be discharged.</p> <p>(6) If paragraph (3) is not complied with, and the person applies to the Magistrate to be discharged, the Magistrate shall order that he or she be discharged.</p> <p>(7) As soon as practicable after the person first appears or is brought before the Magistrate —</p> <p>(a) the Magistrate shall inform the person of the contents of the request for extradition;</p> <p>(b) the Magistrate shall inform the person that he or she may consent to being extradited to the designated territory to which the person's extradition is requested;</p> <p>(c) the Magistrate shall explain to the person the effect of consent, and the procedure that will apply if the person gives consent; and</p> <p>(d) the Magistrate shall also explain to the person that consent must be given in writing, and that it is irrevocable.</p> <p>(8) The Magistrate, when the person first appears or is brought before the Magistrate, shall remand the person in custody or on bail.</p> <p>(9) If the Magistrate remands the person in custody, the Magistrate may later grant bail to the person.</p>	<p>shall be brought as soon as practicable before the Magistrate's Court.</p> <p>(4) Subsection (3) does not apply if Her Majesty's Procureur decides under section 75 that the request for the person's extradition is not to be proceeded with.</p> <p>(5) If subsection (2) is not complied with, and the person applies to the Magistrate's Court to be discharged, the Magistrate's Court may order that the person be discharged.</p> <p>(6) If subsection (3) is not complied with, and the person applies to the Magistrate's Court to be discharged, the Magistrate's Court shall order that the person be discharged.</p> <p>(7) As soon as practicable after the person first appears or is brought before the Magistrate's Court —</p> <p>(a) the Judge shall inform the person of the contents of the request for extradition,</p> <p>(b) the Judge shall inform the person that he or she may consent to being extradited to the designated territory to which the person's extradition is requested,</p> <p>(c) the Judge shall explain to the person the effect of consent, and the procedure that will apply if the person gives consent, and</p> <p>(d) the Judge shall also explain to the person that consent must be given in writing, and that it is irrevocable.</p> <p>(8) The Magistrate's Court, when the person first appears or is brought before the Magistrate's Court, shall remand the person in custody or on bail.</p> <p>(9) If the Magistrate's Court remands the person in custody, the Magistrate's</p>	<p>appropriate judge.</p> <p>(4) But subsection (3) does not apply if—</p> <p>(a) the person is granted bail by a constable following his arrest, or</p> <p>(b) the Secretary of State decides under section 126 that the request for the person's extradition is not to be proceeded with.</p> <p>(5) If subsection (2) is not complied with and the person applies to the judge to be discharged, the judge may order his discharge.</p> <p>(6) If subsection (3) is not complied with and the person applies to the judge to be discharged, the judge must order his discharge.</p> <p>(7) When the person first appears or is brought before the appropriate judge, the judge must—</p> <p>(a) inform him of the contents of the request for his extradition;</p> <p>(b) give him the required information about consent;</p> <p>(c) remand him in custody or on bail.</p> <p>(8) The required information about consent is—</p> <p>(a) that the person may consent to his extradition to the category 2 territory to which his extradition is requested;</p> <p>(b) an explanation of the effect of consent and the procedure that will apply if he gives consent;</p> <p>(c) that consent must be given in writing and is irrevocable.</p> <p>(9) [If the person is remanded in custody, the appropriate judge may] 1 later grant bail.</p> <p>(10) Subsection (4)(a) applies to Scotland with the omission of the words "by a constable".</p>

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		Court may later grant bail to the person.	
<p>16 Provisional warrant</p> <p>(1) This section applies if the High Bailiff is satisfied on information in writing and on oath that a person to whom subsection (2) refers —</p> <p>(a) is or is believed to be in the Island; or</p> <p>(b) is or is believed to be on his or her way to the Island.</p> <p>(2) This subsection refers to —</p> <p>(a) a person who is accused in a designated territory of the commission of an offence; or</p> <p>(b) a person who is alleged to be unlawfully at large after conviction of an offence by a court in a designated territory.</p> <p>(3) The High Bailiff may issue a warrant for the arrest of the person (a provisional warrant) if the High Bailiff has reasonable grounds for believing —</p> <p>(a) that the offence of which the person is accused or has been convicted is an extradition offence; and</p> <p>(b) that there is written evidence to which subsection (4) refers.</p> <p>(4) The evidence to which this subsection refers is —</p> <p>(a) if the person in respect of whom the warrant is sought is accused of the commission of the offence, evidence that would justify the arrest of a person accused of the offence within the Island; or</p> <p>(b) if the person in respect of whom the warrant is sought is alleged to be unlawfully at large after conviction of the offence, evidence that would justify the arrest of a person unlawfully at large after conviction of the offence within the Island.</p> <p>(5) However, if the designated territory to which extradition is requested is a Part 1 designated territory, subsections (3) and (4) have effect as if references in them to evidence were references to information.</p> <p>(6) A provisional warrant may be executed by a constable.</p> <p>(7) A provisional warrant may be executed whether or not, at the time of the arrest, the warrant or a copy of</p>	<p>10 Provisional warrant</p> <p>(1) This Article applies if the Magistrate is satisfied on information in writing and on oath that a person to whom paragraph (2) refers —</p> <p>(a) is or is believed to be in Jersey; or</p> <p>(b) is or is believed to be on his or her way to Jersey.</p> <p>(2) This paragraph refers to —</p> <p>(a) a person who is accused in a designated territory of the commission of an offence; or</p> <p>(b) a person who is alleged to be unlawfully at large after conviction of an offence by a court in a designated territory.</p> <p>(3) The Magistrate may issue a warrant for the arrest of the person (a provisional warrant) if the Magistrate has reasonable grounds for believing —</p> <p>(a) that the offence of which the person is accused or has been convicted is an extradition offence; and</p> <p>(b) that there is written evidence to which paragraph (4) refers.</p> <p>(4) The evidence to which this paragraph refers is —</p> <p>(a) if the person in respect of whom the warrant is sought is accused of the commission of the offence, evidence that would justify the arrest of a person accused of the offence within Jersey; or</p> <p>(b) if the person in respect of whom the warrant is sought is alleged to be unlawfully at large after conviction of the offence, evidence that would justify the arrest of a person unlawfully at large after conviction of the offence within Jersey.</p>	<p>Provisional warrant.</p> <p>9. (1) This section applies if the Magistrate's Court is satisfied on information in writing and on oath that a person to whom subsection (2) refers —</p> <p>(a) is or is believed to be in the Bailiwick, or</p> <p>(b) is or is believed to be on his or her way to the Bailiwick.</p> <p>(2) This subsection refers to —</p> <p>(a) a person who is accused in a designated territory of the commission of an offence, or</p> <p>(b) a person who is alleged to be unlawfully at large after conviction of an offence by a court in a designated territory.</p> <p>(3) The Magistrate's Court may issue a warrant for the arrest of the person (a provisional warrant) if the Judge has reasonable grounds for believing —</p> <p>(a) that the offence of which the person is accused or has been convicted is an extradition offence, and</p> <p>(b) that there is written evidence to which subsection (4) refers.</p> <p>(4) The evidence to which this section refers is —</p> <p>(a) if the person in respect of whom the warrant is sought is accused of the commission of the offence, evidence that would justify the arrest of a person accused of the offence within the Bailiwick, or</p> <p>(b) if the person in respect of whom the warrant is sought is alleged to be unlawfully at large after conviction of the offence, evidence that would justify</p>	<p>73 Provisional warrant</p> <p>(1) This section applies if a justice of the peace is satisfied on information in writing and on oath that a person within subsection (2)—</p> <p>(a) is or is believed to be in the United Kingdom, or</p> <p>(b) is or is believed to be on his way to the United Kingdom.</p> <p>(2) A person is within this subsection if—</p> <p>(a) he is accused in a category 2 territory of the commission of an offence, or</p> <p>(b) he is alleged to be unlawfully at large after conviction of an offence by a court in a category 2 territory.</p> <p>(3) The justice may issue a warrant for the arrest of the person (a provisional warrant) if he has reasonable grounds for believing that—</p> <p>(a) the offence of which the person is accused or has been convicted is an extradition offence, and</p> <p>(b) there is written evidence falling within subsection (4).</p> <p>(4) The evidence is—</p> <p>(a) evidence that would justify the issue of a warrant for the arrest of a person accused of the offence within the justice's jurisdiction, if the person in respect of whom the warrant is sought is accused of the commission of the offence;</p> <p>(b) evidence that would justify the issue of a warrant for the arrest of a person unlawfully at large after conviction of the offence within the</p>

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<p>it is in the possession of the constable executing it.</p>	<p>(5) However, if the designated territory to which extradition is requested is a designated territory of the first category, paragraphs (3) and (4) shall have effect as if references in them to evidence were references to information.</p> <p>(6) A provisional warrant may be executed by any police officer.</p> <p>(7) A provisional warrant may be executed whether or not, at the time of the arrest, the warrant or a copy of it is in the possession of the police officer executing it.</p>	<p>the arrest of a person unlawfully at large after conviction of the offence within the Bailiwick.</p> <p>(5) However, if the designated territory to which extradition is requested is a designated territory of the first category, subsections (3) and (4) shall have effect as if references in them to evidence were references to information.</p> <p>(6) A provisional warrant may be executed by any officer of police.</p> <p>(7) A provisional warrant may be executed whether or not, at the time of the arrest, the warrant or a copy of it is in the possession of the officer of police executing it.</p>	<p>justice's jurisdiction, if the person in respect of whom the warrant is sought is alleged to be unlawfully at large after conviction of the offence.</p> <p>(5) But if the category 2 territory is designated for the purposes of this section by order made by the Secretary of State, subsections (3) and (4) have effect as if "evidence" read "information".</p> <p>(6) A provisional warrant may—</p> <p>(a) be executed by any person to whom it is directed or by any constable or customs officer;</p> <p>(b) be executed even if neither the warrant nor a copy of it is in the possession of the person executing it at the time of the arrest.</p> <p>[(7) If a warrant issued under this section—</p> <p>(a) is directed to a service policeman, and</p> <p>(b) is in respect of a person subject to service law or a civilian subject to service discipline, it may be executed anywhere.] 1</p> <p>(8) In any other case, a warrant issued under this section may be executed in any part of the United Kingdom.</p> <p>(9) [...]12</p> <p>(10) The preceding provisions of this section apply to Scotland with these modifications—</p> <p>(a) in subsection (1) for "justice of the peace is satisfied on information in writing and on oath" substitute "sheriff is satisfied, on an application by a procurator fiscal,";</p> <p>(b) in subsection (3) for "justice" substitute "sheriff";</p> <p>(c) in subsection (4) for "justice's", in paragraphs (a) and (b), substitute</p>

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			<p>"sheriff's". (11) Subsection (1) applies to Northern Ireland with the substitution of "a complaint" for "information".</p>
<p>17 Person arrested under provisional warrant (1) This section applies if a person is arrested under a provisional warrant. (2) As soon as practicable after his or her arrest, a copy of the warrant must be given to the person. (3) The arrested person must be brought as soon as practicable before the High Bailiff. (4) However, subsection (3) does not apply in a case where the Attorney General has received a valid request for the person's extradition, if the Attorney General decides under section 76 (competing extradition requests) that the request is to be deferred. (5) If subsection (2) is not complied with, and the person applies to the High Bailiff to be discharged, the High Bailiff may order that he or she be discharged. (6) If subsection (3) is not complied with, and the person applies to the High Bailiff to be discharged, the High Bailiff must order that he or she be discharged. (7) As soon as is practicable after the person first appears or is brought before the High Bailiff, the High Bailiff must — (a) inform the person that he or she is accused of the commission of an offence in a designated territory, or that he or she is alleged to be unlawfully at large in a designated territory; (b) inform the person that he or she may consent to being extradited to the designated territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence; (c) explain to the person the effect of consent, and the procedure that will apply if the person gives consent; and (d) explain to the person that consent must be given in writing, and that it is irrevocable. (8) When the person first appears or is brought before the High Bailiff, the High Bailiff must remand the person in custody or on bail. (9) If the High Bailiff remands the person in</p>	<p>11 Person arrested under provisional warrant (1) This Article applies if a person is arrested under a provisional warrant. (2) As soon as practicable after his or her arrest, a copy of the warrant shall be given to the person. (3) The arrested person shall be brought as soon as practicable before the Magistrate. (4) However, paragraph (3) does not apply in a case where the Attorney General has received a valid request for the person's extradition, if the Attorney General decides under Article 65 that the request is not to be proceeded with. (5) If paragraph (2) is not complied with, and the person applies to the Magistrate to be discharged, the Magistrate may order that he or she be discharged. (6) If paragraph (3) is not complied with, and the person applies to the Magistrate to be discharged, the Magistrate shall order that he or she be discharged. (7) As soon as practicable after the person first appears or is brought before the Magistrate — (a) the Magistrate shall inform the person that he or she is accused of the commission of an offence in a designated territory, or that he or she is alleged to be unlawfully at large in a designated territory; (b) the Magistrate shall inform the person that he or she may consent to</p>	<p>Person arrested under provisional warrant. 10. (1) This section applies if a person is arrested under a provisional warrant. (2) As soon as practicable after his or her arrest, a copy of the warrant shall be given to the person. (3) Subject to subsection (4) and section 117, the arrested person shall be brought as soon as practicable before the Magistrate's Court. (4) Subsection (3) does not apply in a case where Her Majesty's Procureur has received a valid request for the person's extradition, if Her Majesty's Procureur decides under section 75 that the request is not to be proceeded with. (5) If subsection (2) is not complied with, and the person applies to the Magistrate's Court to be discharged, the Magistrate's Court may order that the person be discharged. (6) If subsection (3) is not complied with, and the person applies to the Magistrate's Court to be discharged, the Magistrate's Court shall order that the person be discharged. (7) As soon as practicable after the person first appears or is brought before the Magistrate's Court — (a) the Judge shall inform the person that he or she is accused of the commission of an offence in a designated territory, or that he or she is alleged to be unlawfully at large in a designated territory, (b) the Judge shall inform the person</p>	<p>74 Person arrested under provisional warrant (1) This section applies if a person is arrested under a provisional warrant. (2) A copy of the warrant must be given to the person as soon as practicable after his arrest. (3) The person must be brought as soon as practicable before the appropriate judge. (4) But subsection (3) does not apply if— (a) the person is granted bail by a constable following his arrest, or (b) in a case where the Secretary of State has received a valid request for the person's extradition, the Secretary of State decides under section 126 that the request is not to be proceeded with. (5) If subsection (2) is not complied with and the person applies to the judge to be discharged, the judge may order his discharge. (6) If subsection (3) is not complied with and the person applies to the judge to be discharged, the judge must order his discharge. (7) When the person first appears or is brought before the appropriate judge, the judge must— (a) inform him that he is accused of the commission of an offence in a category 2 territory or that he is alleged to be unlawfully at large after conviction of an offence by a court in a category 2 territory;</p>

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<p>custody, the High Bailiff may later grant bail to the person.</p> <p>(10) The High Bailiff must order that the person be discharged if the documents referred to in section 13(10) are not received by the High Bailiff —</p> <p>(a) within 45 days starting with the day on which the person was arrested; or</p> <p>(b) within any longer period that is specified, by order of the Council of Ministers, in respect of that designated territory.</p> <p>Tynwald procedure – approval required.</p>	<p>being extradited to the designated territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence;</p> <p>(c) the Magistrate shall explain to the person the effect of consent, and the procedure that will apply if the person gives consent; and</p> <p>(d) the Magistrate shall also explain to the person that consent must be given in writing, and that it is irrevocable.</p> <p>(8) The Magistrate, when the person first appears or is brought before the Magistrate, shall remand the person in custody or on bail.</p> <p>(9) If the Magistrate remands the person in custody, the Magistrate may later grant bail to the person.</p> <p>(10) The Magistrate shall order that the person be discharged if the documents to which Article 7(8) refers are not received by the Magistrate –</p> <p>(a) within 45 days commencing on the day on which the person was arrested; or</p> <p>(b) within any longer period that is specified, by Order, in respect of that designated territory.</p>	<p>that he or she may consent to being extradited to the designated territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence,</p> <p>(c) the Judge shall explain to the person the effect of consent, and the procedure that will apply if the person gives consent, and</p> <p>(d) the Judge shall also explain to the person that consent must be given in writing, and that it is irrevocable.</p> <p>(8) The Magistrate's Court, when the person first appears or is brought before the Magistrate's Court, shall remand the person in custody or on bail.</p> <p>(9) If the Magistrate's Court remands the person in custody, the Magistrate's Court may later grant bail to the person.</p> <p>(10) The Magistrate's Court shall order that the person be discharged if the documents to which section 6(8) refers are not received by the Magistrate's Court –</p> <p>(a) within 45 days commencing on the day on which the person was arrested, or</p> <p>(b) within any longer period that is specified, by regulations, in respect of that designated territory.</p>	<p>(b) give him the required information about consent;</p> <p>(c) remand him in custody or on bail.</p> <p>(8) The required information about consent is—</p> <p>(a) that the person may consent to his extradition to the category 2 territory in which he is accused of the commission of an offence or is alleged to have been convicted of an offence;</p> <p>(b) an explanation of the effect of consent and the procedure that will apply if he gives consent;</p> <p>(c) that consent must be given in writing and is irrevocable.</p> <p>(9) [If the person is remanded in custody, the appropriate judge may] 1 later grant bail.</p> <p>(10) The judge must order the person's discharge if the documents referred to in section 70(9) are not received by the judge within the required period.</p> <p>(11) The required period is—</p> <p>(a) 45 days starting with the day on which the person was arrested, or</p> <p>(b) if the category 2 territory is designated by order made by the Secretary of State for the purposes of this section, any longer period permitted by the order.</p> <p>(12) Subsection (4)(a) applies to Scotland with the omission of the words "by a constable".</p>
<p>18 Date of hearing on arrest under section 14</p> <p>(1) When a person arrested under a warrant issued under section 14 first appears or is brought before the High Bailiff, the High Bailiff must fix a date on which the extradition hearing is to begin.</p> <p>(2) The date fixed under subsection (1) must not</p>	<p>12 Date of hearing on arrest under Article 8</p> <p>(1) When a person arrested under a warrant issued under Article 8 first appears or is brought before the Magistrate, the Magistrate shall fix a</p>	<p>Date of hearing on arrest under section 7.</p> <p>11. (1) When a person arrested under a warrant issued under section 7 first appears or is brought before the Magistrate's Court, the Magistrate's</p>	<p>75 Date of extradition hearing: arrest under section 71</p> <p>(1) When a person arrested under a warrant issued under section 71 first appears or is brought before the appropriate judge, the judge must fix a</p>

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<p>be later than the end of the period of 2 months starting with the date on which the person first appears or is brought before the High Bailiff.</p> <p>(3) If before the date fixed under subsection (1) (or under this subsection) a party to the proceedings applies to the High Bailiff for a later date to be fixed, and the High Bailiff believes that it is in the interests of justice to do so, the High Bailiff may fix a later date.</p> <p>(4) If the extradition hearing does not begin on or before the date fixed under this section and the person applies to the High Bailiff to be discharged, the High Bailiff must order that he or she be discharged.</p>	<p>date on which the extradition hearing is to begin.</p> <p>(2) The date fixed under paragraph (1) shall not be later than the end of the period of 2 months commencing on the date on which the person first appears or is brought before the Magistrate.</p> <p>(3) If before the date fixed under paragraph (1) (or under this paragraph) a party to the proceedings applies to the Magistrate for a later date to be fixed, and the Magistrate believes that it is in the interests of justice to do so, the Magistrate may fix a later date.</p> <p>(4) An application under paragraph (3) may be made on more than one occasion, and the Magistrate may exercise his or her power under that paragraph on any such application.</p> <p>(5) If the extradition hearing does not begin on or before the date fixed under this Article, and the person applies to the Magistrate to be discharged, the Magistrate shall order that he or she be discharged.</p>	<p>Court shall fix a date on which the extradition hearing is to begin.</p> <p>(2) The date fixed under subsection (1) shall not be later than the end of the period of 2 months commencing on the date on which the person first appears or is brought before the Magistrate's Court.</p> <p>(3) If before the date fixed under subsection (1) (or under this section) a party to the proceedings applies to the Magistrate's Court for a later date to be fixed, and the Judge believes that it is in the interests of justice to do so, the Magistrate's Court may fix a later date.</p> <p>(4) An application under subsection (3) may be made on more than one occasion, and the Magistrate's Court may exercise its power under that section on any such application.</p> <p>(5) If the extradition hearing does not begin on or before the date fixed under this section, and the person applies to the Magistrate's Court to be discharged, the Magistrate's Court shall order that the person be discharged.</p>	<p>date on which the extradition hearing is to begin.</p> <p>(2) The date fixed under subsection (1) must not be later than the end of the permitted period, which is 2 months starting with the date on which the person first appears or is brought before the judge.</p> <p>(3) If before the date fixed under subsection (1) (or this subsection) a party to the proceedings applies to the judge for a later date to be fixed and the judge believes it to be in the interests of justice to do so, he may fix a later date; and this subsection may apply more than once.</p> <p>(4) If the extradition hearing does not begin on or before the date fixed under this section and the person applies to the judge to be discharged, the judge must order his discharge.</p>
<p>19 Date of hearing on arrest under provisional warrant</p> <p>(1) When —</p> <p>(a) a person is arrested under a provisional warrant; and</p> <p>(b) the documents referred to in section 13(10) are received by the High Bailiff within the period required by section 17(10),</p> <p>the High Bailiff must fix a date on which the extradition hearing is to begin.</p> <p>(2) The date fixed under subsection (1) must not be later than the end of the period of 2 months starting with the date on which the High Bailiff receives the documents.</p> <p>(3) If before the date fixed under subsection (1) (or under this subsection) a party to the proceedings applies</p>	<p>13 Date of hearing on arrest under provisional warrant</p> <p>(1) When –</p> <p>(a) a person is arrested under a provisional warrant; and</p> <p>(b) the documents referred to in Article 7(8) are received by the Magistrate within the period required by Article 11(10),</p> <p>the Magistrate shall fix a date on which the extradition hearing is to begin.</p> <p>(2) The date fixed under paragraph (1) shall not be later than the end of the period of 2 months commencing on the date on which the Magistrate receives the documents.</p>	<p>Date of hearing on arrest under provisional warrant.</p> <p>12. (1) When –</p> <p>(a) a person is arrested under a provisional warrant, and</p> <p>(b) the documents to which section 6(8) refers are received by the Magistrate's Court within the period required by section 10(10),</p> <p>the Magistrate's Court shall fix a date on which the extradition hearing is to begin.</p> <p>(2) The date fixed under subsection (1) shall not be later than the end of the period of 2 months commencing on the date on which the Magistrate's Court</p>	<p>76 Date of extradition hearing: arrest under provisional warrant [or under section 74A] 1</p> <p>(1) Subsection (2) applies if—</p> <p>(a) a person is arrested under a provisional warrant [or under section 74A] 2 , and</p> <p>(b) the documents referred to in section 70(9) are received by the appropriate judge within the period required under section 74(10) [or 74E(4)] 3 .</p> <p>(2) The judge must fix a date on which the extradition hearing is to begin.</p> <p>(3) The date fixed under subsection (2) must not be later than the end of the</p>

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<p>to the High Bailiff for a later date to be fixed, and the High Bailiff believes that it is in the interests of justice to do so, the High Bailiff may fix a later date.</p> <p>(4) If the extradition hearing does not begin on or before the date fixed under this section and the person applies to the High Bailiff to be discharged, the High Bailiff must order that he or she be discharged.</p>	<p>(3) If before the date fixed under paragraph (1) (or under this paragraph) a party to the proceedings applies to the Magistrate for a later date to be fixed, and the Magistrate believes that it is in the interests of justice to do so, the Magistrate may fix a later date.</p> <p>(4) An application under paragraph (3) may be made on more than one occasion, and the Magistrate may exercise the power under that paragraph on any such application.</p> <p>(5) If the extradition hearing does not begin on or before the date fixed under this Article, and the person applies to the Magistrate to be discharged, the Magistrate shall order that he or she be discharged.</p>	<p>receives the documents.</p> <p>(3) If, before the date fixed under subsection (1) (or under this section), a party to the proceedings applies to the Magistrate's Court for a later date to be fixed, and the Judge believes that it is in the interests of justice to do so, the Magistrate's Court may fix a later date.</p> <p>(4) An application under subsection (3) may be made on more than one occasion, and the Magistrate's Court may exercise the power under that section on any such application.</p> <p>(5) If the extradition hearing does not begin on or before the date fixed under this section, and the person applies to the Magistrate's Court to be discharged, the Magistrate's Court shall order that the person be discharged.</p>	<p>permitted period, which is 2 months starting with the date on which the judge receives the documents.</p> <p>(4) If before the date fixed under subsection (2) (or this subsection) a party to the proceedings applies to the judge for a later date to be fixed and the judge believes it to be in the interests of justice to do so, he may fix a later date; and this subsection may apply more than once.</p> <p>(5) If the extradition hearing does not begin on or before the date fixed under this section and the person applies to the judge to be discharged, the judge must order his discharge.</p>
<p>20 High Bailiff's powers at extradition hearing</p> <p>(1) At the extradition hearing, the High Bailiff has the same powers (as nearly as may be) as the High Bailiff would have if the proceedings were a summary trial before the High Bailiff of the person whose extradition is requested.</p> <p>(2) If the High Bailiff adjourns the proceedings, the High Bailiff must remand the person in custody or on bail.</p> <p>(3) If the High Bailiff remands the person in custody, the High Bailiff may later grant bail to the person.</p>	<p>14 General provisions as to extradition hearing</p> <p>(1) At the extradition hearing –</p> <p>(a) the proceedings must be conducted by a prosecutor (as defined in Article 1(2)(b) of the Criminal Procedure (Jersey) Law 2018);</p> <p>(b) the Magistrate shall perform only a judicial role; and</p> <p>(c) the Magistrate shall have the same powers (as nearly as may be) as he or she would have if the proceedings were a trial before the Magistrate of the person whose extradition is requested.²⁰</p> <p>(2) If the Magistrate adjourns the proceedings, the Magistrate shall remand the person in custody or on bail.</p> <p>(3) If the Magistrate remands the person in custody, the Magistrate may later grant bail to the person.</p> <p>(4) In relation to the extradition</p>	<p>General provisions as to extradition hearing.</p> <p>13. (1) At the extradition hearing the Magistrate's Court shall have the same powers (as nearly as may be) as it would have if the proceedings were a trial before the Magistrate's Court of the person whose extradition is requested.</p> <p>(2) If the Magistrate's Court adjourns the proceedings, it shall remand the person in custody or on bail.</p> <p>(3) If the Magistrate's Court remands the person in custody, it may later grant bail to the person.</p>	<p>77 Judge's powers at extradition hearing</p> <p>(1) In England and Wales, at the extradition hearing the appropriate judge has the same powers (as nearly as may be) as a magistrates' court would have if the proceedings were the summary trial of an information against the person whose extradition is requested.</p> <p>(2) In Scotland—</p> <p>(a) at the extradition hearing the appropriate judge has the same powers (as nearly as may be) as if the proceedings were summary proceedings in respect of an offence alleged to have been committed by the person whose extradition is requested; but</p> <p>(b) in his making any decision under section 78(4)(a) evidence from a single source shall be sufficient.</p>

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	<p>hearing, Article 2 of the Costs in Criminal Cases (Jersey) Law 1961 and the Regulations made under Article 6 of that Law shall apply as if –</p> <p>(a) the reference in that other Law and Regulations made under Article 6 of that other Law to conviction were a reference to an order that the person be extradited under this Law; and</p> <p>(b) the reference in that other Law and Regulations made under Article 6 of that other Law to discharge from prosecution were a reference to the person's discharge under this Law.</p>		<p>(3) In Northern Ireland, at the extradition hearing the appropriate judge has the same powers (as nearly as may be) as a magistrates' court would have if the proceedings were the hearing and determination of a complaint against the person whose extradition is requested.</p> <p>(4) If the judge adjourns the extradition hearing he must remand the person in custody or on bail.</p> <p>(5) [If the person is remanded in custody, the appropriate judge may] 1 later grant bail.</p>
<p>21 Person charged with offence in the Island before extradition hearing</p> <p>(1) This section applies if —</p> <p>(a) a person has been brought before the High Bailiff under section 15(3) or 17(3) but the extradition hearing has not begun; and</p> <p>(b) the High Bailiff is informed that the person is charged with an offence in the Island.</p> <p>(2) The High Bailiff must order further proceedings in respect of the extradition to be adjourned until one of these occurs —</p> <p>(a) the charge is disposed of;</p> <p>(b) the charge is withdrawn;</p> <p>(c) proceedings in respect of the charge are discontinued.</p> <p>(3) If a sentence of custody is imposed in respect of the offence charged, the High Bailiff may order further proceedings in respect of the extradition to be adjourned until the person is released from custody pursuant to the sentence (whether on licence or otherwise).</p>		<p>Person charged with offence in the Bailiwick before extradition hearing.</p> <p>14. (1) This section applies if –</p> <p>(a) a person has been brought before the Magistrate's Court under section 8(3) or 10(3) but the extradition hearing has not begun, and</p> <p>(b) the court is informed that the person is charged with an offence in the Bailiwick.</p> <p>(2) The Magistrate's Court must order further proceedings in respect of the extradition to be adjourned until one of these occurs –</p> <p>(a) the charge is disposed of,</p> <p>(b) the charge is withdrawn,</p> <p>(c) proceedings in respect of the charge are discontinued.</p> <p>(3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the court may order further proceedings in respect of the extradition to be adjourned until the person is released from detention pursuant to the sentence (whether on licence or</p>	<p>[76A Person charged with offence in United Kingdom before extradition hearing</p> <p>(1) This section applies if—</p> <p>(a) a person has been brought before the appropriate judge under [section 72(3), 74(3) or 74A(3)] 2 but the extradition hearing has not begun; and</p> <p>(b) the judge is informed that the person is charged with an offence in the United Kingdom.</p> <p>(2) The judge must order further proceedings in respect of the extradition to be adjourned until one of these occurs—</p> <p>(a) the charge is disposed of;</p> <p>(b) the charge is withdrawn;</p> <p>(c) proceedings in respect of the charge are discontinued;</p> <p>(d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted <i>pro loco et tempore</i>.</p> <p>(3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the judge may order further</p>

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		otherwise).	proceedings in respect of the extradition to be adjourned until the person is released from detention pursuant to the sentence (whether on licence or otherwise).] 1
<p>22 Person serving sentence in the Island before extradition hearing</p> <p>(1) This section applies if —</p> <p>(a) a person has been brought before the High Bailiff under section 15(3) or 17(3) but the extradition hearing has not begun; and</p> <p>(b) the High Bailiff is informed that the person is serving a sentence of custody in the Island.</p> <p>(2) Where this section applies the High Bailiff may order further proceedings in respect of the extradition to be adjourned until the person is released from custody pursuant to the sentence (whether on licence or otherwise).</p>		<p>Person serving sentence in the Bailiwick before extradition hearing.</p> <p>15. (1) This section applies if –</p> <p>(a) a person has been brought before the Magistrate's Court under section 8(3) or 10(3) but the extradition hearing has not begun, and</p> <p>(b) the court is informed that the person is in custody serving a sentence of imprisonment or another form of detention in the Bailiwick.</p> <p>(2) Where this section applies the court may order further proceedings in respect of the extradition to be adjourned until the person is released from detention pursuant to the sentence (whether on licence or otherwise).</p>	<p>[76B Person serving sentence in United Kingdom before extradition hearing</p> <p>(1) This section applies if—</p> <p>(a) a person has been brought before the appropriate judge under [section 72(3), 74(3) or 74A(3)] 2 but the extradition hearing has not begun; and</p> <p>(b) the judge is informed that the person is in custody serving a sentence of imprisonment or another form of detention in the United Kingdom.</p> <p>(2) The judge may order further proceedings in respect of the extradition to be adjourned until the person is released from detention pursuant to the sentence (whether on licence or otherwise).</p> <p>(3) In a case where further proceedings in respect of the extradition are adjourned under subsection (2)—</p> <p>(a) section 131 of the Magistrates' Courts Act 1980 (remand of accused already in custody) has effect as if a reference to 28 clear days in subsection (1) or (2) of that section were a reference to six months;</p> <p>(b) Article 47(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (period of remand in custody) has effect as if a reference to 28 days in—</p> <p>(i) sub-paragraph (a)(iii), or</p> <p>(ii) the words after sub-paragraph (b), were a reference to six months.</p>
<p>23 Initial stages of extradition hearing</p> <p>(1) If a person who is alleged to be the person</p>	<p>15 Initial stages of extradition hearing</p>	<p>Initial stages of extradition hearing.</p>	<p>78 Initial stages of extradition hearing</p>

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<p>whose extradition is requested appears or is brought before the High Bailiff for the extradition hearing, the High Bailiff must decide whether the documents sent to the High Bailiff under section 13 consist of or include any of the following —</p> <p>(a) the documents to which section 13(10) refers;</p> <p>(b) particulars of the person whose extradition is requested;</p> <p>(c) particulars of the offence specified in the request;</p> <p>(d) in the case of a person accused of an offence, a warrant for the person’s arrest issued in the designated territory, or a judicial document issued in that designated territory and authorising his or her arrest;</p> <p>(e) in the case of a person alleged to be unlawfully at large after conviction of an offence, a certificate of the conviction, and of the sentence (if the person has been sentenced), issued in the designated territory.</p> <p>(2) If the High Bailiff decides the question in subsection (1) in the negative, the High Bailiff must order that the person be discharged.</p> <p>(3) If the High Bailiff decides that question in the affirmative, the High Bailiff must decide —</p> <p>(a) whether the person appearing or brought before the High Bailiff is the person whose extradition is requested;</p> <p>(b) whether the offence specified in the request is an extradition offence; and</p> <p>(c) whether copies of the documents sent to the High Bailiff under section 13 have been served on the person.</p> <p>(4) The High Bailiff must decide the question in subsection (3)(a) on a balance of probabilities.</p> <p>(5) If the High Bailiff decides any of the questions in subsection (3) in the negative, the High Bailiff must order that the person be discharged.</p> <p>(6) If the High Bailiff decides each of those questions in the affirmative, the High Bailiff must proceed under section 24.</p>	<p>(1) If a person who is alleged to be the person whose extradition is requested appears or is brought before the Magistrate for the extradition hearing, the Magistrate shall decide whether the documents sent to the Magistrate under Article 7 consist of or include any of the following —</p> <p>(a) the documents to which Article 7(8) refers;</p> <p>(b) particulars of the person whose extradition is requested;</p> <p>(c) particulars of the offence specified in the request;</p> <p>(d) in the case of a person accused of an offence, a warrant for the person’s arrest issued in the designated territory, or a judicial document issued in that designated territory and authorizing his or her arrest; and</p> <p>(e) in the case of a person alleged to be unlawfully at large after conviction of an offence, a certificate of the conviction, and of the sentence (if the person has been sentenced), issued in the designated territory.</p> <p>(2) If the Magistrate decides in the negative the question in paragraph (1), the Magistrate shall order that the person be discharged.</p> <p>(3) If the Magistrate decides that question in the affirmative, the Magistrate shall decide —</p> <p>(a) whether the person appearing or brought before the Magistrate is the person whose extradition is requested;</p> <p>(b) whether the offence specified in the request is an extradition offence; and</p> <p>(c) whether copies of the documents sent to the Magistrate under Article 7 have been served on the person.²²</p> <p>(4) The Magistrate shall decide the</p>	<p>16. (1) This section applies if a person who is alleged to be the person whose extradition is requested appears or is brought before the Magistrate’s Court for the extradition hearing.</p> <p>(2) The Magistrate’s Court shall decide whether the documents sent to the Magistrate’s Court under section 6 consist of or include any of the following —</p> <p>(a) the documents to which section 6(8) refers,</p> <p>(b) particulars of the person whose extradition is requested,</p> <p>(c) particulars of the offence specified in the request,</p> <p>(d) in the case of a person accused of an offence, a warrant for the person’s arrest issued in the designated territory, or a judicial document issued in that designated territory and authorising his or her arrest, and</p> <p>(e) in the case of a person alleged to be unlawfully at large after conviction for an offence, a certificate of the conviction, and of the sentence (if the person has been sentenced), issued in the designated territory.</p> <p>(3) If the Magistrate’s Court decides in the negative the question in subsection (2), the Magistrate’s Court shall order that the person be discharged.</p> <p>(4) If the Magistrate’s Court decides that question in the affirmative, the Magistrate’s Court shall decide —</p> <p>(a) whether the person appearing or brought before the Magistrate’s Court is the person whose extradition is requested,</p> <p>(b) whether the offence specified in the request is an extradition offence, and</p> <p>(c) whether copies of the documents</p>	<p>(1) This section applies if a person alleged to be the person whose extradition is requested appears or is brought before the appropriate judge for the extradition hearing.</p> <p>(2) The judge must decide whether the documents sent to him by the Secretary of State consist of (or include)—</p> <p>(a) the documents referred to in section 70(9);</p> <p>(b) particulars of the person whose extradition is requested;</p> <p>(c) particulars of the offence specified in the request;</p> <p>(d) in the case of a person accused of an offence, a warrant for his arrest issued in the category 2 territory;</p> <p>(e) in the case of a person alleged to be unlawfully at large after conviction of an offence, a certificate issued in the category 2 territory of the conviction and (if he has been sentenced) of the sentence.</p> <p>(3) If the judge decides the question in subsection (2) in the negative he must order the person’s discharge.</p> <p>(4) If the judge decides that question in the affirmative he must decide whether—</p> <p>(a) the person appearing or brought before him is the person whose extradition is requested;</p> <p>(b) the offence specified in the request is an extradition offence;</p> <p>(c) copies of the documents sent to the judge by the Secretary of State have been served on the person.</p> <p>(5) The judge must decide the question in subsection (4)(a) on a balance of probabilities.</p> <p>(6) If the judge decides any of the questions in subsection (4) in the</p>

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	<p>question in paragraph (3)(a) on a balance of probabilities.</p> <p>(5) If the Magistrate decides in the negative any of the questions in paragraph (3), the Magistrate shall order that the person be discharged.</p> <p>(6) If the Magistrate decides each of those questions in the affirmative, the Magistrate shall proceed under Article 16 (relating to bars to extradition).</p>	<p>sent to the Magistrate's Court under section 6 have been served on the person.</p> <p>(5) The Magistrate's Court shall decide the question in subsection (4)(a) on a balance of probabilities.</p> <p>(6) If the Magistrate's Court decides in the negative any of the questions in subsection (4), the Magistrate's Court shall order that the person be discharged.</p> <p>(7) If the Magistrate's Court decides each of those questions in the affirmative, the Magistrate's Court shall proceed under section 17 (bars to extradition).</p>	<p>negative he must order the person's discharge.</p> <p>(7) If the judge decides those questions in the affirmative he must proceed under section 79.</p> <p>(8) The reference in subsection (2)(d) to a warrant for a person's arrest includes a reference to a judicial document authorising his arrest.</p>
<p>24 Bars to extradition</p> <p>(1) If the High Bailiff is required to proceed under this section, the High Bailiff must decide whether the person's extradition to the designated territory is barred by reason of —</p> <p>(a) the rule against double jeopardy;</p> <p>(b) extraneous considerations;</p> <p>(c) the passage of time;</p> <p>(d) hostage-taking considerations; or</p> <p>(e) forum.</p> <p>(2) But the High Bailiff is to decide whether the person's extradition is barred by reason of forum only in a case where the request for extradition contains the statement referred to in section 13(4) (warrant issued for purposes of prosecution for offence in designated territory).</p> <p>(3) The questions in subsection (1) must be determined in accordance with sections 25 to 29.</p> <p>(4) If the High Bailiff decides any of the questions in subsection (1) in the affirmative, the High Bailiff must order the person's discharge.</p> <p>(5) If the High Bailiff decides each of those questions in the negative, and the person is accused of the commission of the extradition offence but is not alleged to be unlawfully at large after conviction of the offence, the High Bailiff must proceed under section 34</p>	<p>16 Bars to extradition</p> <p>(1) If the Magistrate is to proceed under this Article, the Magistrate shall decide whether the person's extradition to the designated territory is barred by reason of —</p> <p>(a) the rule against double jeopardy;</p> <p>(b) extraneous considerations;</p> <p>(c) the passage of time; or</p> <p>(d) hostage-taking considerations.</p> <p>(2) The questions in paragraph (1) shall be determined in accordance with Articles 17 to 20 (inclusive).</p> <p>(3) If the Magistrate decides in the affirmative any of the questions in paragraph (1), the Magistrate shall order the person's discharge.</p> <p>(4) If the Magistrate decides each of those questions in the negative, and the person is accused of the commission of the extradition offence but it is not alleged that the person is unlawfully at large after conviction of the offence, the Magistrate shall proceed under Article 21 (relating to persons who, though accused, have not</p>	<p>Bars to extradition.</p> <p>17. (1) If the Magistrate's Court is required to proceed under this section, the Magistrate's Court shall decide whether the person's extradition to the designated territory is barred by reason of —</p> <p>(a) the rule against double jeopardy,</p> <p>(b) extraneous considerations,</p> <p>(c) the passage of time,</p> <p>(d) hostage-taking considerations, or</p> <p>(e) forum.</p> <p>(2) Sections 18 to 25 apply for the interpretation of subsection (1).</p> <p>(3) If the Magistrate's Court decides in the affirmative any of the questions in subsection (1), the Magistrate's Court shall order the person's discharge.</p> <p>(4) If the Magistrate's Court decides each of those questions in the negative, and the person is accused of the commission of the extradition offence but it is not alleged that the person is unlawfully at large after conviction of the offence, the Magistrate's Court shall proceed under section 26 (case where</p>	<p>79 Bars to extradition</p> <p>(1) If the judge is required to proceed under this section he must decide whether the person's extradition to the category 2 territory is barred by reason of—</p> <p>(a) the rule against double jeopardy;</p> <p>(b) extraneous considerations;</p> <p>(c) the passage of time;</p> <p>(d) hostage-taking considerations [;]</p> <p>1</p> <p>[(e) forum.] 1</p> <p>[(1A) But the judge is to decide whether the person's extradition is barred by reason of forum only in a case where the request for extradition contains the statement referred to in section 70(4) (warrant issued for purposes of prosecution for offence in category 2 territory).] 2</p> <p>(2) [Sections 80 to 83E] 3 apply for the interpretation of subsection (1).</p> <p>(3) If the judge decides any of the questions in subsection (1) in the affirmative he must order the person's discharge.</p>

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<p>(case where person has not been convicted). (6) If the High Bailiff decides each of those questions in the negative, and it is alleged that the person is unlawfully at large after conviction of the extradition offence, the High Bailiff must proceed under section 35 (case where person has been convicted).</p>	<p>been convicted). (5) If the Magistrate decides each of those questions in the negative, and it is alleged that the person is unlawfully at large after conviction of the extradition offence, the Magistrate shall proceed under Article 22 (relating to persons who have been convicted).</p>	<p>person has not been convicted). (5) If the Magistrate's Court decides each of those questions in the negative, and it is alleged that the person is unlawfully at large after conviction of the extradition offence, the Magistrate's Court shall proceed under section 27 (case where person has been convicted).</p>	<p>(4) If the judge decides those questions in the negative and the person is accused of the commission of the extradition offence but is not alleged to be unlawfully at large after conviction of it, the judge must proceed under section 84. (5) If the judge decides those questions in the negative and the person is alleged to be unlawfully at large after conviction of the extradition offence, the judge must proceed under section 85.</p>
<p>25 Rule against double jeopardy A person's extradition to a designated territory is barred by reason of the rule against double jeopardy if (but only if) it appears that the person would be entitled to be discharged under any rule of law relating to previous acquittal or previous conviction if charged with the extradition offence in the Island.</p>	<p>17 Rule against double jeopardy A person's extradition to a designated territory is barred by reason of the rule against double jeopardy if (but only if) it appears that the person would be entitled to be discharged under any rule of law relating to previous acquittal or previous conviction if charged with the extradition offence in Jersey.</p>	<p>Rule against double jeopardy. 18. A person's extradition to a designated territory is barred by reason of the rule against double jeopardy if (but only if) it appears that the person would be entitled to be discharged under any rule of law relating to previous acquittal or previous conviction if charged with the extradition offence in the Bailiwick.</p>	<p>80 Rule against double jeopardy A person's extradition to a category 2 territory is barred by reason of the rule against double jeopardy if (and only if) it appears that he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction if he were charged with the extradition offence in the part of the United Kingdom where the judge exercises his jurisdiction.</p>
<p>26 Extraneous considerations A person's extradition to a designated territory is barred by reason of extraneous considerations if (but only if) it appears — (a) that the request for extradition, though purporting to be made on account of the extradition offence, is in fact made for the purpose of prosecuting or punishing the person on account of the person's race, religion, nationality, ethnic origin, gender, sexual orientation or political opinions; or (b) that, if extradited, the person might be prejudiced at trial or punished, detained or restricted in personal liberty by reason of the person's race, religion, nationality, ethnic origin, gender, sexual orientation or political opinions.</p>	<p>18 Extraneous considerations A person's extradition to a designated territory is barred by reason of extraneous considerations if (but only if) it appears — (a) that the request for extradition, though purporting to be made on account of the extradition offence, is in fact made for the purpose of prosecuting or punishing the person on account of the person's race, religion, nationality, ethnic origin, gender, sexual orientation or political opinions; or (b) that, if extradited, the person might be prejudiced at trial or punished, detained or restricted in personal liberty by reason of the person's race, religion,</p>	<p>Extraneous considerations. 19. A person's extradition to a designated territory is barred by reason of extraneous considerations if (but only if) it appears — (a) that the request for extradition, though purporting to be made on account of the extradition offence, is in fact made for the purpose of prosecuting or punishing the person on account of the person's race, religion, nationality, gender, sexual orientation or political opinions, or (b) that, if extradited, the person might be prejudiced at trial or punished, detained or restricted in personal liberty by reason of the person's race, religion, nationality, gender, sexual orientation</p>	<p>81 Extraneous considerations A person's extradition to a category 2 territory is barred by reason of extraneous considerations if (and only if) it appears that— (a) the request for his extradition (though purporting to be made on account of the extradition offence) is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality, gender, sexual orientation or political opinions, or (b) if extradited he might be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality, gender, sexual orientation or political</p>

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	nationality, ethnic origin, gender, sexual orientation or political opinions.	or political opinions.	opinions.
<p>27 Passage of time A person's extradition to a designated territory is barred by reason of the passage of time if (but only if) it appears that it would be unjust or oppressive to extradite the person by reason of the passage of time —</p> <p>(a) where the person is accused of committing the extradition offence, since he or she is alleged to have committed it; or</p> <p>(b) where the person is alleged to have been convicted of the extradition offence, since he or she is alleged to have become unlawfully at large.</p>	<p>19 Passage of time A person's extradition to a designated territory is barred by reason of the passage of time if (but only if) it appears that it would be unjust or oppressive to extradite the person by reason of the passage of time –</p> <p>(a) since the extradition offence was allegedly committed by the person; or</p> <p>(b) since the person is alleged to have become unlawfully at large, as the case may be.</p>	<p>Passage of time. 20. A person's extradition to a designated territory is barred by reason of the passage of time if (but only if) it appears that it would be unjust or oppressive to extradite the person by reason of the passage of time –</p> <p>(a) since the extradition offence was allegedly committed by the person, or</p> <p>(b) since the person is alleged to have become unlawfully at large, as the case may be.</p>	<p>82 Passage of time [A person's extradition to a category 2 territory is barred by reason of the passage of time if (and only if) it appears that it would be unjust or oppressive to extradite him by reason of the passage of time since he is alleged to have—</p> <p>(a) committed the extradition offence (where he is accused of its commission), or</p> <p>(b) become unlawfully at large (where he is alleged to have been convicted of it).] 1</p>
<p>28 Hostage-taking considerations (1) A person's extradition to a designated territory is barred by reason of hostage-taking considerations if (but only if) the designated territory is a party to the International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979, and it appears that —</p> <p>(a) the person, if extradited, might be prejudiced at trial because communication between the person and the appropriate authorities would not be possible; and</p> <p>(b) the act or omission constituting the extradition offence also constitutes an offence under section 1 of the Taking of Hostages Act 1982 (of Parliament) as it applies to the Island , or an attempt to commit such an offence.</p> <p>(2) The appropriate authorities are the authorities of the territory that is entitled to exercise rights of protection in relation to the person.</p> <p>(3) A certificate issued by the Attorney General that a territory is a party to the Convention is conclusive evidence of that fact for the purposes of subsection (1).</p>	<p>20 Hostage-taking considerations (1) A person's extradition to a designated territory is barred by reason of hostage-taking considerations if (but only if) the designated territory is a party to the International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979, and it appears that –</p> <p>(a) the person, if extradited, might be prejudiced at trial because communication between the person and the appropriate authorities would not be possible; and</p> <p>(b) the act or omission constituting the extradition offence also constitutes an offence under section 1 of the Taking of Hostages Act 1982 (c.28) of the United Kingdom as it applies to Jersey, or an attempt to commit such an offence.</p> <p>(2) The appropriate authorities are the authorities of the territory that is entitled to exercise rights of protection in relation to the person.</p> <p>(3) A certificate issued by the Attorney</p>	<p>Hostage-taking considerations. 21. (1) A person's extradition to a designated territory is barred by reason of hostage-taking considerations if (but only if) the designated territory is a party to the International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979, and it appears that –</p> <p>(a) the person, if extradited, might be prejudiced at trial because communication between the person and the appropriate authorities would not be possible, and</p> <p>(b) the act or omission constituting the extradition offence also constitutes an offence under section 1 of the Taking of Hostages Act 1982d as it applies to the Bailiwick, or an attempt to commit such an offence.</p> <p>(2) The appropriate authorities are the authorities of the designated territory who are entitled to exercise rights of protection in relation to the person.</p> <p>(3) A certificate issued by Her Majesty's Procureur that a territory is a party to</p>	<p>83 Hostage-taking considerations (1) A person's extradition to a category 2 territory is barred by reason of hostage-taking considerations if (and only if) the territory is a party to the Hostage-taking Convention and it appears that—</p> <p>(a) if extradited he might be prejudiced at his trial because communication between him and the appropriate authorities would not be possible, and</p> <p>(b) the act or omission constituting the extradition offence also constitutes an offence under section 1 of the Taking of Hostages Act 1982 (c. 28) or an attempt to commit such an offence.</p> <p>(2) The appropriate authorities are the authorities of the territory which are entitled to exercise rights of protection in relation to him.</p> <p>(3) A certificate issued by the Secretary of State that a territory is a party to the Hostage-taking Convention is conclusive evidence of that fact for the purposes of subsection (1).</p>

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	General that a territory is a party to the Convention is conclusive evidence of that fact for the purposes of paragraph (1).	the Convention is conclusive evidence of that fact for the purposes of section (1).	(4) The Hostage-taking Convention is the International Convention against the Taking of Hostages opened for signature at New York on 18 December 1979.
<p>29 Forum</p> <p>(1) The extradition of a person ("D") to a designated territory is barred by reason of forum if the extradition would not be in the interests of justice.</p> <p>(2) For the purposes of this section, the extradition would not be in the interests of justice if the High Bailiff —</p> <p>(a) decides that a substantial measure of D's relevant activity was performed in the Island; and</p> <p>(b) decides, having regard to the specified matters relating to the interests of justice (and only those matters), that the extradition should not take place.</p> <p>(3) The specified matters relating to the interests of justice are —</p> <p>(a) the place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;</p> <p>(b) the interests of any victims of the extradition offence;</p> <p>(c) that the Attorney General believes that the Island is not the most appropriate jurisdiction in which to prosecute D in respect of the conduct constituting the extradition offence;</p> <p>(d) were D to be prosecuted in the Island for an offence that corresponds to the extradition offence, whether evidence necessary to prove the offence is or could be made available in the Island;</p> <p>(e) any delay that might result from proceeding in one jurisdiction rather than another;</p> <p>(f) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction, having regard (in particular) to —</p> <p>(i) the jurisdictions in which witnesses, co-defendants and other suspects are located; and</p> <p>(ii) the practicability of the evidence of such persons being given in the Island or in jurisdictions</p>	<p>20A Forum</p> <p>(1) The extradition of a person ("D") to a designated territory is barred by reason of forum if the extradition would not be in the interests of justice.</p> <p>(2) For the purposes of this Article, the extradition would not be in the interests of justice if the Magistrate —</p> <p>(a) decides that a substantial measure of D's relevant activity was performed in Jersey; and</p> <p>(b) decides, having regard to the specified matters relating to the interests of justice (and only those matters), that the extradition should not take place.</p> <p>(3) The specified matters relating to the interests of justice are —</p> <p>(a) the place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;</p> <p>(b) the interests of any victims of the extradition offence;</p> <p>(c) that the Attorney General believes that Jersey is not the most appropriate jurisdiction in which to prosecute D in respect of the conduct constituting the extradition offence;</p> <p>(d) were D to be prosecuted in Jersey for an offence that corresponds to the extradition offence, whether evidence necessary to prove the offence is or could be made available in Jersey;</p> <p>(e) any delay that might result from proceeding in one jurisdiction rather than another;</p>	<p>Forum.</p> <p>22. (1) The extradition of a person ("D") to a designated territory is barred by reason of forum if the extradition would not be in the interests of justice.</p> <p>(2) For the purposes of this section, the extradition would not be in the interests of justice if the Magistrate's Court —</p> <p>(a) decides that a substantial measure of D's relevant activity was performed in the Bailiwick, and</p> <p>(b) decides, having regard to the specified matters relating to the interests of justice (and only those matters), that the extradition should not take place.</p> <p>(3) These are the specified matters relating to the interests of justice —</p> <p>(a) the place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur,</p> <p>(b) the interests of any victims of the extradition offence,</p> <p>(c) any belief of Her Majesty's Procureur that the Bailiwick, or a particular part of the Bailiwick, is not the most appropriate jurisdiction in which to prosecute D in respect of the conduct constituting the extradition offence,</p> <p>(d) were D to be prosecuted in a part of the Bailiwick for an offence that corresponds to the extradition offence, whether evidence necessary to prove the offence is or could be made available in the Bailiwick,</p>	<p>[83A Forum</p> <p>(1) [...]2 The extradition of a person ("D") to a category 2 territory is barred by reason of forum if the extradition would not be in the interests of justice.</p> <p>(2) For the purposes of this section, the extradition would not be in the interests of justice if the judge—</p> <p>(a) decides that a substantial measure of D's relevant activity was performed in the United Kingdom; and</p> <p>(b) decides, having regard to the specified matters relating to the interests of justice (and only those matters), that the extradition should not take place.</p> <p>(3) These are the specified matters relating to the interests of justice—</p> <p>(a) the place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;</p> <p>(b) the interests of any victims of the extradition offence;</p> <p>(c) any belief of a prosecutor that the United Kingdom, or a particular part of the United Kingdom, is not the most appropriate jurisdiction in which to prosecute D in respect of the conduct constituting the extradition offence;</p> <p>(d) were D to be prosecuted in a part of the United Kingdom for an offence that corresponds to the extradition offence, whether evidence necessary to prove the offence is or could be made available in the United Kingdom;</p> <p>(e) any delay that might result from</p>

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<p>outside the Island; and</p> <p>(g) D's connections with the Island.</p> <p>(4) In deciding whether the extradition would not be in the interests of justice, the High Bailiff must have regard to the desirability of not requiring the disclosure of material which is subject to restrictions on disclosure in the designated territory concerned.</p> <p>(5) If, on an application by the Attorney General, it appears to the High Bailiff that the Attorney General has considered the offences for which D could be prosecuted in the Island in respect of the conduct constituting the extradition offence, the High Bailiff must make the Attorney General a party to the proceedings on the question of whether D's extradition is barred by reason of forum.</p> <p>(6) In this section "D's relevant activity" means activity that is material to the commission of the extradition offence and is alleged to have been performed by D.</p>	<p>(f) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction, having regard (in particular) to –</p> <p>(i) the jurisdictions in which witnesses, co-defendants and other suspects are located, and</p> <p>(ii) the practicability of the evidence of such persons being given in Jersey or in jurisdictions outside Jersey;</p> <p>(g) D's connections with Jersey.</p> <p>(4) In deciding whether the extradition would not be in the interests of justice, the Magistrate shall have regard to the desirability of not requiring the disclosure of material which is subject to restrictions on disclosure in the designated territory concerned.</p> <p>(5) If, on an application by the Attorney General, it appears to the Magistrate that the Attorney General has considered the offences for which D could be prosecuted in Jersey in respect of the conduct constituting the extradition offence, the Magistrate shall make the Attorney General a party to the proceedings on the question of whether D's extradition is barred by reason of forum.</p> <p>(6) In this Article "D's relevant activity" means activity that is material to the commission of the extradition offence and is alleged to have been performed by D.</p>	<p>(e) any delay that might result from proceeding in one jurisdiction rather than another,</p> <p>(f) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction, having regard (in particular) to –</p> <p>(i) the jurisdictions in which witnesses, co-defendants and other suspects are located, and</p> <p>(ii) the practicability of the evidence of such persons being given in the Bailiwick or in jurisdictions outside the Bailiwick,</p> <p>(g) D's connections with the Bailiwick.</p> <p>(4) In deciding whether the extradition would not be in the interests of justice, the Magistrate's Court must have regard to the desirability of not requiring the disclosure of material which is subject to restrictions on disclosure in the designated territory concerned.</p> <p>(5) If, on an application by Her Majesty's Procureur, it appears to the Magistrate's Court that Her Majesty's Procureur has considered the offences for which D could be prosecuted in the Bailiwick, or a part of the Bailiwick, in respect of the conduct constituting the extradition offence, the Magistrate's Court must make Her Majesty's Procureur a party to the proceedings on the question of whether D's extradition is barred by reason of forum.</p> <p>(6) In this section "D's relevant activity" means activity which is material to the commission of the extradition offence and is alleged to have been performed by D.</p>	<p>proceeding in one jurisdiction rather than another;</p> <p>(f) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction, having regard (in particular) to—</p> <p>(i) the jurisdictions in which witnesses, co—defendants and other suspects are located, and</p> <p>(ii) the practicability of the evidence of such persons being given in the United Kingdom or in jurisdictions outside the United Kingdom;</p> <p>(g) D's connections with the United Kingdom.</p> <p>(4) In deciding whether the extradition would not be in the interests of justice, the judge must have regard to the desirability of not requiring the disclosure of material which is subject to restrictions on disclosure in the category 2 territory concerned.</p> <p>(5) If, on an application by a prosecutor, it appears to the judge that the 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, the judge must make that prosecutor a party to the proceedings on the question of whether D's extradition is barred by reason of forum.</p> <p>(6) In this section "D's relevant activity" means activity which is material to the commission of the extradition offence and is alleged to have been performed by D.] 1</p>
30	Effect of Attorney General's certificate on	Effect of Procureur's certificates	[83B Effect of prosecutor's

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<p>forum proceedings</p> <p>(1) When hearing proceedings under section 29 (the "forum proceedings"), the High Bailiff must decide that the extradition is not barred by reason of forum if (at a time when the High Bailiff has not yet decided the proceedings) the High Bailiff receives an Attorney General's certificate relating to the extradition.</p> <p>(2) That duty to decide the forum proceedings in that way is subject to the determination of any question relating to the Attorney General's certificate raised in accordance with section 32.</p> <p>(3) The Attorney General may apply for the forum proceedings to be adjourned for the purpose of assisting the Attorney General —</p> <p>(a) in considering whether to give a certificate relating to the extradition;</p> <p>(b) in giving such a certificate; or</p> <p>(c) in sending such a certificate to the High Bailiff.</p> <p>(4) If such an application is made, the High Bailiff must —</p> <p>(a) adjourn the forum proceedings until the application is decided; and</p> <p>(b) continue the adjournment, for such period as appears to the High Bailiff to be reasonable, if the application is granted.</p> <p>(5) But the High Bailiff must end the adjournment if the application is not granted.</p>	<p>certificates on forum proceedings</p> <p>(1) The Magistrate hearing proceedings under Article 20A (the "forum proceedings") shall decide that the extradition is not barred by reason of forum if (at a time when the Magistrate has not yet decided the proceedings) the Magistrate receives an Attorney General's certificate relating to the extradition.</p> <p>(2) That duty to decide the forum proceedings in that way is subject to the determination of any question relating to the Attorney General's certificate raised in accordance with Article 20D.</p> <p>(3) The Attorney General may apply for the forum proceedings to be adjourned for the purpose of assisting the Attorney General —</p> <p>(a) in considering whether to give a certificate relating to the extradition;</p> <p>(b) in giving such a certificate; or</p> <p>(c) in sending such a certificate to the Magistrate.</p> <p>(4) If such an application is made, the Magistrate shall —</p> <p>(a) adjourn the forum proceedings until the application is decided; and</p> <p>(b) continue the adjournment, for such period as appears to the Magistrate to be reasonable, if the application is granted.</p> <p>(5) But the Magistrate shall end the adjournment if the application is not granted.</p>	<p>on forum proceedings.</p> <p>23. (1) The Magistrate's Court, when hearing proceedings under section 22 (the "forum proceedings"), must decide that the extradition is not barred by reason of forum if (at a time when the Magistrate's Court has not yet decided the proceedings) the Magistrate's Court receives a Procureur's certificate relating to the extradition.</p> <p>(2) That duty to decide the forum proceedings in that way is subject to the determination of any question relating to the Procureur's certificate raised in accordance with section 25.</p> <p>(3) A designated prosecutor may apply for the forum proceedings to be adjourned for the purpose of assisting Her Majesty's Procureur —</p> <p>(a) in considering whether to give a Procureur's certificate relating to the extradition,</p> <p>(b) in giving such a certificate, or</p> <p>(c) in sending such a certificate to the Magistrate's Court.</p> <p>(4) If such an application is made, the Magistrate's Court must —</p> <p>(a) adjourn the forum proceedings until the application is decided, and</p> <p>(b) continue the adjournment, for such period as appears to the Magistrate's Court to be reasonable, if the application is granted.</p> <p>(5) But the Magistrate's Court must end the adjournment if the application is not granted.</p>	<p>certificates on forum proceedings</p> <p>(1) [...] 12 The judge hearing proceedings under section 83A (the "forum proceedings") must decide that the extradition is not barred by reason of forum if (at a time when the judge has not yet decided the proceedings) the judge receives a prosecutor's certificate relating to the extradition.</p> <p>(2) That duty to decide the forum proceedings in that way is subject to the determination of any question relating to the prosecutor's certificate raised in accordance with section 83D.</p> <p>(3) A designated prosecutor may apply for the forum proceedings to be adjourned for the purpose of assisting that or any other designated prosecutor—</p> <p>(a) in considering whether to give a prosecutor's certificate relating to the extradition,</p> <p>(b) in giving such a certificate, or</p> <p>(c) in sending such a certificate to the judge.</p> <p>(4) If such an application is made, the judge must—</p> <p>(a) adjourn the forum proceedings until the application is decided; and</p> <p>(b) continue the adjournment, for such period as appears to the judge to be reasonable, if the application is granted.</p> <p>(5) But the judge must end the adjournment if the application is not granted.</p> <p>] 1</p>
<p>31 Attorney General's certificate</p> <p>(1) An "Attorney General's certificate" is a certificate given by the Attorney General that —</p> <p>(a) the Attorney General has considered the offences for which D could be prosecuted in the Island in</p>	<p>20C Attorney General's certificates</p> <p>(1) An "Attorney General's certificate" is a certificate given by the Attorney General that —</p> <p>(a) the Attorney General has</p>	<p>Procureur's certificates.</p> <p>24. (1) A "Procureur's certificate" is a certificate given by Her Majesty's Procureur which —</p> <p>(a) certifies both matter A and matter</p>	<p>[83C Prosecutor's certificates</p> <p>(1) [...] A "prosecutor's certificate" is a certificate given by a designated prosecutor which—</p> <p>(a) certifies both matter A and matter</p>

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<p>respect of the conduct constituting the extradition offence and decided that there are one or more such offences that correspond to the extradition offence (the "corresponding offences"); and</p> <p>(b) certifies either the facts set out in subsection (2) or those set out in subsection (3).</p> <p>(2) The facts are that —</p> <p>(a) the Attorney General has made a formal decision as to the prosecution of D for the corresponding offences;</p> <p>(b) that decision is that D should not be prosecuted for the corresponding offences; and</p> <p>(c) the reason for that decision is a belief that —</p> <p>(i) there would be insufficient admissible evidence for the prosecution; or</p> <p>(ii) the prosecution would not be in the public interest.</p> <p>(3) The facts are that the Attorney General believes that D should not be prosecuted for the corresponding offences because there are concerns about the disclosure of sensitive material in —</p> <p>(a) the prosecution of D for the corresponding offences; or</p> <p>(b) any other proceedings.</p> <p>(4) In relation to the extradition of any person to a designated territory, neither this section nor any other rule of law (whether or not contained in an enactment) may require the Attorney General —</p> <p>(a) to consider any matter relevant to giving an Attorney General's certificate; or</p> <p>(b) to consider whether to give an Attorney General's certificate.</p> <p>(5) In this section, "sensitive material" means material that appears to the Attorney General to be sensitive, including material appearing to be sensitive on grounds relating to —</p> <p>(a) national security;</p> <p>(b) international relations; or</p> <p>(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</p>	<p>considered the offences for which D could be prosecuted in Jersey in respect of the conduct constituting the extradition offence and decided that there are one or more such offences that correspond to the extradition offence (the "corresponding offences"); and</p> <p>(b) certifies either the facts set out in paragraph (2) or those set out in paragraph (3).</p> <p>(2) The facts are that —</p> <p>(a) the Attorney General has made a formal decision as to the prosecution of D for the corresponding offences;</p> <p>(b) that decision is that D should not be prosecuted for the corresponding offences; and</p> <p>(c) the reason for that decision is a belief that —</p> <p>(i) there would be insufficient admissible evidence for the prosecution, or</p> <p>(ii) the prosecution would not be in the public interest.</p> <p>(3) The facts are that the Attorney General believes that D should not be prosecuted for the corresponding offences because there are concerns about the disclosure of sensitive material in —</p> <p>(a) the prosecution of D for the corresponding offences; or</p> <p>(b) any other proceedings.</p> <p>(4) In relation to the extradition of any person to a designated territory, neither this Article nor any other rule of law (whether or not contained in an enactment) may require the Attorney General —</p> <p>(a) to consider any matter relevant to giving an Attorney General's certificate;</p>	<p>B, and</p> <p>(b) certifies either matter C or matter D.</p> <p>(2) Matter A is that Her Majesty's Procureur has considered the offences for which D could be prosecuted in the Bailiwick, or a part of the Bailiwick, in respect of the conduct constituting the extradition offence.</p> <p>(3) Matter B is that Her Majesty's Procureur has decided that there are one or more such offences that correspond to the extradition offence (the "corresponding offences").</p> <p>(4) Matter C is that —</p> <p>(a) Her Majesty's Procureur has made a formal decision as to the prosecution of D for the corresponding offences,</p> <p>(b) that decision is that D should not be prosecuted for the corresponding offences, and</p> <p>(c) the reason for that decision is a belief that —</p> <p>(i) there would be insufficient admissible evidence for the prosecution, or</p> <p>(ii) the prosecution would not be in the public interest.</p> <p>(5) Matter D is that Her Majesty's Procureur believes that D should not be prosecuted for the corresponding offences because there are concerns about the disclosure of sensitive material in —</p> <p>(a) the prosecution of D for the corresponding offences, or</p> <p>(b) any other proceedings.</p> <p>(6) In relation to the extradition of any person to a designated territory, neither this section nor any other rule of law (whether or not contained in an enactment) may require Her Majesty's</p>	<p>B, and</p> <p>(b) certifies either matter C or matter D.</p> <p>(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.</p> <p>(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").</p> <p>(4) Matter C is that—</p> <p>(a) the responsible prosecutor has made a formal decision as to the prosecution of D for the corresponding offences,</p> <p>(b) that decision is that D should not be prosecuted for the corresponding offences, and</p> <p>(c) the reason for that decision is a belief that—</p> <p>(i) there would be insufficient admissible evidence for the prosecution; or</p> <p>(ii) the prosecution would not be in the public interest.</p> <p>(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—</p> <p>(a) the prosecution of D for the corresponding offences, or</p> <p>(b) any other proceedings.</p> <p>(6) In relation to the extradition of any person to a category 2 territory, neither this section nor any other rule of law (whether or not contained in an</p>

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<p>agency who may be in danger if their identities are revealed).</p>	<p>or (b) to consider whether to give an Attorney General's certificate. (5) In this Article "sensitive material" means material that 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).</p>	<p>Procureur – (a) to consider any matter relevant to giving a Procureur's certificate, or (b) to consider whether to give a Procureur's certificate. (7) In this section "sensitive material" means material which appears to Her Majesty's Procureur 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).</p>	<p>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).] 1</p>
<p>32 Questioning of Attorney General's certificate (1) No decision of the Attorney General relating to an Attorney General's certificate in respect of D's extradition (a "relevant certification decision") may be questioned except on an appeal under section 52 or section 57 against an order for that extradition. (2) For the purpose of — (a) determining whether to give permission for a relevant certification decision to be questioned; and (b) determining any such question (if that permission is given), the High Court must apply the procedures and principles which would be applied by it on an application for judicial review by way of a dolence claim. (3) When quashing an Attorney General's certificate, the High Court must decide the question of whether or not the extradition is barred by reason of forum. (4) In deciding that question, sections 29 to 31 and this section apply in relation to the decision (with the</p>	<p>20D Questioning of Attorney General's certificate (1) No decision of the Attorney General relating to an Attorney General's certificate in respect of D's extradition (a "relevant certification decision") may be questioned except on an appeal under Article 40 or Article 45 against an order for that extradition. (2) For the purpose of – (a) determining whether to give permission for a relevant certification decision to be questioned; and (b) determining any such question (if that permission is given), the Royal Court shall apply the procedures and principles which would be applied by it on an application for judicial review. (3) When quashing an Attorney General's certificate, the Royal Court</p>	<p>Questioning of Procureur's certificate. 25. (1) No decision of Her Majesty's Procureur relating to a Procureur's certificate in respect of D's extradition (a "relevant certification decision") may be questioned except on an appeal under section 45 or 50 against an order for that extradition. (2) For the purpose of – (a) determining whether to give permission for a relevant certification decision to be questioned, and (b) determining any such question (if that permission is given), the Royal Court must apply the procedures and principles which would be applied by it on an application for judicial review. (3) In a case where the Royal Court quashes a Procureur's certificate, the</p>	<p>[83D Questioning of prosecutor's certificate (1) [...]2 No decision of a designated prosecutor relating to a prosecutor's certificate in respect of D's extradition (a "relevant certification decision") may be questioned except on an appeal under section 103 or 108 against an order for that extradition. (2) In England and Wales, and Northern Ireland, for the purpose of— (a) determining whether to give permission for a relevant certification decision to be questioned, and (b) determining any such question (if that permission is given), the High Court must apply the procedures and principles which would be applied by it on an application for judicial review. (3) In Scotland, for the purpose of</p>

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<p>appropriate modifications) as they apply to a decision by the High Bailiff.</p>	<p>shall decide the question of whether or not the extradition is barred by reason of forum. (4) In deciding that question – (a) Articles 20A to 20C and this Article apply in relation to the decision (with the appropriate modifications) as they apply to a decision by the Magistrate; and (b) in particular – (i) a reference in this Article to an appeal under Article 40 or Article 45 has effect as a reference to an appeal under Article 52 to the Privy Council, (ii) a reference in this Article to the Royal Court has effect as a reference to the Privy Council.</p>	<p>Royal Court shall decide the question of whether or not the extradition is barred by reason of forum. (4) Where the Royal Court is required to decide that question by virtue of subsection (3) – (a) sections 22 to 24 and this section apply in relation to that decision (with the appropriate modifications) as they apply to a decision by a Magistrate's Court, and (b) in particular – (i) a reference in this section to an appeal under section 45 or 50 has effect as a reference to an appeal under section 57 to the Privy Council, and (ii) a reference in this section to the Royal Court has effect as a reference to the Privy Council.</p>	<p>determining any questioning of a relevant certification decision, the High Court must apply the procedures and principles that would be applied by it on an application for judicial review. (4) In a case where the High Court quashes a prosecutor's certificate, the High Court is to decide the question of whether or not the extradition is barred by reason of forum. (5) Where the High Court is required to decide that question by virtue of subsection (4)— (a) sections 83A to 83C and this section apply in relation to that decision (with the appropriate modifications) as they apply to a decision by a judge; and (b) in particular— (i) a reference in this section to an appeal under section 103 or 108 has effect as a reference to an appeal under section 114 to the Supreme Court; (ii) a reference in this section to the High Court has effect as a reference to the Supreme Court.</p>
<p>33 Interpretation of sections 29 to 32 (1) This section applies for the purposes of section 29 to 32 (and this section). (2) The following definitions apply — "Attorney General's certificate" has the meaning given in section 31(1); "D" has the meaning given in section 29(1); "extradition offence" means the offence specified in the request for extradition (including the conduct that constitutes the extradition offence); "forum proceedings" has the meaning given in section 30(1). (3) In determining for any purpose whether an offence corresponds to the extradition offence, regard</p>	<p>20E Interpretation of Articles 20A to 20D28 (1) This Article applies for the purposes of Articles 20A to 20D (and this Article). (2) The following definitions apply — "Attorney General's certificate" has the meaning given in Article 20C(1); "D" has the meaning given in Article 20A(1); "extradition offence" means the offence specified in the request for extradition (including the conduct that constitutes the extradition offence); "forum proceedings" has the meaning</p>	<p>(5) For the purposes of sections 21 to 24 and this section – (a) "extradition offence" means the offence specified in the request for extradition (including the conduct that constitutes the extradition offence), (b) in determining for any purpose whether an offence corresponds to the extradition offence, regard must be had in particular to the nature and seriousness of the two offences, and (c) a reference to a formal decision as to the prosecution of D for an offence is a reference to a decision (made after</p>	<p>[83E Interpretation of sections 83A to 83D (1) This section applies for the purposes of sections 83A to 83D (and this section). (2) These expressions have the meanings given— "D" has the meaning given in section 83A(1); "designated prosecutor" means— (a) a member of the Crown Prosecution Service, or (b) any other person who— (i) is a prosecutor designated for the</p>

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<p>must be had, in particular, to the nature and seriousness of the 2 offences.</p> <p>(4) A reference to a formal decision as to the prosecution of D for an offence is a reference to a decision (made after complying with, in particular, any applicable requirement concerning a code of practice) that D should, or should not, be prosecuted for the offence.</p>	<p>given in Article 20B(1).</p> <p>(3) In determining for any purpose whether an offence corresponds to the extradition offence, regard must be had, in particular, to the nature and seriousness of the 2 offences.</p> <p>(4) A reference to a formal decision as to the prosecution of D for an offence is a reference to a decision (made after complying with, in particular, any applicable requirement concerning a code of practice) that D should, or should not, be prosecuted for the offence.</p>	<p>complying with, in particular, any applicable requirement concerning a code of practice) that D should, or should not, be prosecuted for the offence.</p>	<p>purposes of this section by order made by the Secretary of State, or</p> <p>(ii) is within a description of prosecutors so designated;</p> <p>"extradition offence" means the offence specified in the request for extradition (including the conduct that constitutes the extradition offence);</p> <p>"forum proceedings" has the meaning given in section 83B(1);</p> <p>"part of the United Kingdom" means—</p> <p>(a) England and Wales;</p> <p>(b) Scotland;</p> <p>(c) Northern Ireland;</p> <p>"prosecutor" means a person who has responsibility for prosecuting offences in any part of the United Kingdom (whether or not the person also has other responsibilities);</p> <p>"prosecutor's certificate" has the meaning given in section 83C(1);</p> <p>"responsible prosecutor", in relation to a prosecutor's certificate, means—</p> <p>(a) the designated prosecutor giving the certificate, or</p> <p>(b) another designated prosecutor.</p> <p>(3) In determining for any purpose whether an offence corresponds to the extradition offence, regard must be had, in particular, to the nature and seriousness of the two offences.</p> <p>(4) A reference to a formal decision as to the prosecution of D for an offence is a reference to a decision (made after complying with, in particular, any applicable requirement concerning a code of practice) that D should, or should not, be prosecuted for the offence.] 1</p>
<p>34 Case where person has not been convicted</p> <p>(1) If the High Bailiff is required to proceed under</p>	<p>21 Case where person has not been convicted</p> <p>(1) If the Magistrate is to proceed</p>	<p>Case where person has not been convicted.</p> <p>26. (1) If the Magistrate's Court is</p>	<p>84 Case where person has not been convicted</p> <p>(1) If the judge is required to proceed</p>

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<p>this section in respect of a request to extradite a person to a Part 1 designated territory, the High Bailiff must proceed under section 37 (consideration of human rights).</p> <p>(2) If the High Bailiff is required to proceed under this section in respect of a request to extradite a person to a Part 2 designated territory, the High Bailiff must decide whether there is sufficient evidence for the person to stand trial.</p> <p>(3) In deciding the question in subsection (2), the High Bailiff may treat a statement made by a person in a document as admissible evidence of a fact if —</p> <p>(a) the statement is made by the person to a constable or to another person charged with the duty of investigating offences or charging offenders; and</p> <p>(b) direct oral evidence by the person of the fact would be admissible.</p> <p>(4) In deciding whether to treat a statement made by a person in a document as admissible evidence of a fact, the High Bailiff must in particular have regard to —</p> <p>(a) the nature and source of the document;</p> <p>(b) whether or not, having regard to the nature and source of the document and to any other circumstances that appear to the High Bailiff to be relevant, it is likely that the document is authentic;</p> <p>(c) the extent to which the statement appears to supply evidence that would not readily be available if the statement were not treated as being admissible evidence of the fact;</p> <p>(d) the relevance of the evidence that the statement appears to supply to any issue likely to have to be determined by the High Bailiff in deciding the question in subsection (2); and</p> <p>(e) any risk that the admission or exclusion of the statement will result in unfairness to the person whose extradition is sought, having regard in particular to whether it is likely to be possible effectively to challenge the statement if the person making it does not attend to give oral evidence in the proceedings.</p> <p>(5) A summary in a document of a statement made by a person must be treated as a statement made by the person in the document for the purposes of subsection</p>	<p>under this Article, but the designated territory to which extradition is requested is a designated territory of the first category, the Magistrate shall instead proceed directly under Article 24 (relating to human rights).</p> <p>(2) If the Magistrate is to proceed under this Article in respect of a request to extradite a person to a designated territory of the second category, the Magistrate shall decide whether there is sufficient evidence for the person to stand trial.</p> <p>(3) In deciding the question in paragraph (2), the Magistrate may treat a statement made by a person in a document as admissible evidence of a fact if —</p> <p>(a) the statement is made by the person to a police officer or to another person charged with the duty of investigating offences or charging offenders; and</p> <p>(b) direct oral evidence by the person of the fact would be admissible.</p> <p>(4) In deciding whether to treat a statement made by a person in a document as admissible evidence of a fact, the Magistrate shall in particular have regard to —</p> <p>(a) the nature and source of the document;</p> <p>(b) whether or not, having regard to the nature and source of the document and to any other circumstances that appear to the Magistrate to be relevant, it is likely that the document is authentic;</p> <p>(c) the extent to which the statement appears to supply evidence that would not readily be available if the statement were not treated as being admissible</p>	<p>required to proceed under this section, but the designated territory to which extradition is requested is a designated territory of the first category, the Magistrate's Court shall instead proceed directly under section 29 (human rights).</p> <p>(2) If the Magistrate's Court is required to proceed under this section and the designated territory to which extradition is requested is a designated territory of the second category, the Magistrate's Court shall decide whether there is sufficient evidence for the person to stand trial.</p> <p>(3) In deciding the question in subsection (2), the Magistrate's Court may treat a statement made by a person in a document as admissible evidence of a fact if —</p> <p>(a) the statement is made by the person to an officer of police or to another person charged with the duty of investigating offences or charging offenders; and</p> <p>(b) direct oral evidence by the person of the fact would be admissible.</p> <p>(4) In deciding whether to treat a statement made by a person in a document as admissible evidence of a fact, the Magistrate's Court shall in particular have regard to —</p> <p>(a) the nature and source of the document,</p> <p>(b) whether or not, having regard to the nature and source of the document and to any other circumstances that appear to the Magistrate's Court to be relevant, it is likely that the document is authentic,</p> <p>(c) the extent to which the statement appears to supply evidence that would</p>	<p>under this section he must decide whether there is evidence which would be sufficient to make a case requiring an answer by the person if the proceedings were the summary trial of an information against him.</p> <p>(2) In deciding the question in subsection (1) the judge may treat a statement made by a person in a document as admissible evidence of a fact if—</p> <p>(a) the statement is made by the person to a police officer or another person charged with the duty of investigating offences or charging offenders; and</p> <p>(b) direct oral evidence by the person of the fact would be admissible.</p> <p>(3) In deciding whether to treat a statement made by a person in a document as admissible evidence of a fact, the judge must in particular have regard—</p> <p>(a) to the nature and source of the document;</p> <p>(b) to whether or not, having regard to the nature and source of the document and to any other circumstances that appear to the judge to be relevant, it is likely that the document is authentic;</p> <p>(c) to the extent to which the statement appears to supply evidence which would not be readily available if the statement were not treated as being admissible evidence of the fact;</p> <p>(d) to the relevance of the evidence that the statement appears to supply to any issue likely to have to be determined by the judge in deciding the question in subsection (1);</p> <p>(e) to any risk that the admission or exclusion of the statement will result in</p>

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<p>(3).</p> <p>(6) If the High Bailiff decides the question in subsection (2) in the negative, the High Bailiff must order that the person be discharged.</p> <p>(7) If the High Bailiff decides that question in the affirmative, the High Bailiff must proceed under section 37.</p> <p>(8) If the High Bailiff is required to proceed under this section in respect of a request to extradite a person to a Part 2 designated territory and the territory is designated for the purposes of this section by order made by the Department –</p> <p>(a) the High Bailiff must not decide under subsection (2); and</p> <p>(b) the High Bailiff must proceed under section 37. Tynwald procedure for order – affirmative.</p>	<p>evidence of the fact;</p> <p>(d) the relevance of the evidence that the statement appears to supply to any issue likely to have to be determined by the Magistrate in deciding the question in sub-paragraph (1); and</p> <p>(e) any risk that the admission or exclusion of the statement will result in unfairness to the person whose extradition is sought, having regard in particular to whether it is likely to be possible to controvert the statement if the person making it does not attend to give oral evidence in the proceedings.</p> <p>(5) A summary in a document of a statement made by a person shall be treated as a statement made by the person in the document for the purposes of paragraph (3).</p> <p>(6) If the Magistrate decides the question in paragraph (2) in the negative, the Magistrate shall order that the person be discharged.</p> <p>(7) If the Magistrate decides that question in the affirmative, the Magistrate shall proceed under Article 24 (human rights).</p>	<p>not readily be available if the statement were not treated as being admissible evidence of the fact,</p> <p>(d) the relevance of the evidence that the statement appears to supply to any issue likely to have to be determined by the Magistrate's Court in deciding the question in subsection (2), and</p> <p>(e) any risk that the admission or exclusion of the statement will result in unfairness to the person whose extradition is sought, having regard in particular to whether it is likely to be possible to controvert the statement if the person making it does not attend to give oral evidence in the proceedings.</p> <p>(5) A summary in a document of a statement made by a person shall be treated as a statement made by the person in the document for the purposes of subsection (3).</p> <p>(6) If the Magistrate's Court decides the question in subsection (2) in the negative, the Magistrate's Court shall order that the person be discharged.</p> <p>(7) If the Magistrate's Court decides that question in the affirmative, the Magistrate's Court shall proceed under section 29 (human rights).</p> <p>(8) If the Magistrate's Court is required to proceed under this section and the territory to which extradition is requested is designated for the purposes of this section by regulations made by the Committee –</p> <p>(a) it must not decide under subsection (1), and</p> <p>(b) it must proceed under section 29.</p>	<p>unfairness to the person whose extradition is sought, having regard in particular to whether it is likely to be possible to controvert the statement if the person making it does not attend to give oral evidence in the proceedings.</p> <p>(4) A summary in a document of a statement made by a person must be treated as a statement made by the person in the document for the purposes of subsection (2).</p> <p>(5) If the judge decides the question in subsection (1) in the negative he must order the person's discharge.</p> <p>(6) If the judge decides that question in the affirmative he must proceed under section 87.</p> <p>(7) If the judge is required to proceed under this section and the category 2 territory to which extradition is requested is designated for the purposes of this section by order made by the Secretary of State—</p> <p>(a) the judge must not decide under subsection (1), and</p> <p>(b) he must proceed under section 87.</p> <p>(8) Subsection (1) applies to Scotland with the substitution of "summary proceedings in respect of an offence alleged to have been committed by the person (except that for this purpose evidence from a single source shall be sufficient)" for "the summary trial of an information against him".</p> <p>(9) Subsection (1) applies to Northern Ireland with the substitution of "the hearing and determination of a complaint" for "the summary trial of an information".</p>
<p>35 Case where person has been convicted (1) If the High Bailiff is required to proceed under</p>	<p>22 Case where person has been convicted</p>	<p>Case where person has been convicted.</p>	<p>85 Case where person has been convicted</p>

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<p>this section, the High Bailiff must decide whether the person was present when convicted.</p> <p>(2) If the High Bailiff decides that the person was present when convicted, the High Bailiff must proceed under section 37 (consideration of human rights).</p> <p>(3) If the High Bailiff decides that the person was not present when convicted, the High Bailiff must decide whether the person deliberately absented himself or herself from the trial.</p> <p>(4) If the High Bailiff decides that the person deliberately absented himself or herself from the trial, the High Bailiff must proceed under section 37.</p> <p>(5) If the High Bailiff decides that the person did not deliberately absent himself or herself from the trial, the High Bailiff must decide whether the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial.</p> <p>(6) If the High Bailiff decides that the person would not be entitled to a retrial or (on appeal) to a review amounting to a retrial, the High Bailiff must order that the person be discharged.</p> <p>(7) If —</p> <p>(a) the High Bailiff decides that the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial; and</p> <p>(b) the designated territory to which extradition is requested is a Part 1 designated territory, the High Bailiff must proceed under section 37.</p> <p>(8) If —</p> <p>(a) the High Bailiff decides that the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial; and</p> <p>(b) the designated territory to which extradition is requested is a Part 2 designated territory, the High Bailiff must proceed under section 36.</p> <p>(9) The High Bailiff must not decide under subsection (7) or subsection (8) that a person would be entitled to a retrial or (on appeal) to a review amounting to a retrial unless, in any proceedings that would allegedly constitute a retrial or review amounting to a retrial —</p> <p>(a) the person would have the right to defend</p>	<p>(1) If the Magistrate is to proceed under this Article, he or she shall decide whether the person was present when convicted.</p> <p>(2) If the Magistrate decides that the person was present when convicted, the Magistrate shall proceed directly under Article 24 (human rights).</p> <p>(3) If the Magistrate decides that the person was not present when convicted, the Magistrate shall decide whether the person deliberately absented himself or herself from the trial.</p> <p>(4) If the Magistrate decides that the person deliberately absented himself or herself from the trial, the Magistrate shall proceed directly under Article 24 (human rights).</p> <p>(5) If the Magistrate decides that the person did not deliberately absent himself or herself from the trial, the Magistrate shall decide whether the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial.</p> <p>(6) If the Magistrate decides that the person would not be entitled to a retrial or (on appeal) to a review amounting to a retrial, the Magistrate shall order that the person be discharged.</p> <p>(7) If —</p> <p>(a) the Magistrate decides that the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial; and</p> <p>(b) the designated territory to which extradition is requested is a designated territory of the first category, the Magistrate shall proceed directly under Article 24 (human rights).</p> <p>(8) If —</p>	<p>27. (1) If the Magistrate's Court is required to proceed under this section, it shall decide whether the person was present when convicted.</p> <p>(2) If the Magistrate's Court decides that the person was present when convicted, the Magistrate's Court shall proceed directly under section 29 (human rights).</p> <p>(3) If the Magistrate's Court decides that the person was not present when convicted, the Magistrate's Court shall decide whether the person deliberately absented himself or herself from the trial.</p> <p>(4) If the Magistrate's Court decides that the person deliberately absented himself or herself from the trial, the Magistrate's Court shall proceed directly under section 29 (human rights).</p> <p>(5) If the Magistrate's Court decides that the person did not deliberately absent himself or herself from the trial, the Magistrate's Court shall decide whether the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial.</p> <p>(6) If the Magistrate's Court decides the question in subsection (5) in the affirmative the Magistrate's Court shall proceed under section 28 (convictions in absentia).</p> <p>(7) If the Magistrate's Court decides the question in subsection (5) in the negative the Magistrate's Court shall order the person's discharge.</p> <p>(8) The Magistrate's Court shall not decide the question in subsection (5) in the affirmative unless, in any proceedings that would allegedly constitute a retrial or review amounting to a retrial —</p>	<p>(1) If the judge is required to proceed under this section he must decide whether the person was convicted in his presence.</p> <p>(2) If the judge decides the question in subsection (1) in the affirmative he must proceed under section 87.</p> <p>(3) If the judge decides that question in the negative he must decide whether the person deliberately absented himself from his trial.</p> <p>(4) If the judge decides the question in subsection (3) in the affirmative he must proceed under section 87.</p> <p>(5) If the judge decides that question in the negative he must decide whether the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial.</p> <p>(6) If the judge decides the question in subsection (5) in the affirmative he must proceed under section 86.</p> <p>(7) If the judge decides that question in the negative he must order the person's discharge.</p> <p>(8) The judge must not decide the question in subsection (5) in the affirmative unless, in any proceedings that it is alleged would constitute a retrial or a review amounting to a retrial, the person would have these rights—</p> <p>(a) the right to defend himself in person or through legal assistance of his own choosing or, if he had not sufficient means to pay for legal assistance, to be given it free when the interests of justice so required;</p> <p>(b) the right to examine or have</p>

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<p>himself or herself in person or through legal assistance of his or her own choosing or, if the person does not have sufficient means to pay for legal assistance, the right to be given it free when the interests of justice so require; and</p> <p>(b) the person would also have the right to examine witnesses against him or her or to have them examined, and to obtain the attendance and examination of witnesses on his or her own behalf under the same conditions as the witnesses against the person.</p>	<p>(a) the Magistrate decides that the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial; and</p> <p>(b) the designated territory to which extradition is requested is a designated territory of the second category, the Magistrate shall proceed under Article 23 (relating to convictions <i>in absentia</i>).</p> <p>(9) The Magistrate shall not decide under paragraph (7) or paragraph (8) that a person would be entitled to a retrial or (on appeal) to a review amounting to a retrial unless, in any proceedings that would allegedly constitute a retrial or review amounting to a retrial –</p> <p>(a) the person would have the right to defend himself or herself in person or through legal assistance of his or her own choosing or, if the person does not have sufficient means to pay for legal assistance, the right to be given it free when the interests of justice so require; and</p> <p>(b) the person would also have the right to examine witnesses against him or her or to have them examined, and to obtain the attendance and examination of witnesses on his or her own behalf under the same conditions as the witnesses against the person.</p>	<p>(a) the person would have the right to defend himself or herself in person or through legal assistance of his or her own choosing or, if the person does not have sufficient means to pay for legal assistance, the right to be given it free when the interests of justice so require, and</p> <p>(b) the person would also have the right to examine witnesses against him or her or to have them examined, and to obtain the attendance and examination of witnesses on his or her own behalf under the same conditions as the witnesses against the person.</p>	<p>examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.</p>
<p>36 Conviction in person's absence</p> <p>(1) If the High Bailiff is required to proceed under this section, the High Bailiff must decide whether there is sufficient evidence for the person to stand trial.</p> <p>(2) In deciding the question in subsection (1), the High Bailiff may treat a statement made by a person in a document as admissible evidence of a fact if –</p> <p>(a) the statement is made by the person to a constable or to another person charged with the duty of</p>	<p>23 Conviction in absentia in designated territory of second category</p> <p>(1) If the Magistrate is to proceed under this Article, the Magistrate shall decide whether there is sufficient evidence for the person to stand trial.</p> <p>(2) In deciding the question in paragraph (1), the Magistrate may treat</p>	<p>Conviction <i>in absentia</i> in designated territory.</p> <p>28. (1) If the Magistrate's Court is required to proceed under this section, the Magistrate's Court shall decide whether there is sufficient evidence for the person to stand trial.</p> <p>(2) In deciding the question in subsection (1), the Magistrate's Court</p>	<p>86 Conviction in person's absence</p> <p>(1) If the judge is required to proceed under this section he must decide whether there is evidence which would be sufficient to make a case requiring an answer by the person if the proceedings were the summary trial of an information against him.</p> <p>(2) In deciding the question in</p>

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<p>investigating offences or charging offenders; and</p> <p>(b) direct oral evidence by the person of the fact would be admissible.</p> <p>(3) A summary in a document of a statement made by a person must be treated as a statement made by the person in the document for the purposes of subsection (2).</p> <p>(4) In deciding whether to treat a statement made by a person in a document as admissible evidence of a fact, the High Bailiff must in particular have regard to —</p> <p>(a) the nature and source of the document;</p> <p>(b) whether or not, having regard to the nature and source of the document and to any other circumstances that appear to the High Bailiff to be relevant, it is likely that the document is authentic;</p> <p>(c) the extent to which the statement appears to supply evidence that would not readily be available if the statement were not treated as being admissible evidence of the fact;</p> <p>(d) the relevance of the evidence that the statement appears to supply to any issue likely to have to be determined by the High Bailiff in deciding the question in subsection (1); and</p> <p>(e) any risk that the admission or exclusion of the statement will result in unfairness to the person whose extradition is sought, having regard in particular to whether it is likely to be possible effectively to challenge the statement if the person making it does not attend to give oral evidence in the proceedings.</p> <p>(5) Except as otherwise provided in this section, in deciding the question in subsection (1), the High Bailiff may admit evidence if (but only if) it would be admissible in criminal proceedings.</p> <p>(6) If the High Bailiff decides in the negative the question in subsection (1), the High Bailiff must order that the person be discharged.</p> <p>(7) If the High Bailiff decides that question in the affirmative, the High Bailiff must proceed under section 37.</p> <p>(8) If the High Bailiff is required to proceed under this section and the territory to which extradition is requested is designated for the purposes of this section</p>	<p>a statement made by a person in a document as admissible evidence of a fact if —</p> <p>(a) the statement is made by the person to a police officer or to another person charged with the duty of investigating offences or charging offenders; and</p> <p>(b) direct oral evidence by the person of the fact would be admissible.</p> <p>(3) A summary in a document of a statement made by a person shall be treated as a statement made by the person in the document for the purposes of paragraph (2).</p> <p>(4) In deciding whether to treat a statement made by a person in a document as admissible evidence of a fact, the Magistrate shall in particular have regard to —</p> <p>(a) the nature and source of the document;</p> <p>(b) whether or not, having regard to the nature and source of the document and to any other circumstances that appear to the Magistrate to be relevant, it is likely that the document is authentic;</p> <p>(c) the extent to which the statement appears to supply evidence that would not readily be available if the statement were not treated as being admissible evidence of the fact;</p> <p>(d) the relevance of the evidence that the statement appears to supply to any issue likely to have to be determined by the Magistrate in deciding the question in paragraph (1); and</p> <p>(e) any risk that the admission or exclusion of the statement will result in unfairness to the person whose extradition is sought, having regard in</p>	<p>may treat a statement made by a person in a document as admissible evidence of a fact if —</p> <p>(a) the statement is made by the person to an officer of police or to another person charged with the duty of investigating offences or charging offenders, and</p> <p>(b) direct oral evidence by the person of the fact would be admissible.</p> <p>(3) A summary in a document of a statement made by a person shall be treated as a statement made by the person in the document for the purposes of subsection (2).</p> <p>(4) In deciding whether to treat a statement made by a person in a document as admissible evidence of a fact, the Magistrate's Court shall in particular have regard to —</p> <p>(a) the nature and source of the document,</p> <p>(b) whether or not, having regard to the nature and source of the document and to any other circumstances that appear to the Magistrate's Court to be relevant, it is likely that the document is authentic,</p> <p>(c) the extent to which the statement appears to supply evidence that would not readily be available if the statement were not treated as being admissible evidence of the fact,</p> <p>(d) the relevance of the evidence that the statement appears to supply to any issue likely to have to be determined by the Magistrate's Court in deciding the question in subsection (1), and</p> <p>(e) any risk that the admission or exclusion of the statement will result in unfairness to the person whose extradition is sought, having regard in</p>	<p>subsection (1) the judge may treat a statement made by a person in a document as admissible evidence of a fact if—</p> <p>(a) the statement is made by the person to a police officer or another person charged with the duty of investigating offences or charging offenders, and</p> <p>(b) direct oral evidence by the person of the fact would be admissible.</p> <p>(3) In deciding whether to treat a statement made by a person in a document as admissible evidence of a fact, the judge must in particular have regard—</p> <p>(a) to the nature and source of the document;</p> <p>(b) to whether or not, having regard to the nature and source of the document and to any other circumstances that appear to the judge to be relevant, it is likely that the document is authentic;</p> <p>(c) to the extent to which the statement appears to supply evidence which would not be readily available if the statement were not treated as being admissible evidence of the fact;</p> <p>(d) to the relevance of the evidence that the statement appears to supply to any issue likely to have to be determined by the judge in deciding the question in subsection (1);</p> <p>(e) to any risk that the admission or exclusion of the statement will result in unfairness to the person whose extradition is sought, having regard in particular to whether it is likely to be possible to controvert the statement if the person making it does not attend to give oral evidence in the proceedings.</p>

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<p>by order made by the Department —</p> <p>(a) the High Bailiff must not decide under subsection (1); and</p> <p>(b) the High Bailiff must proceed under section 37. Tynwald procedure for order – affirmative.</p>	<p>particular to whether it is likely to be possible to controvert the statement if the person making it does not attend to give oral evidence in the proceedings.</p> <p>(5) Except as otherwise provided in this Article, in deciding the question in paragraph (1), the Magistrate may admit evidence if (but only if) it would be admissible in criminal proceedings.</p> <p>(6) If the Magistrate decides in the negative the question in paragraph (1), the Magistrate shall order that the person be discharged.</p> <p>(7) If the Magistrate decides that question in the affirmative, the Magistrate shall proceed under Article 24 (human rights).</p>	<p>particular to whether it is likely to be possible to controvert the statement if the person making it does not attend to give oral evidence in the proceedings.</p> <p>(5) Except as otherwise provided in this section, in deciding the question in subsection (1), the Magistrate's Court may admit evidence if (but only if) it would be admissible in criminal proceedings.</p> <p>(6) If the Magistrate's Court decides in the negative the question in subsection (1), the Magistrate's Court shall order that the person be discharged.</p> <p>(7) If the Magistrate's Court decides that question in the affirmative, the Magistrate's Court shall proceed under section 29 (human rights).</p> <p>(8) If the Magistrate's Court is required to proceed under this section and the territory to which extradition is requested is designated for the purposes of this section by regulations made by the Committee –</p> <p>(a) the Magistrate's Court must not decide under subsection (1), and</p> <p>(b) he or she must proceed under section 29 (human rights).</p>	<p>(4) A summary in a document of a statement made by a person must be treated as a statement made by the person in the document for the purposes of subsection (2).</p> <p>(5) If the judge decides the question in subsection (1) in the negative he must order the person's discharge.</p> <p>(6) If the judge decides that question in the affirmative he must proceed under section 87.</p> <p>(7) If the judge is required to proceed under this section and the category 2 territory to which extradition is requested is designated for the purposes of this section by order made by the Secretary of State—</p> <p>(a) the judge must not decide under subsection (1), and</p> <p>(b) he must proceed under section 87.</p> <p>(8) Subsection (1) applies to Scotland with the substitution of "summary proceedings in respect of an offence alleged to have been committed by the person (except that for this purpose evidence from a single source shall be sufficient)" for "the summary trial of an information against him".</p> <p>(9) Subsection (1) applies to Northern Ireland with the substitution of "the hearing and determination of a complaint" for "the summary trial of an information".</p>
<p>37 Consideration of human rights</p> <p>(1) If the High Bailiff is required by any of sections 34, 35 or 36 to proceed under this section, the High Bailiff must decide whether the person's extradition would be compatible with the Human Rights Convention rights.</p> <p>(2) If the High Bailiff decides the question in subsection (1) in the negative, the High Bailiff must order that the person be discharged.</p>	<p>24 Consideration of human rights</p> <p>(1) If the Magistrate is required by any of Articles 21, 22 or 23 to proceed under this Article, the Magistrate shall decide whether the person's extradition would be compatible with the Convention Rights within the meaning of the Human Rights (Jersey) Law 2000.29</p>	<p>Consideration of human rights.</p> <p>29. (1) If the Magistrate's Court is required by any of sections 26, 27 or 28 to proceed under this section, the Magistrate's Court shall decide whether the person's extradition would be compatible with the Convention Rights within the meaning of the Human Rights Law.</p>	<p>87 Human rights</p> <p>(1) If the judge is required to proceed under this section (by virtue of section 84, 85 or 86) he must decide whether the person's extradition would be compatible with the Convention rights within the meaning of the Human Rights Act 1998 (c. 42).</p> <p>(2) If the judge decides the question in</p>

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<p>(3) If the High Bailiff decides that question in the affirmative, the High Bailiff must send the case to the Attorney General for the Attorney General to decide whether the person is to be extradited.</p>	<p>(2) If the Magistrate decides in the negative the question in paragraph (1), the Magistrate shall order that the person be discharged.</p> <p>(3) If the Magistrate decides that question in the affirmative, the Magistrate shall send the case to the Attorney General for the latter's decision as to whether the person is to be extradited.</p>	<p>(2) If the Magistrate's Court decides in the negative the question in subsection (1), the Magistrate's Court shall order that the person be discharged.</p> <p>(3) If the Magistrate's Court decides that question in the affirmative, the Magistrate's Court shall send the case to Her Majesty's Procureur for the latter's decision as to whether the person is to be extradited.</p>	<p>subsection (1) in the negative he must order the person's discharge.</p> <p>(3) If the judge decides that question in the affirmative he must send the case to the Secretary of State for his decision whether the person is to be extradited.</p>
<p>38 Deferral by High Bailiff where person charged with offence in the Island</p> <p>(1) If at any time during the extradition hearing the High Bailiff is informed on behalf of the Attorney General that the person is charged with an offence in the Island, the High Bailiff must adjourn the extradition hearing until —</p> <p>(a) the charge is disposed of;</p> <p>(b) the charge is withdrawn; or</p> <p>(c) proceedings in respect of the charge are otherwise discontinued.</p> <p>(2) If a sentence of custody is imposed in respect of the offence in the Island with which the person is charged, the High Bailiff may adjourn the extradition hearing until the person is released from custody pursuant to the sentence (whether on licence or otherwise).</p> <p>(3) If, before the High Bailiff adjourns the extradition hearing under subsection (2), the High Bailiff has decided under section 25 whether the person's extradition is barred by reason of the rule against double jeopardy, the High Bailiff must decide that question again after the resumption of the extradition hearing.</p>	<p>25 Deferral by Magistrate where person charged with offence in Jersey</p> <p>(1) If at any time during the extradition hearing the Magistrate is informed on behalf of the Attorney General that the person is charged with an offence in Jersey, the Magistrate shall adjourn the extradition hearing until —</p> <p>(a) the charge is disposed of;</p> <p>(b) the charge is withdrawn;</p> <p>(c) an order is made for the charge to lie on the file; or</p> <p>(d) a declaration is made that the charge has been abandoned.</p> <p>(2) If a sentence of imprisonment or another form of detention is imposed in respect of the offence in Jersey with which the person is charged, the Magistrate may adjourn the extradition hearing until the sentence has been served.</p> <p>(3) If, before the Magistrate adjourns the extradition hearing under paragraph (2), he or she has decided under Article 17 whether the person's extradition is barred by reason of the rule against double jeopardy, the Magistrate must decide that question again after the resumption of the extradition hearing.</p>	<p>Deferral by Magistrate's Court where person charged with offence in the Bailiwick.</p> <p>30. (1) If at any time during the extradition hearing the Magistrate's Court is informed on behalf of Her Majesty's Procureur that the person is charged with an offence in the Bailiwick, the Magistrate's Court shall adjourn the extradition hearing until one of these occurs —</p> <p>(a) the charge is disposed of,</p> <p>(b) the charge is withdrawn,</p> <p>(c) proceedings in respect of the charge are discontinued.</p> <p>(2) If a sentence of imprisonment or another form of detention is imposed in respect of the offence in the Bailiwick with which the person is charged, the Magistrate's Court may adjourn the extradition hearing until the sentence has been served.</p> <p>(3) If, before the Magistrate's Court adjourns the extradition hearing under subsection (2), it has decided under section 17 whether the person's extradition is barred by reason of the rule against double jeopardy, the Magistrate's Court must decide that question again after the resumption of the extradition hearing.</p>	<p>88 Person charged with offence in United Kingdom</p> <p>(1) This section applies if at any time in the extradition hearing the judge is informed that the person is charged with an offence in the United Kingdom.</p> <p>(2) The judge must adjourn the extradition hearing until one of these occurs—</p> <p>(a) the charge is disposed of;</p> <p>(b) the charge is withdrawn;</p> <p>(c) proceedings in respect of the charge are discontinued;</p> <p>(d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted <i>pro loco et tempore</i>.</p> <p>(3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the judge may adjourn the extradition hearing until [the person is released from detention pursuant to the sentence (whether on licence or otherwise)] 1 .</p> <p>(4) If before he adjourns the extradition hearing under subsection (2) the judge has decided under section 79 whether the person's extradition is barred by reason of the rule against double jeopardy, the judge must decide that question</p>

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			again after the resumption of the hearing.
<p>39 Deferral by High Bailiff where person serving sentence in the Island</p> <p>(1) If at any time during the extradition hearing the High Bailiff is informed on behalf of the Attorney General that the person whose extradition is requested is serving a sentence of custody in the Island, the High Bailiff may adjourn the extradition hearing until the person is released from custody pursuant to the sentence (whether on licence or otherwise).</p> <p>(2) In a case where an extradition hearing is adjourned under subsection (1), section 86(1) of the Summary Jurisdiction Act 1989 has effect as if the references in paragraphs (a) and (b) to 28 clear days were references to 6 months.</p>	<p>26 Deferral by Magistrate where person serving sentence in Jersey</p> <p>If at any time during the extradition hearing the Magistrate is informed on behalf of the Attorney General that the person whose extradition is requested is serving a sentence of imprisonment or another form of detention in Jersey, the Magistrate may adjourn the extradition hearing until the sentence has been served.</p>	<p>Deferral by Magistrate's Court where person serving sentence in the Bailiwick.</p> <p>31. If at any time during the extradition hearing the Magistrate's Court is informed on behalf of Her Majesty's Procureur that the person whose extradition is requested is serving a sentence of imprisonment or another form of detention in the Bailiwick, the Magistrate's Court may adjourn the extradition hearing until the person is released from detention pursuant to the sentence (whether on licence or otherwise).</p>	<p>89 Person serving sentence in United Kingdom</p> <p>(1) This section applies if at any time in the extradition hearing the judge is informed that the person is [in custody] 1 serving a sentence of imprisonment or another form of detention in the United Kingdom.</p> <p>(2) The judge may adjourn the extradition hearing until [the person is released from detention pursuant to the sentence (whether on licence or otherwise)] 2 .</p> <p>[(3) In a case where an extradition hearing is adjourned under subsection (2)–</p> <p>(a) section 131 of the Magistrates' Courts Act 1980 (remand of accused already in custody) has effect as if a reference to 28 clear days in subsection (1) or (2) of that section were a reference to six months;</p> <p>(b) Article 47(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (period of remand in custody) has effect as if a reference to 28 days in–</p> <p>(i) paragraph (a)(iii), or</p> <p>(ii) the words after paragraph (b), were a reference to six months.</p>
<p>40 Other requests for extradition</p> <p>(1) If at any time during the extradition hearing, the High Bailiff is informed by or on behalf of the Attorney General –</p> <p>(a) that the Attorney General has received another valid request for the person's extradition to a designated territory;</p> <p>(b) that the request has not been disposed of; and</p> <p>(c) that the Attorney General has made an order under section 76(2) for further proceedings on the</p>	<p>27 Other requests for extradition</p> <p>(1) If at any time in the extradition hearing, the Magistrate is informed by or on behalf of the Attorney General –</p> <p>(a) that the Attorney General has received another valid request for the person's extradition to a designated territory;</p> <p>(b) that the request has not been disposed of; and</p>	<p>Other requests for extradition.</p> <p>32. (1) If at any time in the extradition hearing, the Magistrate's Court is informed by or on behalf of Her Majesty's Procureur that –</p> <p>(a) Her Majesty's Procureur has received another valid request for the person's extradition to a designated territory,</p> <p>(b) the request has not been disposed</p>	<p>90 Competing extradition claim</p> <p>(1) This section applies if at any time in the extradition hearing the judge is informed that the conditions in subsection (2) or (3) are met.</p> <p>(2) The conditions are that—</p> <p>(a) the Secretary of State has received another valid request for the person's extradition to a category 2 territory;</p> <p>(b) the other request has not been</p>

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<p>request under consideration by the High Bailiff to be deferred until the other request has been disposed of, the High Bailiff must remand the person in custody or on bail.</p> <p>(2) If the High Bailiff remands the person in custody, the High Bailiff may later grant bail to the person.</p>	<p>(c) that the Attorney General has made an order under Article 65(2) for further proceedings on the request under consideration by the Magistrate to be deferred until the other request has been disposed of, the Magistrate shall remand the person in custody or on bail.</p> <p>(2) If the Magistrate remands the person in custody, the Magistrate may later grant bail to the person.</p>	<p>of, and</p> <p>(c) Her Majesty's Procureur has made an order under section 75(2) for further proceedings on the request under consideration by the Magistrate's Court to be deferred until the other request has been disposed of, the Magistrate's Court shall remand the person in custody or on bail.</p> <p>(2) If the Magistrate's Court remands the person in custody, it may later grant bail to the person.</p>	<p>disposed of;</p> <p>(c) the Secretary of State has made an order under section 126(2) for further proceedings on the request under consideration to be deferred until the other request has been disposed of.</p> <p>(3) The conditions are that—</p> <p>(a) a certificate has been issued under section 2 in respect of a Part 1 warrant issued in respect of the person;</p> <p>(b) the warrant has not been disposed of;</p> <p>(c) the Secretary of State has made an order under section 179(2) for further proceedings on the request to be deferred until the warrant has been disposed of.</p> <p>(4) The judge must remand the person in custody or on bail.</p> <p>(5) [If the person is remanded in custody, the appropriate judge may] 1 later grant bail.</p>
<p>41 Consideration of physical or mental condition</p> <p>(1) If at any time in the extradition hearing it appears to the High Bailiff that the condition to which subsection (2) refers is satisfied, the High Bailiff must —</p> <p>(a) order the person's discharge; or</p> <p>(b) adjourn the extradition hearing until it appears to the High Bailiff that the condition to which subsection (2) refers is no longer satisfied.</p> <p>(2) The condition to which this subsection refers is that the physical or mental condition of the person is such that it would be unjust or oppressive to extradite the person.</p>	<p>28 Consideration of physical or mental condition</p> <p>(1) If at any time in the extradition hearing it appears to the Magistrate that the condition to which paragraph (2) refers is satisfied, the Magistrate shall —</p> <p>(a) order the person's discharge; or</p> <p>(b) adjourn the extradition hearing until it appears to the Magistrate that the condition to which paragraph (2) refers is no longer satisfied.</p> <p>(2) The condition to which this paragraph refers is that the physical or mental condition of the person is such that it would be unjust or oppressive to extradite the person.</p>	<p>Consideration of physical or mental condition.</p> <p>33. (1) If at any time in the extradition hearing it appears to the Magistrate's Court that the condition to which subsection (2) refers is satisfied, the Magistrate's Court shall —</p> <p>(a) order the person's discharge, or</p> <p>(b) adjourn the extradition hearing until it appears to the Magistrate's Court that the condition to which subsection (2) refers is no longer satisfied.</p> <p>(2) The condition to which subsection (1) refers is that the physical or mental condition of the person is such that it would be unjust or oppressive to extradite the person.</p>	<p>91 Physical or mental condition</p> <p>(1) This section applies if at any time in the extradition hearing it appears to the judge that the condition in subsection (2) is satisfied.</p> <p>(2) The condition is that the physical or mental condition of the person is such that it would be unjust or oppressive to extradite him.</p> <p>(3) The judge must—</p> <p>(a) order the person's discharge, or</p> <p>(b) adjourn the extradition hearing until it appears to him that the condition in subsection (2) is no longer satisfied.</p>
<p>42 Sending of case to Attorney General</p> <p>(1) This section applies if the High Bailiff sends a case to the Attorney General for decision whether a</p>	<p>29 Sending of case to Attorney General</p> <p>(1) This Article applies if the Magistrate</p>	<p>Sending of case to Her Majesty's Procureur.</p> <p>34. (1) This section applies if the</p>	<p>92 Case sent to Secretary of State</p> <p>(1) This section applies if the appropriate judge sends a case to the</p>

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<p>person is to be extradited.</p> <p>(2) The High Bailiff must inform the person in ordinary language —</p> <p>(a) that the person has a right to appeal to the High Court; and</p> <p>(b) that if the right of appeal is exercised, the appeal will not be heard until the Attorney General has made the decision.</p> <p>(3) However, subsection (2) does not apply if the person has consented under section 73 to his or her extradition.</p> <p>(4) The High Bailiff must remand the person in custody or on bail —</p> <p>(a) to await the Attorney General’s decision; and</p> <p>(b) to await extradition to the designated territory to which extradition is requested (if the Attorney General orders the person to be extradited).</p> <p>(5) If the High Bailiff remands the person in custody, the High Bailiff may later grant bail to the person.</p>	<p>sends a case to the Attorney General for decision whether a person is to be extradited.</p> <p>(2) If this Article applies, the Magistrate shall inform the person in ordinary language –</p> <p>(a) that the person has a right to appeal to the Royal Court; and</p> <p>(b) that if the right of appeal is exercised, the appeal will not be heard until the Attorney General has made the decision.</p> <p>(3) However, paragraph (2) does not apply if the person has consented under Article 62 to his or her extradition.</p> <p>(4) If this Article applies, the Magistrate shall remand the person in custody or on bail –</p> <p>(a) to await the Attorney General’s decision; and</p> <p>(b) to await extradition to the designated territory to which extradition is requested (if the Attorney General orders the person to be extradited).</p> <p>(5) If the Magistrate remands the person in custody, the Magistrate may later grant bail to the person.</p>	<p>Magistrate’s Court sends a case to Her Majesty’s Procureur for decision as to whether a person is to be extradited.</p> <p>(2) If this section applies, the Judge shall inform the person in ordinary language –</p> <p>(a) that the person has a right to appeal to the Royal Court, and</p> <p>(b) that if the right of appeal is exercised, the appeal will not be heard until Her Majesty’s Procureur has made the decision.</p> <p>(3) However, subsection (2) does not apply if the person has consented under section 72 to his or her extradition.</p> <p>(4) If this section applies, the Magistrate’s Court shall remand the person in custody or on bail –</p> <p>(a) to await Her Majesty’s Procureur’s decision, and</p> <p>(b) to await extradition to the designated territory to which extradition is requested (if Her Majesty’s Procureur orders the person to be extradited).</p> <p>(5) If the Magistrate’s Court remands the person in custody, it may later grant bail to the person.</p>	<p>Secretary of State under this Part for his decision whether a person is to be extradited.</p> <p>(2) The judge must inform the person in ordinary language that—</p> <p>(a) he has a right to appeal to the High Court;</p> <p>(b) if he exercises the right the appeal will not be heard until the Secretary of State has made his decision.</p> <p>(3) But subsection (2) does not apply if the person has consented to his extradition under section 127.</p> <p>(4) The judge must remand the person in custody or on bail—</p> <p>(a) to wait for the Secretary of State’s decision, and</p> <p>(b) to wait for his extradition to the territory to which extradition is requested (if the Secretary of State orders him to be extradited).</p> <p>(5) [If the person is remanded in custody, the appropriate judge may] 1 later grant bail.</p>
<p>43 Attorney General’s consideration of case</p> <p>(1) If the High Bailiff sends a case to the Attorney General for a decision as to whether a person is to be extradited, the Attorney General must decide whether he or she is prohibited under —</p> <p>(a) section 44 (death sentence);</p> <p>(b) section 45 (specialty); or</p> <p>(c) section 46 (earlier extradition to the Island from another territory),</p> <p>from ordering the person’s extradition.</p> <p>(2) If the Attorney General decides that he or she is so prohibited, the Attorney General must order that the person be discharged.</p>	<p>30 Attorney General’s consideration of case</p> <p>(1) If the Magistrate sends a case to the Attorney General for a decision as to whether a person is to be extradited, the Attorney General shall decide whether he or she is prohibited under –</p> <p>(a) Article 31 (relating to the death penalty);</p> <p>(b) Article 32 (relating to specialty); or</p> <p>(c) Article 33 (relating to earlier extradition to Jersey from another territory),</p>	<p>Her Majesty’s Procureur’s consideration of case.</p> <p>35. (1) If the Magistrate’s Court sends a case to Her Majesty’s Procureur for a decision as to whether a person is to be extradited, Her Majesty’s Procureur shall decide whether he or she is prohibited under –</p> <p>(a) section 36 (death penalty),</p> <p>(b) section 37 (specialty), or</p> <p>(c) section 38 (earlier extradition to the Bailiwick from another territory),</p> <p>from ordering the person’s extradition.</p>	<p>93 Secretary of State’s consideration of case</p> <p>(1) This section applies if the appropriate judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited.</p> <p>(2) The Secretary of State must decide whether he is prohibited from ordering the person’s extradition under any of these sections—</p> <p>(a) section 94 (death penalty);</p> <p>(b) section 95 (specialty);</p>

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<p>(3) If the Attorney General decides that he or she is not so prohibited, the Attorney General must order the person to be extradited to the designated territory to which the person's extradition is requested unless —</p> <p>(a) the Attorney General is informed that the request has been withdrawn;</p> <p>(b) the Attorney General makes an order under section 76(2) or (3) (competing extradition requests) for further proceedings on the request to be deferred and the person is discharged under section 117; or</p> <p>(c) the Attorney General orders under subsection (7) or under section 129 (national security) that the person be discharged.</p> <p>(4) In deciding the questions in subsection (1), the Attorney General is not required to consider any representations received by him or her after the end of the permitted period.</p> <p>(5) The permitted period is the period of 4 weeks starting with the appropriate day.</p> <p>(6) In the case of a person who has consented to being extradited under section 73, the Attorney General is not required —</p> <p>(a) to wait until the end of the permitted period before ordering the person's extradition; or</p> <p>(b) to consider any representations received after the order is made.</p> <p>(7) The Attorney General may order the person's discharge if the person —</p> <p>(a) has been recorded by the Secretary of State as a refugee within the meaning of the Refugee Convention; or</p> <p>(b) has been granted leave to enter or remain in the Island or the United Kingdom on the ground that it would be a breach of Article 2 or 3 of the Human Rights Convention to remove the person to the territory to which extradition is requested.</p>	<p>from ordering the person's extradition.</p> <p>(2) If the Attorney General decides that he or she is prohibited under any Article to which paragraph (1) refers from ordering the person's extradition, the Attorney General shall order that the person be discharged.</p> <p>(3) If the Attorney General decides that he or she is not prohibited under any Article to which paragraph (1) refers from ordering the person's extradition, the Attorney General shall order the person to be extradited to the designated territory to which his or her extradition is requested unless —</p> <p>(a) the Attorney General is informed that the request has been withdrawn;</p> <p>(b) the Attorney General makes an order under paragraph (2) or paragraph (3) of Article 65 (relating to competing claims for extradition) for further proceedings on the request to be deferred and the person is discharged under Article 105; or</p> <p>(c) the Attorney General orders under paragraph 6 or Article 114 (relating to national security) that the person be discharged.³⁰</p> <p>(4) In deciding the questions in paragraph (1), the Attorney General is not required to consider any representations received by him or her after the end of the permitted period.</p> <p>(5) The permitted period is the period of 6 weeks starting with the appropriate day.</p> <p>(6) The Attorney General may order the person's discharge if the person —</p> <p>(a) has been recorded by the Secretary of State as a refugee within the meaning of the Refugee Convention; or</p> <p>(b) has been granted leave to enter or</p>	<p>(2) If Her Majesty's Procureur decides that he or she is prohibited under any section to which subsection (1) refers from ordering the person's extradition, Her Majesty's Procureur shall order that the person be discharged.</p> <p>(3) If Her Majesty's Procureur decides that he or she is not prohibited under any section to which subsection (1) refers from ordering the person's extradition, Her Majesty's Procureur shall order the person to be extradited to the designated territory to which his or her extradition is requested unless —</p> <p>(a) Her Majesty's Procureur is informed that the request has been withdrawn,</p> <p>(b) Her Majesty's Procureur makes an order under section 75(2) or (3) (relating to competing claims for extradition) for further proceedings on the request to be deferred and the person is discharged under section 106, or</p> <p>(c) Her Majesty's Procureur orders under section 122 (national security) that the person be discharged.</p> <p>(4) In deciding the questions in subsection (1), Her Majesty's Procureur is not required to consider any representations received by him or her after the end of the permitted period.</p> <p>(5) The permitted period is the period of 4 weeks starting with the appropriate day (in respect of which see section 42).</p> <p>(6) In the case of a person who has consented under section 72 to his or her extradition, HM Procureur is not required —</p> <p>(a) to wait until the end of the permitted period before ordering the person's extradition, or</p>	<p>(c) section 96 (earlier extradition to United Kingdom from other territory) [;] 1</p> <p>[(d) section 96A (earlier transfer to United Kingdom by International Criminal Court).] 1</p> <p>(3) If the Secretary of State decides any of the questions in subsection (2) in the affirmative he must order the person's discharge.</p> <p>(4) If the Secretary of State decides those questions in the negative he must order the person to be extradited to the territory to which his extradition is requested unless—</p> <p>(a) he is informed that the request has been withdrawn,</p> <p>(b) he makes an order under section 126(2) or 179(2) for further proceedings on the request to be deferred and the person is discharged under section 180, or</p> <p>(c) he orders the person's discharge [under subsection (6A) or] 2 under section 208.</p> <p>(5) In deciding the questions in subsection (2), the Secretary of State is not required to consider any representations received by him after the end of the permitted period.</p> <p>(6) The permitted period is the period of [4 weeks] 3 starting with the appropriate day.</p> <p>[(6A) The Secretary of State may order the person's discharge if the person—</p> <p>(a) has been recorded by the Secretary of State as a refugee within the meaning of the Refugee Convention, or</p> <p>(b) has been granted leave to enter or remain in the United Kingdom on the ground that it would be a breach of Article 2 or 3 of the Human Rights</p>

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	<p>remain in the United Kingdom on the ground that it would be a breach of Article 2 or 3 of the Human Rights Convention to remove the person to the territory to which extradition is requested.</p>	<p>(b) to consider any representations received after the order is made.</p>	<p>Convention to remove the person to the territory to which extradition is requested.] 4 [(7) In the case of a person who has consented under section 127 to his extradition, the Secretary of State is not required— (a) to wait until the end of the permitted period before ordering the person's extradition, or (b) to consider any representations received after the order is made.</p>
<p>44 Death sentence (1) The Attorney General must not order a person's extradition to a designated territory if the person could be, will be or has been sentenced to death for the offence concerned in that designated territory. (2) Subsection (1) does not apply if the Attorney General receives a written assurance that a sentence of death — (a) will not be imposed; or (b) if imposed, will not be carried out, and the Attorney General considers that assurance adequate.</p>	<p>31 Death penalty (1) The Attorney General shall not order a person's extradition to a designated territory if the person could be, will be or has been sentenced to death for the offence concerned in that designated territory. (2) Paragraph (1) does not apply if the Attorney General receives a written assurance that a sentence of death — (a) will not be imposed; or (b) if imposed, will not be carried out, and the Attorney General considers that assurance adequate.</p>	<p>Death penalty. 36. (1) Her Majesty's Procureur shall not order a person's extradition to a designated territory if the person could be, will be or has been sentenced to death for the offence concerned in that designated territory. (2) Subsection (1) does not apply if Her Majesty's Procureur receives a written assurance that a sentence of death — (a) will not be imposed, or (b) if imposed, will not be carried out, and Her Majesty's Procureur considers that assurance adequate.</p>	<p>94 Death penalty (1) The Secretary of State must not order a person's extradition to a category 2 territory if he could be, will be or has been sentenced to death for the offence concerned in the category 2 territory. (2) Subsection (1) does not apply if the Secretary of State receives a written assurance which he considers adequate that a sentence of death— (a) will not be imposed, or (b) will not be carried out (if imposed).</p>
<p>45 Speciality (1) The Attorney General must not order a person's extradition to a designated territory if there are no speciality arrangements with that designated territory. (2) However, subsection (1) does not apply if before the case was sent to the Attorney General, the person had consented under section 73 to being extradited. (3) There are speciality arrangements with a designated territory if (but only if) under the law of that designated territory or arrangements made between it and the Island, a person who is extradited to the designated territory from the Island may be dealt with in the designated territory for an offence committed before the person's extradition only if — (a) the offence is one to which subsection (4)</p>	<p>32 Speciality (1) The Attorney General shall not order a person's extradition to a designated territory if there are no speciality arrangements with that designated territory. (2) Paragraph (1) does not apply if before the case was sent to the Attorney General, the person had consented under Article 62 to being extradited. (3) There are speciality arrangements with a designated territory if (but only if) under the law of that designated territory or arrangements made between it and Jersey, a person who is</p>	<p>Speciality. 37. (1) Her Majesty's Procureur shall not order a person's extradition to a designated territory if there are no speciality arrangements with that designated territory. (2) Subsection (1) does not apply if before the case was sent to Her Majesty's Procureur, the person had consented under section 72 to being extradited. (3) There are speciality arrangements with a designated territory if (but only if) under the law of that designated territory or arrangements made between it and the Bailiwick, a person</p>	<p>95 Speciality (1) The Secretary of State must not order a person's extradition to a category 2 territory if there are no speciality arrangements with the category 2 territory. (2) But subsection (1) does not apply if the person consented to his extradition under section 127 before his case was sent to the Secretary of State. (3) There are speciality arrangements with a category 2 territory if (and only if) under the law of that territory or arrangements made between it and the United Kingdom a person who is extradited to the territory from the</p>

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<p>refers; or</p> <p>(b) the person is first given an opportunity to leave the designated territory.</p> <p>(4) The offences to which this subsection refers are —</p> <p>(a) the offence in respect of which the person is extradited;</p> <p>(b) an extradition offence disclosed by the same facts as that offence, other than one in respect of which a sentence of death could be imposed;</p> <p>(c) an extradition offence in respect of which the Attorney General consents to the person's being dealt with; and</p> <p>(d) an offence in respect of which the person waives the right that he or she would otherwise have had not to be dealt with for the offence.</p> <p>(5) Arrangements made with a designated territory that is a Commonwealth country or a British overseas territory may be made —</p> <p>(a) for a particular case;</p> <p>(b) for a particular class or particular classes of case; or</p> <p>(c) generally, in respect of all cases.</p> <p>(6) A certificate issued by or under the authority of the Attorney General confirming the existence of arrangements with a designated territory that is a Commonwealth country or a British overseas territory and stating the terms of the arrangements is conclusive evidence of those matters.</p>	<p>extradited to the designated territory from Jersey may be dealt with in the designated territory for an offence committed before the person's extradition only where —</p> <p>(a) the offence is one to which paragraph (4) refers; or</p> <p>(b) the person is first given an opportunity to leave the designated territory.</p> <p>(4) The offences to which this paragraph refers are —</p> <p>(a) the offence in respect of which the person is extradited;</p> <p>(b) an extradition offence disclosed by the same facts as that offence, other than one in respect of which a sentence of death could be imposed;</p> <p>(c) an extradition offence in respect of which the Attorney General consents to the person's being dealt with; and</p> <p>(d) an offence in respect of which the person waives the right that he or she would have had (but for this subparagraph) not to be dealt with for the offence.</p> <p>(5) Arrangements made with a designated territory that is a Commonwealth country or a British overseas territory may be made —</p> <p>(a) for a particular case;</p> <p>(b) for a particular class or particular classes of case; or</p> <p>(c) generally, in respect of all cases.</p> <p>(6) A certificate issued by or under the authority of the Attorney General confirming the existence of arrangements with a designated territory that is a Commonwealth country or a British overseas territory and stating the terms of the arrangements is conclusive evidence of</p>	<p>who is extradited to the designated territory from the Bailiwick may be dealt with in the designated territory for an offence committed before the person's extradition only where —</p> <p>(a) the offence is one to which subsection (4) refers, or</p> <p>(b) the person is first given an opportunity to leave the designated territory.</p> <p>(4) The offences to which this section refers are —</p> <p>(a) the offence in respect of which the person is extradited,</p> <p>(b) an extradition offence disclosed by the same facts as that offence, other than one in respect of which a sentence of death could be imposed,</p> <p>(c) an extradition offence in respect of which Her Majesty's Procureur consents to the person's being dealt with, and</p> <p>(d) an offence in respect of which the person waives the right that he or she would have had (but for this subsection) not to be dealt with for the offence.</p> <p>(5) Arrangements made with a designated territory that is a Commonwealth country or a British overseas territory may be made —</p> <p>(a) for a particular case,</p> <p>(b) for a particular class or particular classes of case, or</p> <p>(c) generally, in respect of all cases.</p> <p>(6) A certificate issued by or under the authority of Her Majesty's Procureur confirming the existence of arrangements with a designated territory that is a Commonwealth country or a British overseas territory and stating the terms of the arrangements is conclusive evidence of</p>	<p>United Kingdom may be dealt with in the territory for an offence committed before his extradition only if—</p> <p>(a) the offence is one falling within subsection (4), or</p> <p>(b) he is first given an opportunity to leave the territory.</p> <p>(4) The offences are—</p> <p>(a) the offence in respect of which the person is extradited;</p> <p>(b) an extradition offence disclosed by the same facts as that offence, other than one in respect of which a sentence of death could be imposed;</p> <p>(c) an extradition offence in respect of which the Secretary of State consents to the person being dealt with;</p> <p>(d) an offence in respect of which the person waives the right that he would have (but for this paragraph) not to be dealt with for the offence.</p> <p>(5) Arrangements made with a category 2 territory which is a Commonwealth country or a British overseas territory may be made for a particular case or more generally.</p> <p>(6) A certificate issued by or under the authority of the Secretary of State confirming the existence of arrangements with a category 2 territory which is a Commonwealth country or a British overseas territory and stating the terms of the arrangements is conclusive evidence of those matters.</p>

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	those matters.	those matters.	
<p>46 Earlier extradition to the Island from another territory The Attorney General must not order a person's extradition to a designated territory if —</p> <p>(a) the person was extradited to the Island from another territory ("the extraditing territory");</p> <p>(b) under arrangements existing between the Island and the extraditing territory, that territory's consent is required to the person's extradition from the Island to the designated territory in respect of the extradition offence under consideration; and</p> <p>(c) that consent has not been given on behalf of the extraditing territory.</p>	<p>33 Earlier extradition to Jersey from another territory The Attorney General shall not order a person's extradition to a designated territory if —</p> <p>(a) the person was extradited to Jersey from another territory (the extraditing territory);</p> <p>(b) under arrangements existing between Jersey and the extraditing territory, that territory's consent is required to the person's extradition from Jersey to the designated territory in respect of the extradition offence under consideration; and</p> <p>(c) that consent has not been given on behalf of the extraditing territory.</p>	<p>Earlier extradition to the Bailiwick from another territory. 38. Her Majesty's Procureur shall not order a person's extradition to a designated territory if —</p> <p>(a) the person was extradited to the Bailiwick from another territory (the extraditing territory),</p> <p>(b) under arrangements existing between the Bailiwick and the extraditing territory, that territory's consent is required to the person's extradition from the Bailiwick to the designated territory in respect of the extradition offence under consideration, and</p> <p>(c) that consent has not been given on behalf of the extraditing territory.</p>	<p>96 Earlier extradition to United Kingdom from other territory The Secretary of State must not order a person's extradition to a category 2 territory if—</p> <p>(a) the person was extradited to the United Kingdom from another territory (the extraditing territory);</p> <p>(b) under arrangements between the United Kingdom and the extraditing territory, that territory's consent is required to the person's extradition from the United Kingdom to the category 2 territory in respect of the extradition offence under consideration; and</p> <p>(c) that consent has not been given on behalf of the extraditing territory.</p>
<p>47 Deferral by Attorney General where person charged with offence in the Island (1) If the High Bailiff sends a case to the Attorney General for a decision as to whether a person is to be extradited, and the person is charged with an offence in the Island, the Attorney General must not make a decision with regard to the person's extradition until —</p> <p>(a) the charge is disposed of;</p> <p>(b) the charge is withdrawn; or</p> <p>(c) proceedings in respect of the charge are otherwise discontinued.</p> <p>(2) If a sentence of custody is imposed in respect of the offence in the Island with which the person is charged, the Attorney General may defer making a decision with regard to the person's extradition until the person is released from custody pursuant to the sentence (whether on licence or otherwise).</p>	<p>34 Deferral by Attorney General where person charged with offence in Jersey (1) If the Magistrate sends a case to the Attorney General for a decision as to whether a person is to be extradited, and the person is charged with an offence in Jersey, the Attorney General shall not make a decision with regard to the person's extradition until —</p> <p>(a) the charge is disposed of;</p> <p>(b) the charge is withdrawn;</p> <p>(c) an order is made for the charge to lie on the file; or</p> <p>(d) a declaration is made that the charge has been abandoned.</p> <p>(2) If a sentence of imprisonment or another form of detention is imposed in respect of the offence in Jersey with which the person is charged, the Attorney General may defer making a decision with regard to the person's</p>	<p>Deferral: person charged with offence in the Bailiwick. 39. (1) If the Magistrate's Court sends a case to Her Majesty's Procureur for a decision as to whether a person is to be extradited, and the person is charged with an offence in the Bailiwick, Her Majesty's Procureur shall not make a decision with regard to the person's extradition until the charge is disposed of or withdrawn, or a declaration is made that the charge has been abandoned.</p> <p>(2) If a sentence of imprisonment or another form of detention is imposed in respect of the offence in the Bailiwick with which the person is charged, Her Majesty's Procureur may defer making a decision with regard to the person's extradition until the sentence has been served.</p>	<p>97 Deferral: person charged with offence in United Kingdom (1) This section applies if—</p> <p>(a) the appropriate judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited;</p> <p>(b) the person is charged with an offence in the United Kingdom.</p> <p>(2) The Secretary of State must not make a decision with regard to the person's extradition until one of these occurs—</p> <p>(a) the charge is disposed of;</p> <p>(b) the charge is withdrawn;</p> <p>(c) proceedings in respect of the charge are discontinued;</p> <p>(d) an order is made for the charge to lie on the file or, in relation to Scotland, the diet is deserted <i>pro loco et tempore</i>.</p> <p>(3) If a sentence of imprisonment or</p>

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	extradition until the sentence has been served.		another form of detention is imposed in respect of the offence charged, the Secretary of State may defer making a decision with regard to the person's extradition until [the person is released from detention pursuant to the sentence (whether on licence or otherwise)] 1 .
<p>48 Deferral by Attorney General where person serving sentence in the Island If —</p> <p>(a) the High Bailiff sends a case to the Attorney General for a decision as to whether a person is to be extradited; and</p> <p>(b) the person is serving a sentence of custody in the Island,</p> <p>the Attorney General may defer making a decision with regard to the person's extradition until the person is released from custody pursuant to the sentence (whether on licence or otherwise).</p>	<p>35 Deferral by Attorney General where person serving sentence in Jersey If —</p> <p>(a) the Magistrate sends a case to the Attorney General for a decision as to whether a person is to be extradited; and</p> <p>(b) the person is serving a sentence of imprisonment or another form of detention in Jersey,</p> <p>the Attorney General may defer making a decision with regard to the person's extradition until the sentence has been served.</p>	<p>Deferral: person serving sentence in the Bailiwick. 40. If —</p> <p>(a) the Magistrate's Court sends a case to Her Majesty's Procureur for a decision as to whether a person is to be extradited, and</p> <p>(b) the person is in custody serving a sentence of imprisonment or another form of detention in the Bailiwick,</p> <p>Her Majesty's Procureur may defer making a decision with regard to the person's extradition until the sentence has been served.</p>	<p>98 Deferral: person serving sentence in United Kingdom (1) This section applies if—</p> <p>(a) the appropriate judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited;</p> <p>(b) the person is [in custody] 1 serving a sentence of imprisonment or another form of detention in the United Kingdom.</p> <p>(2) The Secretary of State may defer making a decision with regard to the person's extradition until [the person is released from detention pursuant to the sentence (whether on licence or otherwise)] 2</p>
<p>49 Time limit for order for extradition or discharge (1) If —</p> <p>(a) the High Bailiff sends a case to the Attorney General for a decision whether a person is to be extradited;</p> <p>(b) within the period of 2 months starting on the appropriate day, the Attorney General does not make an order for the person's extradition or discharge; and</p> <p>(c) the person applies to the High Bailiff to be discharged,</p> <p>the High Bailiff must order that the person be discharged.</p> <p>(2) The High Bailiff may, on an application made by the Attorney General before the end of the period specified in subsection (1)(b), extend that period from time to time.</p>	<p>36 Time limit for order for extradition or discharge (1) If —</p> <p>(a) the Magistrate sends a case to the Attorney General for a decision whether a person is to be extradited;</p> <p>(b) within the period of 2 months commencing on the appropriate day, the Attorney General does not make an order for the person's extradition or discharge; and</p> <p>(c) the person applies to the Royal Court to be discharged,</p> <p>the Royal Court shall order that the person be discharged.</p> <p>(2) The Royal Court may, on an application made by the Attorney</p>	<p>Time limit for order for extradition or discharge. 41. (1) If —</p> <p>(a) the Magistrate's Court sends a case to Her Majesty's Procureur for a decision whether a person is to be extradited,</p> <p>(b) within the period of 2 months commencing on the appropriate day (in respect of which see section 42), Her Majesty's Procureur does not make an order for the person's extradition or discharge, and</p> <p>(c) the person applies to the Royal Court to be discharged,</p> <p>the Royal Court shall order that the person be discharged.</p>	<p>99 Time limit for order for extradition or discharge (1) This section applies if—</p> <p>(a) the appropriate judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited;</p> <p>(b) within the required period the Secretary of State does not make an order for the person's extradition or discharge.</p> <p>(2) If the person applies to [the appropriate judge] 1 to be discharged, [the judge] 2 must order his discharge.</p> <p>(3) The required period is the period of 2 months starting with the appropriate</p>

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	General before the end of the period specified in paragraph (1)(b), extend that period from time to time.	(2) The Royal Court may, on an application made by Her Majesty's Procureur before the end of the period specified in subsection (1)(b), extend that period from time to time.	day. (4) If before the required period ends the Secretary of State [applies to the appropriate judge] 3 for it to be extended [the judge may] 4 make an order accordingly; and this subsection may apply more than once.
<p>50 Information to be given by Attorney General</p> <p>(1) If the Attorney General orders a person's extradition under this Part, the Attorney General must —</p> <p>(a) inform the person of the order;</p> <p>(b) inform the person in ordinary language that he or she has a right of appeal to the High Court; and</p> <p>(c) inform any person who is acting on behalf of the designated territory concerned that the Attorney General has made the order.</p> <p>(2) However, the requirement to inform a person of his or her right of appeal does not apply if the person has consented under section 73 to being extradited.</p> <p>(3) If the Attorney General —</p> <p>(a) orders a person's extradition under this Part; and</p> <p>(b) has received in respect of the matter an assurance to which section 44(2) (death sentence) refers,</p> <p>the Attorney General must give the person a copy of the assurance when informing the person of the order under subsection (1).</p> <p>(4) If the Attorney General orders that a person be discharged, the Attorney General must inform —</p> <p>(a) the person; and</p> <p>(b) a person acting on behalf of the designated territory concerned,</p> <p>that the Attorney General has made the order.</p>	<p>38 Information to be given by Attorney General</p> <p>(1) If the Attorney General orders a person's extradition under this Part, the Attorney General shall —</p> <p>(a) inform the person of the order;</p> <p>(b) inform the person in ordinary language that he or she has a right of appeal to the Royal Court; and</p> <p>(c) inform any person who is acting on behalf of the designated territory concerned that the Attorney General has made the order.</p> <p>(2) However, the requirement to inform a person of his or her right of appeal does not apply if the person has consented under Article 62 to being extradited.</p> <p>(3) If the Attorney General —</p> <p>(a) orders a person's extradition under this Part; and</p> <p>(b) has received in respect of the matter an assurance to which Article 31(2) (death sentence) refers,</p> <p>the Attorney General shall give the person a copy of the assurance when under paragraph (1) informing the person of the order.</p> <p>(4) If the Attorney General orders that a person be discharged, the Attorney General shall inform —</p> <p>(a) the person; and</p> <p>(b) a person acting on behalf of the designated territory concerned,</p> <p>that the Attorney General has made the</p>	<p>Information to be given by Her Majesty's Procureur.</p> <p>43. (1) If Her Majesty's Procureur orders a person's extradition under this Part, he or she must in writing —</p> <p>(a) inform the person of the order,</p> <p>(b) inform the person in ordinary language that the person has a right of appeal to the Royal Court, and</p> <p>(c) inform any person who is acting on behalf of the designated territory concerned that he or she has made the order.</p> <p>(2) However, the requirement to inform a person of his or her right of appeal does not apply if the person has consented under section 72 to being extradited.</p> <p>(3) If Her Majesty's Procureur —</p> <p>(a) orders a person's extradition under this Part, and</p> <p>(b) has received in respect of the matter an assurance to which section 36(2) (death sentence) refers,</p> <p>he or she must give the person a copy of the assurance when under subsection (1) informing the person of the order.</p> <p>(4) If Her Majesty's Procureur orders that a person be discharged, Her Majesty's Procureur shall inform —</p> <p>(a) the person, and</p> <p>(b) the authorities of the designated territory concerned,</p> <p>that he or she has made the order.</p>	<p>100 Information</p> <p>(1) If the Secretary of State orders a person's extradition under this Part he must—</p> <p>(a) inform the person of the order;</p> <p>(b) inform him in ordinary language that he has a right of appeal to the High Court;</p> <p>(c) inform a person acting on behalf of the category 2 territory of the order.</p> <p>(2) But subsection (1)(b) does not apply if the person has consented to his extradition under section 127.</p> <p>(3) If the Secretary of State orders a person's extradition under this Part and he has received an assurance such as is mentioned in section 94(2), he must give the person a copy of the assurance when he informs him under subsection (1) of the order.</p> <p>(4) If the Secretary of State orders a person's discharge under this Part he must—</p> <p>(a) inform him of the order;</p> <p>(b) inform a person acting on behalf of the category 2 territory of the order.</p>

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<p>51 Making of order for extradition or discharge An order — (a) under section 43 (Attorney General's consideration of case) for a person's extradition; or (b) under section 43 or section 71 (withdrawal of request after case sent to Attorney General) that a person be discharged, must be made in writing, and signed by the Attorney General.</p>	<p>order.</p> <p>39 Making of order for extradition or discharge An order – (a) under Article 30 for a person's extradition; or (b) under Article 30 or Article 59 (relating to the withdrawal of an extradition request after the case is sent to the Attorney General) that a person be discharged, shall be made in writing, and signed by the Attorney General or by a Crown Advocate authorized by the Attorney General for that purpose.</p>	<p>Making of order for extradition or discharge. 44. An order – (a) under section 35 for a person's extradition, or (b) under section 35 or section 69 (withdrawal of request after case sent to Her Majesty's Procureur) that a person be discharged, shall be made in writing, and signed by Her Majesty's Procureur.</p>	<p>101 Making of order for extradition or discharge (1) An order to which this section applies must be made under the hand of one of these— (a) the Secretary of State; (b) a Minister of State; (c) a Parliamentary Under-Secretary of State; (d) a senior official. (2) But, in relation to Scotland, an order to which this section applies must be made under the hand of one of these— (a) a member of the Scottish Executive or a junior Scottish Minister; (b) a senior official who is a member of the staff of the Scottish Administration. (3) This section applies to— (a) an order under section 93 for a person's extradition; (b) an order under section 93 or 123 for a person's discharge. (4) A senior official is— (a) a member of the Senior Civil Service; (b) a member of the Senior Management Structure of Her Majesty's Diplomatic Service. (5) If it appears to the Secretary of State that it is necessary to do so in consequence of any changes to the structure or grading of the [statutory civil service (or any part of it)] 1 , he may by order make such amendments to subsection (4) as appear to him appropriate to preserve (so far as practicable) the effect of that subsection. [(6) In subsection (5) "the statutory civil service" means the civil service</p>

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			within the meaning of Chapter 1 of Part 1 of the Constitutional Reform and Governance Act 2010 (see section 1(4) of that Act).] 2
<p>52 Appeal against sending of case to Attorney General</p> <p>(1) A person may appeal to the High Court against a decision of the High Bailiff resulting in the case being sent to the Attorney General for a decision as to whether the person is to be extradited.</p> <p>(2) However, subsection (1) does not apply if the person consented under section 73 to being extradited before the case was sent to the Attorney General.</p> <p>(3) An appeal under this section may be brought on a question of law or fact but lies only with the leave of the High Court.</p> <p>(4) If an appeal is brought under this section before the Attorney General has decided whether the person is to be extradited, the appeal must not be heard until the Attorney General has made that decision.</p> <p>(5) No appeal may be brought or proceeded with under this section if the Attorney General has ordered that the person be discharged.</p> <p>(6) If notice of an appeal under section 59 against the decision that resulted in the order for the person's discharge is given in accordance with subsection (4) of that section —</p> <p>(a) subsection (5) does not apply; and</p> <p>(b) no appeal may be brought under this section if the High Court has made its decision on the appeal.</p> <p>(7) Notice of an appeal under this section must be given in accordance with rules of court before the end of the period of 14 days starting with the day on which the Attorney General informs the person under section 50(1) that the Attorney General has ordered the person's extradition ("the permitted period").</p> <p>(8) But where a person gives notice of application for leave to appeal after the end of the permitted period, the High Court must not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given.</p>	<p>40 Appeal to Royal Court against sending of case to Attorney General</p> <p>(1) A person may appeal to the Royal Court against a decision by the Magistrate that results in the case being sent to the Attorney General for a decision as to whether the person is to be extradited.</p> <p>(2) However, paragraph (1) does not apply if before the case was sent to the Attorney General the person consented under Article 62 to being extradited.</p> <p>(3) An appeal under this Article may be brought on a question of law or fact.</p> <p>(4) If an appeal is brought under this Article before the Attorney General has decided whether the person is to be extradited, the appeal shall not be heard until the Attorney General has made that decision.</p> <p>(5) No appeal may be brought or proceeded with under this Article if the Attorney General has ordered that the person be discharged.</p> <p>(6) Notice of an appeal under this Article shall be given in accordance with rules of court before the end of the period of 14 days commencing on the day on which the Attorney General informs the person under Article 38(1) that the Attorney General has ordered the person's extradition.</p> <p>(7) But where a person gives notice of application for leave to appeal after the end of the permitted period, the Royal Court shall not for that reason refuse to entertain the application if the person</p>	<p>Appeal to Royal Court against sending of case to Her Majesty's Procureur.</p> <p>45. (1) Subject to subsection (2), a person may appeal to the Royal Court against a decision by the Magistrate's Court that results in the case being sent to Her Majesty's Procureur for a decision as to whether the person is to be extradited.</p> <p>(2) Subsection (1) does not apply if before the case was sent to Her Majesty's Procureur the person consented under section 72 to being extradited.</p> <p>(3) An appeal under this section may be brought on a question of law or fact and lies only with leave of the Royal Court.</p> <p>(4) If an appeal is brought under this section before Her Majesty's Procureur has decided whether the person is to be extradited, the appeal shall not be heard until Her Majesty's Procureur has made that decision.</p> <p>(5) No appeal may be brought or proceeded with under this section if Her Majesty's Procureur has ordered that the person be discharged.</p> <p>(6) If notice of an appeal under section 52 against the decision which resulted in the order for the person's discharge is given in accordance with subsection (4) of that section —</p> <p>(a) subsections (4) and (5) do not apply, and</p> <p>(b) no appeal may be brought under this section if the Royal Court has made</p>	<p>103 Appeal where case sent to Secretary of State</p> <p>(1) If the judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited, the person may appeal to the High Court against the relevant decision.</p> <p>(2) But subsection (1) does not apply if the person consented to his extradition under section 127 before his case was sent to the Secretary of State.</p> <p>(3) The relevant decision is the decision that resulted in the case being sent to the Secretary of State.</p> <p>(4) An appeal under this [section—] 1 [(a) may be brought on a question of law or fact, but</p> <p>(b) lies only with the leave of the High Court.] 1</p> <p>(5) If an appeal is brought under this section before the Secretary of State has decided whether the person is to be extradited the appeal must not be heard until after the Secretary of State has made his decision.</p> <p>(6) If the Secretary of State orders the person's discharge the appeal must not be proceeded with.</p> <p>(7) No appeal may be brought under this section if the Secretary of State has ordered the person's discharge.</p> <p>(8) If notice of an appeal under section 110 against the decision which resulted in the order for the person's discharge is given in accordance with subsection (5) of that section—</p>

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	<p>did everything reasonably possible to ensure that the notice was given as soon as it could be given.³²</p>	<p>its decision on the appeal. (7) Notice of application for leave to appeal under this section shall be given in accordance with rules of court before the end of the period of 14 days commencing on the day on which Her Majesty's Procureur informs the person under section 43 that he or she has ordered the person's extradition ("the permitted period"). (8) However, where a person gives notice of application for leave to appeal after the end of the permitted period, the Royal Court may not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given.</p>	<p>(a) subsections (6) and (7) do not apply; (b) no appeal may be brought under this section if the High Court has made its decision on the appeal. (9) [Notice of application for leave to appeal] 2 under this section must be given in accordance with rules of court before the end of the permitted period, which is 14 days starting with the day on which the Secretary of State informs the person under section 100(1) or (4) of the order he has made in respect of the person. [(10) But where a person gives notice of application for leave to appeal after the end of the permitted period, the High Court must not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given.] 3</p>
<p>53 High Court's powers on appeal against sending of case to Attorney General (1) On an appeal under section 52, the High Court may — (a) allow the appeal; (b) direct the High Bailiff to decide again any question or questions that the High Bailiff decided at the extradition hearing; or (c) dismiss the appeal. (2) The High Court may allow the appeal only on the ground specified in subsection (3) or the ground specified in subsection (4). (3) The ground to which this subsection refers is — (a) that the High Bailiff ought to have decided a question before the High Bailiff at the extradition hearing differently; and (b) that if the High Bailiff had decided the question in the way in which the High Bailiff ought to have decided it, the High Bailiff would have been required to order that the person be discharged.</p>	<p>41 Royal Court's powers on appeal against sending of case to Attorney General (1) On an appeal under Article 40, the Royal Court may — (a) allow the appeal; (b) direct the Magistrate to decide again any question or questions that the Magistrate decided at the extradition hearing; or (c) dismiss the appeal. (2) The Royal Court may allow the appeal only on the ground specified in paragraph (3) or the ground specified in paragraph (4). (3) The ground to which this paragraph refers is — (a) that the Magistrate ought to have decided differently a question before the Magistrate at the extradition</p>	<p>Royal Court's powers on appeal against sending of case to Her Majesty's Procureur. 46. (1) On an appeal under section 45, the Royal Court may — (a) allow the appeal, (b) direct the Magistrate's Court to decide again any question or questions that the Magistrate's Court decided at the extradition hearing, or (c) dismiss the appeal. (2) The Royal Court may allow the appeal only if the conditions in subsection (3) or in subsection (4) are satisfied. (3) The conditions are — (a) that the Magistrate's Court ought to have decided differently a question before it at the extradition hearing, and (b) that if the Magistrate's Court had</p>	<p>104 Court's powers on appeal under section 103 (1) On an appeal under section 103 the High Court may— (a) allow the appeal; (b) direct the judge to decide again a question (or questions) which he decided at the extradition hearing; (c) dismiss the appeal. (2) The court may allow the appeal only if the conditions in subsection (3) or the conditions in subsection (4) are satisfied. (3) The conditions are that— (a) the judge ought to have decided a question before him at the extradition hearing differently; (b) if he had decided the question in the way he ought to have done, he would have been required to order the</p>

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<p>(4) The ground to which this subsection refers is —</p> <p>(a) that an issue is raised that was not raised at the extradition hearing, or that evidence is available that was not available at the extradition hearing;</p> <p>(b) that the issue or evidence would have resulted in the High Bailiff's deciding differently a question before the High Bailiff at the extradition hearing; and</p> <p>(c) that if the High Bailiff had decided the question in that different way, the High Bailiff would have been required to order that the person be discharged.</p> <p>(5) If the High Court allows the appeal, it must —</p> <p>(a) order that the person be discharged; and</p> <p>(b) quash the order for the person's extradition.</p> <p>(6) Where, on an appeal under section 52, the High Court has directed the High Bailiff to decide any question again, and the High Bailiff does so —</p> <p>(a) if the High Bailiff comes to a different decision on any such question than at the extradition hearing, the High Bailiff must order that the person be discharged; and</p> <p>(b) if the High Bailiff does not come to a different decision on any such question than at the extradition hearing, the appeal must be taken to have been dismissed by a decision of the High Court.</p> <p>(7) If the High Court makes a direction under subsection (1)(b) it must remand the person in custody or on bail, and if it remands the person in custody it may later grant bail.</p>	<p>hearing; and</p> <p>(b) that if the Magistrate had decided the question in the way in which it ought to have been decided, the Magistrate would have been required to order that the person be discharged.</p> <p>(4) The ground to which this paragraph refers is —</p> <p>(a) that an issue is raised that was not raised at the extradition hearing, or that evidence is available that was not available at the extradition hearing;</p> <p>(b) that the issue or evidence would have resulted in the Magistrate's deciding differently a question before the Magistrate at the extradition hearing; and</p> <p>(c) that if the Magistrate had decided the question in that different way, the Magistrate would have been required to order that the person be discharged.</p> <p>(5) If the Royal Court allows the appeal, it shall —</p> <p>(a) order that the person be discharged; and</p> <p>(b) quash the order for the person's extradition.</p> <p>(6) Where, on an appeal under Article 40, the Royal Court has directed the Magistrate to decide any question or questions again, and the Magistrate does so —</p> <p>(a) if the Magistrate comes to a different decision on any such question than at the extradition hearing, the Magistrate shall order that the person be discharged; and</p> <p>(b) if the Magistrate does not come to a different decision on any such question than at the extradition hearing, the appeal shall be taken to have been dismissed by a decision of the Royal</p>	<p>decided the question in the way in which it ought to have decided, it would have been required to order that the person be discharged.</p> <p>(4) The conditions are —</p> <p>(a) that an issue is raised that was not raised at the extradition hearing, or that evidence is available that was not available at the extradition hearing,</p> <p>(b) that the issue or evidence would have resulted in the Magistrate's Court's deciding differently a question before it at the extradition hearing, and</p> <p>(c) that if the Magistrate's Court had decided the question in that different way, it would have been required to order that the person be discharged.</p> <p>(5) If the Royal Court allows the appeal, it shall —</p> <p>(a) order that the person be discharged, and</p> <p>(b) quash the order for the person's extradition.</p> <p>(6) Where, on an appeal under section 45, the Royal Court has directed the Magistrate's Court to decide any question or questions again, and it does so —</p> <p>(a) if it comes to a different decision on any such question than at the extradition hearing, it must order that the person be discharged, and</p> <p>(b) if it does not come to a different decision on any such question than at the extradition hearing, the appeal shall be taken to have been dismissed by a decision of the Royal Court.</p> <p>(7) If the Royal Court makes a direction under subsection (1)(b) it shall remand the person in custody or on bail; and if the Royal Court remands the person in custody it may later grant bail.</p>	<p>person's discharge.</p> <p>(4) The conditions are that—</p> <p>(a) an issue is raised that was not raised at the extradition hearing or evidence is available that was not available at the extradition hearing;</p> <p>(b) the issue or evidence would have resulted in the judge deciding a question before him at the extradition hearing differently;</p> <p>(c) if he had decided the question in that way, he would have been required to order the person's discharge.</p> <p>(5) If the court allows the appeal it must—</p> <p>(a) order the person's discharge;</p> <p>(b) quash the order for his extradition.</p> <p>(6) If the judge comes to a different decision on any question that is the subject of a direction under subsection (1)(b) he must order the person's discharge.</p> <p>(7) If the judge comes to the same decision as he did at the extradition hearing on the question that is (or all the questions that are) the subject of a direction under subsection (1)(b) the appeal must be taken to have been dismissed by a decision of the High Court.</p> <p>[(8) If the court makes a direction under subsection (1)(b) it must remand the person in custody or on bail.</p> <p>(9) If the court remands the person in custody it may later grant bail.] 1</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
<p>54 Appeal against discharge by High Bailiff (1) An appeal on behalf of the designated territory concerned may be brought to the High Court against a decision of the High Bailiff at an extradition hearing that results in the High Bailiff's ordering that a person be discharged. (2) However, subsection (1) does not apply if the order that the person be discharged was made under section 70 (withdrawal of extradition request before end of extradition hearing). (3) An appeal under this section may be brought on a question of law or fact but lies only with the leave of the High Court. (4) Notice of an appeal under this section must be given in accordance with rules of court before the end of the period of 14 days starting with the day on which the order for the person's discharge is made.</p>	<p>42 Appeal to Royal Court against discharge by Magistrate (1) An appeal on behalf of the designated territory concerned may be brought to the Royal Court against a decision by the Magistrate at an extradition hearing that results in the Magistrate's ordering that a person be discharged. (2) However, paragraph (1) does not apply if the order that the person be discharged was made under Article 58 (relating to the withdrawal of an extradition request before the end of the extradition hearing). (3) An appeal under this Article may be brought on a question of law or fact. (4) Notice of an appeal under this Article shall be given in accordance with rules of court before the end of the period of 14 days commencing on the day on which the order for the person's discharge is made.</p>	<p>Appeal to Royal Court against discharge by Magistrate's Court. 47. (1) An appeal on behalf of the designated territory concerned may be brought to the Royal Court against a decision by the Magistrate's Court at an extradition hearing that results in the Magistrate's Court's ordering that a person be discharged. (2) However, subsection (1) does not apply if the order that the person be discharged was made under section 68. (3) An appeal under this section may be brought on a question of law or fact and lies only with the leave of the Royal Court. (4) Notice of an appeal under this section shall be given in accordance with rules of court before the end of the period of 14 days commencing on the day on which the order for the person's discharge is made.</p>	<p>105 Appeal against discharge at extradition hearing (1) If at the extradition hearing the judge orders a person's discharge, an appeal to the High Court may be brought on behalf of the category 2 territory against the relevant decision. (2) But subsection (1) does not apply if the order for the person's discharge was under section 122. (3) The relevant decision is the decision which resulted in the order for the person's discharge. (4) An appeal under this [section—] 1 [(a) may be brought on a question of law or fact, but (b) lies only with the leave of the High Court.] 1 (5) [Notice of application for leave to appeal] 2 under this section must be given in accordance with rules of court before the end of the permitted period, which is 14 days starting with the day on which the order for the person's discharge is made.</p>
<p>55 High Court's powers on appeal against discharge by High Bailiff (1) On an appeal under section 54, the High Court may — (a) allow the appeal; (b) direct the High Bailiff to decide the relevant question again; or (c) dismiss the appeal. (2) A question is the relevant question if the High Bailiff's decision on it resulted in the order that the person be discharged. (3) The High Court may allow the appeal only on the ground specified in subsection (4) or the ground specified in subsection (5). (4) The ground to which this subsection refers is —</p>	<p>43 Royal Court's powers on appeal against discharge by Magistrate (1) On an appeal under Article 42, the Royal Court may — (a) allow the appeal; (b) direct the Magistrate to decide the relevant question again; or (c) dismiss the appeal. (2) A question is the relevant question if the Magistrate's decision on it resulted in the order that the person be discharged. (3) The Royal Court may allow the appeal only on the ground specified in paragraph (4) or the ground specified</p>	<p>Royal Court's powers on appeal against discharge by Magistrate's Court. 48. (1) On an appeal under section 47, the Royal Court may — (a) allow the appeal, (b) direct the Magistrate's Court to decide the relevant question again, or (c) dismiss the appeal. (2) A question is the relevant question if the Magistrate's Court's decision on it resulted in the order that the person be discharged. (3) The Royal Court may allow the appeal only if the conditions in</p>	<p>106 Court's powers on appeal under section 105 (1) On an appeal under section 105 the High Court may— (a) allow the appeal; (b) direct the judge to decide the relevant question again; (c) dismiss the appeal. (2) A question is the relevant question if the judge's decision on it resulted in the order for the person's discharge. (3) The court may allow the appeal only if the conditions in subsection (4) or the conditions in subsection (5) are satisfied.</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
<p>(a) that the High Bailiff ought to have decided the relevant question differently; and</p> <p>(b) that if the High Bailiff had decided that question in the way in which it ought to have been decided, the High Bailiff would not have been required to order that the person be discharged.</p> <p>(5) The ground to which this subsection refers is —</p> <p>(a) that an issue is raised that was not raised at the extradition hearing, or that evidence is available that was not available at the extradition hearing;</p> <p>(b) that the issue or evidence would have resulted in the High Bailiff's deciding the relevant question differently; and</p> <p>(c) that if the High Bailiff had decided that question in that way, the High Bailiff would not have been required to order that the person be discharged.</p> <p>(6) If the High Court allows the appeal, it must —</p> <p>(a) quash the order that the person be discharged;</p> <p>(b) remit the case to the High Bailiff; and</p> <p>(c) direct the High Bailiff to proceed as required if the High Bailiff had decided the relevant question differently at the extradition hearing.</p> <p>(7) Where, on an appeal under section 54, the High Court has directed the High Bailiff to decide the relevant question again, and the High Bailiff does so —</p> <p>(a) if the High Bailiff comes to a different decision on that question than at the extradition hearing, the High Bailiff must proceed as would have been required if the High Bailiff had decided that question in that different way at the extradition hearing; and</p> <p>(b) if the High Bailiff does not come to a different decision on that question than at the extradition hearing, the appeal must be taken to have been dismissed by a decision of the High Court.</p> <p>(8) If the High Court —</p> <p>(a) allows the appeal; or</p> <p>(b) makes a direction under subsection (1)(b), it must remand the person in custody or on bail, and if it remands the person in custody it may later grant bail.</p>	<p>in paragraph (5).</p> <p>(4) The ground to which this paragraph refers is —</p> <p>(a) that the Magistrate ought to have decided the question differently; and</p> <p>(b) that if the Magistrate had decided the question in the way in which it ought to have been decided, the Magistrate would not have been required to order that the person be discharged.</p> <p>(5) The ground to which this paragraph refers is —</p> <p>(a) that an issue is raised that was not raised at the extradition hearing, or that evidence is available that was not available at the extradition hearing;</p> <p>(b) that the issue or evidence would have resulted in the Magistrate's deciding differently the question in respect of which the decision resulted in the order that the person be discharged; and</p> <p>(c) that if the Magistrate had decided the question in that way, he or she would not have been required to order that the person be discharged.</p> <p>(6) If the Royal Court allows the appeal, it shall —</p> <p>(a) quash the order that the person be discharged;</p> <p>(b) remit the case to the Magistrate; and</p> <p>(c) direct the Magistrate to proceed as required if the Magistrate had decided the question differently at the extradition hearing.</p> <p>(7) Where, on an appeal under Article 42, the Royal Court has directed the Magistrate to decide a question again, and the Magistrate does so —</p> <p>(a) if the Magistrate comes to a</p>	<p>subsection (4) or in subsection (5) are satisfied.</p> <p>(4) The conditions are —</p> <p>(a) that the Magistrate's Court ought to have decided the question differently, and</p> <p>(b) that if it had decided the question in the way in which it ought to have been decided, it would not have been required to order that the person be discharged.</p> <p>(5) The conditions are —</p> <p>(a) that an issue is raised that was not raised at the extradition hearing, or that evidence is available that was not available at the extradition hearing,</p> <p>(b) that the issue or evidence would have resulted in the Magistrate's Court's deciding differently the question in respect of which the decision resulted in the order that the person be discharged, and</p> <p>(c) that if the Magistrate's Court had decided the question in that way, it would not have been required to order that the person be discharged.</p> <p>(6) If the Royal Court allows the appeal, it shall —</p> <p>(a) quash the order that the person be discharged,</p> <p>(b) remit the case to the Magistrate's Court, and</p> <p>(c) direct the Magistrate's Court to proceed as required if it had decided the question differently at the extradition hearing.</p> <p>(7) If the Royal Court makes a direction under subsection (1)(b) and —</p> <p>(a) the Magistrate's Court comes to a different decision on the question than at the extradition hearing, it must proceed as would have been required if</p>	<p>(4) The conditions are that—</p> <p>(a) the judge ought to have decided the relevant question differently;</p> <p>(b) if he had decided the question in the way he ought to have done, he would not have been required to order the person's discharge.</p> <p>(5) The conditions are that—</p> <p>(a) an issue is raised that was not raised at the extradition hearing or evidence is available that was not available at the extradition hearing;</p> <p>(b) the issue or evidence would have resulted in the judge deciding the relevant question differently;</p> <p>(c) if he had decided the question in that way, he would not have been required to order the person's discharge.</p> <p>(6) If the court allows the appeal it must—</p> <p>(a) quash the order discharging the person;</p> <p>(b) remit the case to the judge;</p> <p>(c) direct him to proceed as he would have been required to do if he had decided the relevant question differently at the extradition hearing.</p> <p>(7) If the court makes a direction under subsection (1)(b) and the judge decides the relevant question differently he must proceed as he would have been required to do if he had decided that question differently at the extradition hearing.</p> <p>(8) If the court makes a direction under subsection (1)(b) and the judge does not decide the relevant question differently the appeal must be taken to have been dismissed by a decision of the High Court.</p> <p>[(9) If the court—</p>

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	<p>different decision on the question than at the extradition hearing, the Magistrate shall proceed as would have been required if he or she had decided it in that different way at the extradition hearing; and</p> <p>(b) if the Magistrate does not come to a different decision on the question than at the extradition hearing, the appeal shall be taken to have been dismissed by a decision of the Royal Court.</p>	<p>it had decided it in that different way at the extradition hearing, and</p> <p>(b) if the Magistrate's Court does not come to a different decision on the question than at the extradition hearing, the appeal shall be taken to have been dismissed by a decision of the Royal Court.</p> <p>(8) If the Royal Court –</p> <p>(a) allows the appeal, or</p> <p>(b) makes a direction under subsection (1)(b),</p> <p>it must remand the person in custody or on bail; and if the Royal Court remands the person in custody it may later grant bail.</p>	<p>(a) allows the appeal, or</p> <p>(b) makes a direction under subsection (1)(b),</p> <p>it must remand the person in custody or on bail.</p> <p>(10) If the court remands the person in custody it may later grant bail.] 1</p>
<p>56 Detention pending conclusion of appeal against discharge by High Bailiff</p> <p>(1) If, immediately after the High Bailiff orders that a person be discharged, the High Bailiff is informed on behalf of the designated territory concerned of an intention to appeal under section 54, the High Bailiff must remand the person in custody or on bail while the appeal is pending.</p> <p>(2) If the High Bailiff remands the person in custody, the High Bailiff may later grant bail to the person.</p> <p>(3) An appeal under section 54 is pending until –</p> <p>(a) proceedings in respect of the appeal are discontinued;</p> <p>(b) the High Court allows the appeal, makes a direction under section 55(1)(b) or dismisses the appeal and the circumstances to which subsection (4) refers apply;</p> <p>(c) the end of the period of 28 days starting with the day on which leave to appeal to the Privy Council, against the decision of the High Court on the appeal, is granted, if no appeal to the Privy Council is brought before the end of that period; or</p> <p>(d) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time,</p>	<p>44 Detention pending conclusion of appeal against discharge by Magistrate</p> <p>(1) If immediately after the Magistrate orders that a person be discharged, the Magistrate is informed on behalf of the designated territory concerned of an intention to appeal under Article 42, the Magistrate shall remand the person in custody or on bail while the appeal is pending.</p> <p>(2) If the Magistrate remands the person in custody, the Magistrate may later grant bail to the person.</p> <p>(3) An appeal under Article 42 is pending until –</p> <p>(a) it is abandoned;</p> <p>(b) the Royal Court dismisses the appeal and the circumstances to which paragraph (4) refers apply;</p> <p>(c) the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council, against the decision of the Royal Court on the appeal, is granted; or</p> <p>(d) no further step can be taken on</p>	<p>Detention pending conclusion of appeal against discharge by Magistrate's Court.</p> <p>49. (1) If, immediately after the Magistrate's Court orders that a person be discharged, it is informed on behalf of the designated territory concerned of an intention to appeal under section 47, it must remand the person in custody or on bail while the appeal is pending.</p> <p>(2) If the Magistrate's Court remands the person in custody, it may later grant bail to the person.</p> <p>(3) An appeal under section 47 is pending until –</p> <p>(a) it is abandoned,</p> <p>(b) the Royal Court dismisses the appeal and the circumstances to which subsection (4) refers apply,</p> <p>(c) the Royal Court makes a direction under section 48(1)(b) and the circumstances to which subsection (4) refers apply,</p> <p>(d) the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council, against</p>	<p>107 Detention pending conclusion of appeal under section 105</p> <p>(1) This section applies if immediately after the judge orders the person's discharge the judge is informed on behalf of the category 2 territory of an intention to appeal under section 105.</p> <p>(2) The judge must remand the person in custody or on bail while the appeal is pending.</p> <p>(3) [If the person is remanded in custody, the appropriate judge may] 1 later grant bail.</p> <p>(4) An appeal under section 105 ceases to be pending at the earliest of these times—</p> <p>(a) when the proceedings on the appeal are discontinued;</p> <p>[(b) when the High Court–</p> <p>(i) allows the appeal,</p> <p>(ii) makes a direction under section 106(1)(b), or</p> <p>(iii) dismisses the appeal,</p> <p>unless, where the appeal is dismissed, the court is immediately informed on behalf of the category 2 territory of an</p>

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<p>whichever occurs first.</p> <p>(4) The circumstances to which this subsection refers are that on the dismissing of the appeal by the High Court the High Court is not immediately informed on behalf of the designated territory of an intention to apply for leave to appeal to the Privy Council.</p>	<p>behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time, whichever occurs first.</p> <p>(4) The circumstances to which this paragraph refers are that on the dismissing of the appeal by the Royal Court the court is not immediately informed on behalf of the designated territory of an intention to apply for such leave.</p>	<p>the decision of the Royal Court on the appeal, is granted, if no appeal to the Privy Council is brought before the end of that period, or</p> <p>(e) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time, whichever occurs first.</p> <p>(4) The circumstances to which this subsection refers are that on the dismissing of the appeal by the Royal Court, the Royal Court is not immediately informed on behalf of the designated territory of an intention to apply for leave to appeal to the Privy Council.</p>	<p>intention to apply for leave to appeal to the [Supreme Court] 3;] 2</p> <p>(c) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [Supreme Court] 3 against the decision of the High Court on the appeal is granted [, if no appeal to the [Supreme Court] 3 is brought before the end of that period] 4 ;</p> <p>(d) when there is no further step that can be taken on behalf of the category 2 territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).</p> <p>[(5) The preceding provisions of this section do not apply to Scotland.] 5</p>
<p>57 Appeal against extradition order by Attorney General</p> <p>(1) A person may appeal to the High Court against a decision by the Attorney General ordering the person's extradition.</p> <p>(2) However, subsection (1) does not apply if the person has consented to being extradited under section 73.</p> <p>(3) An appeal under this section may be brought on a question of law or fact but lies only with the leave of the High Court.</p> <p>(4) Notice of an application for leave to appeal under this section must be given in accordance with rules of court before the end of the period of 14 days starting with the day on which the Attorney General informs the person under section 50(1) that the Attorney General has ordered the person's extradition ("the permitted period").</p> <p>(5) Notice of an application for leave to appeal under this section may be given after the end of the permitted period if it is an appeal on human rights grounds.</p> <p>(6) Notice of an application for leave to appeal on human rights grounds given after the end of the</p>	<p>45 Appeal to Royal Court against extradition order by Attorney General</p> <p>(1) A person may appeal to the Royal Court against a decision by the Attorney General ordering the person's extradition.</p> <p>(2) However, paragraph (1) does not apply if the person has under Article 62 consented to being extradited.</p> <p>(3) An appeal under this Article may be brought on a question of law or fact.</p> <p>(4) Notice of an appeal under this Article shall be given in accordance with rules of court before the end of the period of 14 days commencing on the day on which the Attorney General informs the person under Article 38(1) that the Attorney General has ordered the person's extradition.</p> <p>(5) But notice of an appeal under this Article may be given after the end of the permitted period if it is an appeal on human rights grounds.</p>	<p>Appeal to Royal Court against extradition order by Her Majesty's Procureur.</p> <p>50. (1) A person may appeal to the Royal Court against a decision by Her Majesty's Procureur ordering the person's extradition.</p> <p>(2) However, subsection (1) does not apply if the person has consented to being extradited.</p> <p>(3) An appeal under this section may be brought on a question of law or fact but lies only with leave of the Royal Court.</p> <p>(4) Notice of an application for leave to appeal under this section shall be given in accordance with rules of court before the end of the period of 14 days commencing on the day on which Her Majesty's Procureur informs the person under section 43 that he or she has ordered the person's extradition ("the permitted period").</p> <p>(5) Notice of an application for leave to</p>	<p>[108 Appeal against extradition order</p> <p>(1) If the Secretary of State orders a person's extradition under this Part, the person may appeal to the High Court against the order.</p> <p>(2) But subsection (1) does not apply if the person has consented to his extradition under section 127.</p> <p>(3) An appeal under this [section—] 2 [(a) may be brought on a question of law or fact, but (b) lies only with the leave of the High Court.] 2</p> <p>(4) [Notice of application for leave to appeal under this section must be given— (a) in accordance with rules of court, and (b) subject to subsections (5) and (7A), before the end of the permitted period, which is 14 days starting with the day on which the Secretary of State informs the person of the order under section</p>

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<p>permitted period must be given before the person is extradited to the designated territory in accordance with section 65.</p> <p>(7) Where notice of an application for leave to appeal is given in accordance with subsections (5) and (6), the High Court must grant leave only if it appears to the High Court that —</p> <p>(a) the appeal is necessary to avoid real injustice; and</p> <p>(b) the circumstances are exceptional and make it appropriate to consider the appeal.</p> <p>(8) Where a person gives notice of application for leave to appeal after the end of the permitted period (whether or not the application is for leave to appeal on human rights grounds), the High Court must not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given.</p> <p>(9) In this section, “to appeal on human rights grounds” means to 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 Human Rights Convention rights.</p>	<p>(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 designated territory in accordance with Article 55.34</p> <p>(7) Where notice of an appeal is given in accordance with paragraphs (5) and (6), the Royal Court shall consider the appeal only if it appears to the Court that –</p> <p>(a) the appeal is necessary to avoid real injustice; and</p> <p>(b) the circumstances are exceptional and make it appropriate to consider the appeal.35</p> <p>(8) Where a person gives notice of application for leave to appeal after the end of the permitted period (whether or not the application is for leave to appeal on human rights grounds), the Royal Court shall not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given.36</p> <p>(9) In this Article “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 (Jersey) Law 2000.</p>	<p>appeal under this section may be given after the end of the permitted period if it is an application for leave to appeal on human rights grounds.</p> <p>(6) Notice of an application for leave to appeal on human rights grounds given after the end of the permitted period must be given before the person is extradited to the designated territory in accordance with section 61.</p> <p>(7) Where notice of application for leave to appeal is given in accordance with subsections (5) and (6), the Royal Court is to grant leave only if it appears to the Royal Court that –</p> <p>(a) the appeal is necessary to avoid injustice, and</p> <p>(b) the circumstances are exceptional and make it appropriate for the appeal to be heard.</p> <p>(8) Where a person gives notice of application for leave to appeal after the end of the permitted period (whether or not the application is for leave to appeal on human rights grounds), the Royal Court must not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given.</p> <p>(9) In this section “to appeal on human rights grounds” means to 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 Law.</p>	<p>100(1).] 3</p> <p>(5) [Notice of application for leave to appeal] 4 under this section may be given after the end of the permitted period if it is an [application for leave to] 5 appeal on human rights grounds.</p> <p>(6) [Notice of application for leave to appeal on human rights grounds given after the end of the permitted period must be given] 6 before the person is extradited to the category 2 territory in accordance with section 117.</p> <p>(7) Where [notice of application for leave to appeal] 7 is given in accordance with subsections (5) and (6), the High Court is to [grant leave] 8 only if it appears to the High Court that—</p> <p>(a) the appeal is necessary to avoid real injustice, and</p> <p>(b) the circumstances are exceptional and make it appropriate [for the appeal to be heard] 9.</p> <p>[(7A) Where a person gives notice of application for leave to appeal after the end of the permitted period (whether or not the application is for leave to appeal on human rights grounds), the High Court must not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given.] 10</p> <p>(8) In this section [“to appeal on human rights grounds” means to 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] 11 .] 1</p>

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<p>58 High Court's powers on appeal against extradition order by Attorney General</p> <p>(1) On an appeal under section 57, the High Court may allow or dismiss the appeal.</p> <p>(2) The High Court may allow the appeal only on the ground specified in subsection (3) or the ground specified in subsection (4).</p> <p>(3) The ground to which this subsection refers is —</p> <p>(a) that the Attorney General ought to have decided a question before him or her differently; and</p> <p>(b) that if the Attorney General had decided the question in the way in which it ought to have been decided, he or she would not have ordered the person's extradition.</p> <p>(4) The ground to which this subsection refers is —</p> <p>(a) that an issue is raised that was not raised when the case was being considered by the Attorney General, or information is available that was not available at that time;</p> <p>(b) that the issue or information would have resulted in the Attorney General's deciding a question before him or her differently; and</p> <p>(c) that if the Attorney General had decided the question in that way, he or she would not have ordered the person's extradition.</p> <p>(5) If the High Court allows the appeal, it must —</p> <p>(a) order that the person be discharged; and</p> <p>(b) quash the order for the person's extradition.</p>	<p>46 Royal Court's powers on appeal against extradition order by Attorney General</p> <p>(1) On an appeal under Article 45, the Royal Court may allow or dismiss the appeal.</p> <p>(2) The Royal Court may allow the appeal only on the ground specified in paragraph (3) or the ground specified in paragraph (4).</p> <p>(3) The ground to which this paragraph refers is —</p> <p>(a) that the Attorney General ought to have decided differently a question before the Attorney General; and</p> <p>(b) that if the Attorney General had decided the question in the way in which it ought to have been decided, the Attorney General would not have ordered the person's extradition.</p> <p>(4) The ground to which this paragraph refers is —</p> <p>(a) that an issue is raised that was not raised when the case was being considered by the Attorney General, or information is available that was not available at that time;</p> <p>(b) that the issue or information would have resulted in the Attorney General deciding differently a question before the Attorney General; and</p> <p>(c) that if the Attorney General had decided the question in that way, he or she would not have ordered the person's extradition.</p> <p>(5) If the Royal Court allows the appeal, it shall —</p> <p>(a) order that the person be discharged; and</p> <p>(b) quash the order for the person's extradition.</p>	<p>Royal Court's powers on appeal against extradition order by Her Majesty's Procureur.</p> <p>51. (1) On an appeal under section 50, the Royal Court may allow or dismiss the appeal.</p> <p>(2) The Royal Court may allow the appeal only on the ground specified in section (3) or the ground specified in section (4).</p> <p>(3) The ground to which this section refers is —</p> <p>(a) that Her Majesty's Procureur ought to have decided differently a question before him or her, and</p> <p>(b) that if Her Majesty's Procureur had decided the question in the way in which it ought to have been decided, he or she would not have ordered the person's extradition.</p> <p>(4) The ground to which this section refers is —</p> <p>(a) that an issue is raised that was not raised when the case was being considered by Her Majesty's Procureur, or information is available that was not available at that time,</p> <p>(b) that the issue or information would have resulted in Her Majesty's Procureur deciding differently a question before him or her, and</p> <p>(c) that if Her Majesty's Procureur had decided the question in that way, he or she would not have ordered the person's extradition.</p> <p>(5) If the Royal Court allows the appeal, it shall —</p> <p>(a) order that the person be discharged, and</p> <p>(b) quash the order for the person's extradition.</p>	<p>109 Court's powers on appeal under section 108</p> <p>(1) On an appeal under section 108 the High Court may—</p> <p>(a) allow the appeal;</p> <p>(b) dismiss the appeal.</p> <p>(2) The court may allow the appeal only if the conditions in subsection (3) or the conditions in subsection (4) are satisfied.</p> <p>(3) The conditions are that—</p> <p>(a) the Secretary of State ought to have decided a question before him differently;</p> <p>(b) if he had decided the question in the way he ought to have done, he would not have ordered the person's extradition.</p> <p>(4) The conditions are that—</p> <p>(a) an issue is raised that was not raised when the case was being considered by the Secretary of State or information is available that was not available at that time;</p> <p>(b) the issue or information would have resulted in the Secretary of State deciding a question before him differently;</p> <p>(c) if he had decided the question in that way, he would not have ordered the person's extradition.</p> <p>(5) If the court allows the appeal it must—</p> <p>(a) order the person's discharge;</p> <p>(b) quash the order for his extradition.</p>

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<p>59 Appeal against discharge by Attorney General</p> <p>(1) An appeal to the High Court may be brought on behalf of the designated territory concerned against a decision by the Attorney General that results in the Attorney General ordering that a person be discharged.</p> <p>(2) However, subsection (1) does not apply if the order that the person be discharged was made under section 71 (withdrawal of extradition request after case sent to Attorney General).</p> <p>(3) An appeal under this section may be brought on a question of law or fact but lies only with the leave of the High Court.</p> <p>(4) Notice of an application for leave to appeal under this section must be given in accordance with rules of court before the end of the period of 14 days starting with the day on which under section 50(4) the Attorney General informs a person acting on behalf of the designated territory that the order has been made.</p>	<p>47 Appeal to Royal Court against discharge by Attorney General</p> <p>(1) An appeal may be brought on behalf of the designated territory concerned, to the Royal Court, against a decision by the Attorney General that results in the Attorney General's ordering that a person be discharged.</p> <p>(2) However, paragraph (1) does not apply if the order that the person be discharged was made under Article 59 (withdrawal of extradition request after case sent to Attorney General).</p> <p>(3) An appeal under this Article may be brought on a question of law or fact.</p> <p>(4) Notice of an appeal under this Article must be given in accordance with rules of court before the end of the period of 14 days commencing on the day on which under Article 38(4) the Attorney General informs a person acting on behalf of the designated territory that the order has been made.</p>	<p>Appeal to Royal Court against discharge by Her Majesty's Procureur.</p> <p>52. (1) An appeal to the Royal Court may be brought on behalf of the designated territory concerned against a decision by Her Majesty's Procureur that results in Her Majesty's Procureur ordering that a person be discharged.</p> <p>(2) However, subsection (1) does not apply if the order that the person be discharged was made under section 69 (withdrawal of request after case sent to Her Majesty's Procureur).</p> <p>(3) An appeal under this section may be brought on a question of law or fact, and lies only with the leave of the Royal Court.</p> <p>(4) Notice of an application for leave to appeal under this section must be given in accordance with rules of court before the end of the period of 14 days commencing on the day on which under section 43(4) Her Majesty's Procureur informs a person acting on behalf of the designated territory that the order has been made.</p>	<p>110 Appeal against discharge by Secretary of State</p> <p>(1) If the Secretary of State makes an order for a person's discharge under this Part, an appeal to the High Court may be brought on behalf of the category 2 territory against the relevant decision.</p> <p>(2) But subsection (1) does not apply if the order for the person's discharge was under section 123.</p> <p>(3) The relevant decision is the decision which resulted in the order for the person's discharge.</p> <p>(4) An appeal under this [section—] 1 [(a) may be brought on a question of law or fact, but (b) lies only with the leave of the High Court.] 1</p> <p>(5) [Notice of application for leave to appeal] 2 under this section must be given in accordance with rules of court before the end of the permitted period, which is 14 days starting with the day on which (under section 100(4)) the Secretary of State informs a person acting on behalf of the category 2 territory of the order.</p>
<p>60 High Court's powers on appeal against discharge by Attorney General</p> <p>(1) On an appeal under section 59, the High Court may —</p> <p>(a) allow the appeal; or</p> <p>(b) dismiss the appeal.</p> <p>(2) The High Court may allow the appeal only on the ground specified in subsection (3) or the ground specified in subsection (4).</p> <p>(3) The ground to which this subsection refers is —</p> <p>(a) that the Attorney General ought to have decided a question before him or her differently; and</p> <p>(b) that if the Attorney General had decided the question in the way in which it ought to have been</p>	<p>48 Royal Court's powers on appeal against discharge by Attorney General</p> <p>(1) On an appeal under Article 47, the Royal Court may —</p> <p>(a) allow the appeal; or</p> <p>(b) dismiss the appeal.</p> <p>(2) The Royal Court may allow the appeal only on the ground specified in paragraph (3) or the ground specified in paragraph (4).</p> <p>(3) The ground to which this paragraph refers is —</p> <p>(a) that the Attorney General ought to</p>	<p>Royal Court's powers on appeal against discharge by Her Majesty's Procureur.</p> <p>53. (1) On an appeal under section 52, the Royal Court may —</p> <p>(a) allow the appeal, or</p> <p>(b) dismiss the appeal.</p> <p>(2) The Royal Court may allow the appeal only if the conditions in subsection (3) or in subsection (4) are satisfied.</p> <p>(3) The conditions are —</p> <p>(a) that Her Majesty's Procureur ought to have decided differently a question</p>	<p>111 Court's powers on appeal under section 110</p> <p>(1) On an appeal under section 110 the High Court may—</p> <p>(a) allow the appeal;</p> <p>(b) dismiss the appeal.</p> <p>(2) The court may allow the appeal only if the conditions in subsection (3) or the conditions in subsection (4) are satisfied.</p> <p>(3) The conditions are that—</p> <p>(a) the Secretary of State ought to have decided a question before him differently;</p>

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<p>decided, the Attorney General would have ordered the person's extradition.</p> <p>(4) The ground to which this subsection refers is —</p> <p>(a) that an issue is raised that was not raised when the case was being considered by the Attorney General, or information is available that was not available at that time;</p> <p>(b) that the issue or information would have resulted in the Attorney General deciding a question before him or her differently; and</p> <p>(c) if the Attorney General had so decided the question, he or she would have ordered the person's extradition.</p> <p>(5) If the High Court allows the appeal, it must —</p> <p>(a) quash the order that the person be discharged; and</p> <p>(b) order the person's extradition.</p> <p>(6) If the High Court allows the appeal, it must remand the person in custody or on bail, and if it remands the person in custody it may later grant bail.</p>	<p>have decided differently a question before the Attorney General; and</p> <p>(b) that if the Attorney General had decided the question in the way in which it ought to have been decided, the Attorney General would have ordered the person's extradition.</p> <p>(4) The ground to which this paragraph refers is —</p> <p>(a) that an issue is raised that was not raised when the case was being considered by the Attorney General, or information is available that was not available at that time;</p> <p>(b) that the issue or information would have resulted in the Attorney General deciding differently a question before the Attorney General; and</p> <p>(c) if the Attorney General had decided the question in that way, the Attorney General would have ordered the person's extradition.</p> <p>(5) If the Royal Court allows the appeal, it shall —</p> <p>(a) quash the order that the person be discharged; and</p> <p>(b) order the person's extradition.</p>	<p>before him or her, and</p> <p>(b) that if Her Majesty's Procureur had decided the question in the way in which it ought to have been decided, he or she would have ordered the person's extradition.</p> <p>(4) The conditions are —</p> <p>(a) that an issue is raised that was not raised when the case was being considered by Her Majesty's Procureur, or information is available that was not available at that time,</p> <p>(b) that the issue or information would have resulted in Her Majesty's Procureur deciding differently a question before him or her, and</p> <p>(c) if Her Majesty's Procureur had decided the question in that way, he or she would have ordered the person's extradition.</p> <p>(5) If the Royal Court allows the appeal, it shall —</p> <p>(a) quash the order that the person be discharged, and</p> <p>(b) order the person's extradition.</p> <p>(6) If the Royal Court allows the appeal it shall remand the person in custody or on bail, and if the Royal Court remands the person in custody it may later grant bail.</p>	<p>(b) if he had decided the question in the way he ought to have done, he would have ordered the person's extradition.</p> <p>(4) The conditions are that—</p> <p>(a) an issue is raised that was not raised when the case was being considered by the Secretary of State or information is available that was not available at that time;</p> <p>(b) the issue or information would have resulted in the Secretary of State deciding a question before him differently;</p> <p>(c) if he had decided the question in that way, he would have ordered the person's extradition.</p> <p>(5) If the court allows the appeal it must—</p> <p>(a) quash the order discharging the person;</p> <p>(b) order the person's extradition.</p> <p>[(6) If the court allows the appeal it must remand the person in custody or on bail.</p> <p>(7) If the court remands the person in custody it may later grant bail.] 1</p>
<p>61 Detention pending conclusion of appeal against discharge by Attorney General</p> <p>(1) In a case where the Attorney General orders the person's discharge under this Part —</p> <p>(a) the order made by the High Bailiff under section 42(4) ("the remand order") remains in force until the end of the period of 3 days beginning with the day on which the person's discharge is ordered; and</p> <p>(b) if within that period the Attorney General is informed in writing on behalf of the designated territory of an intention to appeal under section 59, the remand order remains in force while the appeal is pending.</p>	<p>49 Detention pending conclusion of appeal against discharge by Attorney General</p> <p>(1) If, immediately after the Attorney General orders that a person be discharged, the Attorney General is informed on behalf of the designated territory of an intention to appeal under Article 47, the Magistrate shall remand the person in custody or on bail while the appeal is pending.</p> <p>(2) If the Magistrate remands the</p>	<p>Detention pending conclusion of appeal against discharge by Her Majesty's Procureur.</p> <p>54. (1) This section applies in a case where Her Majesty's Procureur orders the person's discharge under this Part.</p> <p>(2) Subject to subsection (3) —</p> <p>(a) the order made by the Magistrate's Court under section 34(4) ("the remand order") remains in force until the end of the period of three days beginning with the day on which the</p>	<p>[112 Detention pending conclusion of appeal under section 110</p> <p>(1) This section applies in a case where the Secretary of State orders the person's discharge under this Part.</p> <p>(2) Subject to subsection (3)—</p> <p>(a) the order made by the appropriate judge under section 92(4) ("the remand order") remains in force until the end of the period of three days beginning with the day on which the person's</p>

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<p>(2) If the High Bailiff remands the person in custody, the High Bailiff may later grant bail to the person.</p> <p>(3) An appeal under section 59 is pending until —</p> <p>(a) proceedings in respect of the appeal are discontinued;</p> <p>(b) the High Court allows the appeal or dismisses the appeal and the circumstances to which subsection (4) refers apply;</p> <p>(c) the end of the period of 28 days starting with the day on which leave to appeal to the Privy Council, against the decision of the High Court on the appeal, is granted, if no appeal to the Privy Council is brought before the end of that period; or</p> <p>(d) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time, whichever occurs first.</p> <p>(4) The circumstances to which this subsection refers are that on the dismissing of the appeal by the High Court, the High Court is not immediately informed on behalf of the designated territory of an intention to apply for leave to appeal to the Privy Council.</p>	<p>person in custody, the Magistrate may later grant bail to the person.</p> <p>(3) An appeal under Article 47 is pending until —</p> <p>(a) it is abandoned;</p> <p>(b) the Royal Court dismisses the appeal and the circumstances to which paragraph (4) refers apply;</p> <p>(c) the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council, against the decision of the Royal Court on the appeal, is granted; or</p> <p>(d) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time, whichever occurs first.</p> <p>(4) The circumstances to which this paragraph refers are that on the dismissing of the appeal by the Royal Court the court is not immediately informed on behalf of the designated territory of an intention to apply for such leave.</p>	<p>person's discharge is ordered, and</p> <p>(b) if within that period Her Majesty's Procureur is informed in writing on behalf of the designated territory of an intention to appeal under section 52, the remand order remains in force while the appeal is pending.</p> <p>(3) If the person is remanded in custody under section 34(4), the appropriate judge may grant bail.</p> <p>(4) An appeal under section 52 is pending until —</p> <p>(a) it is abandoned,</p> <p>(b) the Royal Court allows the appeal, or dismisses the appeal, and it is not immediately informed on behalf of the designated territory of an intention to appeal to the Privy Council,</p> <p>(c) the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council, against the decision of the Royal Court on the appeal, is granted, if no appeal to the Privy Council is brought before the end of that period, or</p> <p>(d) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time, whichever occurs first.</p>	<p>discharge is ordered;</p> <p>(b) if within that period the Secretary of State is informed in writing on behalf of the category 2 territory of an intention to appeal under section 110, the remand order remains in force while the appeal is pending.</p> <p>(3) If the person is remanded in custody under section 92(4), the appropriate judge may grant bail.</p> <p>(4) An appeal under section 110 ceases to be pending at the earliest of these times—</p> <p>(a) when the proceedings on the appeal are discontinued;</p> <p>(b) when the High Court—</p> <p>(i) allows the appeal, or</p> <p>(ii) dismisses the appeal, unless, where the appeal is dismissed, the court is immediately informed on behalf of the category 2 territory of an intention to apply for leave to appeal to the [Supreme Court] 2;</p> <p>(c) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [Supreme Court] 2 against the decision of the High Court on the appeal is granted, if no appeal to the [Supreme Court] 2 is brought before the end of that period;</p> <p>(d) when there is no further step that can be taken on behalf of the category 2 territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).</p> <p>[(5) The preceding provisions of this section do not apply to Scotland.] 3</p>
<p>62 Time limit for start of hearing of appeal</p> <p>(1) Rules of court must prescribe the period within which the High Court must begin to hear an appeal under any of sections 52, 54, 57 and 59.</p>	<p>51 Time limit for start of hearing of appeal to Royal Court</p> <p>(1) Rules of court shall prescribe the period within which the Royal Court</p>	<p>Time limit for start of hearing of appeal to Royal Court.</p> <p>56. (1) Rules of court shall prescribe the period ("the period") within which</p>	<p>113 Appeal to High Court: time limit for start of hearing</p> <p>(1) Rules of court must prescribe the period (the relevant period) within</p>

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<p>(2) The High Court may from time to time extend the period in a particular case, if the High Court believes that it is in the interests of justice to do so.</p> <p>(3) The High Court must begin to hear the appeal before the end of the period.</p> <p>(4) If subsection (3) is not complied with and the appeal is under section 52 or section 57 —</p> <p>(a) the appeal must be taken to have been allowed by a decision of the High Court;</p> <p>(b) the person whose extradition has been ordered must be taken to have been discharged by order of the High Court; and</p> <p>(c) the order for the person’s extradition must be taken to have been quashed by the High Court.</p> <p>(5) If subsection (3) is not complied with and the appeal is under section 54 or section 59, the appeal must be taken to have been dismissed by a decision of the High Court.</p> <p>63 Detention pending conclusion of certain</p>	<p>shall begin to hear an appeal under any of Articles 40, 42, 45 and 47.</p> <p>(2) The Royal Court may from time to time extend the period in a particular case, if the court believes that it is in the interests of justice to do so.</p> <p>(3) The Royal Court shall begin to hear the appeal before the end of the period.</p> <p>(4) If paragraph (3) is not complied with and the appeal is under Article 40 or Article 45 –</p> <p>(a) the appeal shall be taken to have been allowed by a decision of the Royal Court;</p> <p>(b) the person whose extradition has been ordered shall be taken to have been discharged by order of the Royal Court; and</p> <p>(c) the order for the person’s extradition shall be taken to have been quashed by the Royal Court.</p> <p>(5) If paragraph (3) is not complied with and the appeal is under Article 42 or Article 47, the appeal shall be taken to have been dismissed by a decision of the Royal Court.</p>	<p>the Royal Court shall begin to hear an appeal under any of sections 45, 47, 50 and 52.</p> <p>(2) The Royal Court may from time to time extend the period in a particular case, if the court believes that it is in the interests of justice to do so.</p> <p>(3) The Royal Court shall begin to hear the appeal before the end of the period.</p> <p>(4) If subsection (3) is not complied with and the appeal is under section 45 or section 50 –</p> <p>(a) the appeal shall be taken to have been allowed by a decision of the Royal Court,</p> <p>(b) the person whose extradition has been ordered shall be taken to have been discharged by order of the Royal Court, and</p> <p>(c) the order for the person's extradition shall be taken to have been quashed by the Royal Court.</p> <p>(5) If subsection (3) is not complied with and the appeal is under section 47 or section 52, the appeal shall be taken to have been dismissed by a decision of the Royal Court.</p>	<p>which the High Court must begin to hear an appeal under section 103, 105, 108 or 110.</p> <p>(2) The High Court must begin to hear the appeal before the end of the relevant period.</p> <p>(3) The High Court may extend the relevant period if it believes it to be in the interests of justice to do so; and this subsection may apply more than once.</p> <p>(4) The power in subsection (3) may be exercised even after the end of the relevant period.</p> <p>(5) If subsection (2) is not complied with and the appeal is under section 103 or 108—</p> <p>(a) the appeal must be taken to have been allowed by a decision of the High Court;</p> <p>(b) the person whose extradition has been ordered must be taken to have been discharged by the High Court;</p> <p>(c) the order for the person's extradition must be taken to have been quashed by the High Court.</p> <p>(6) If subsection (2) is not complied with and the appeal is under section 105 or 110 the appeal must be taken to have been dismissed by a decision of the High Court.</p>
<p>63 Detention pending conclusion of certain appeals</p> <p>(1) If, immediately after ordering a person’s discharge on an appeal under section 54 or section 59, the High Court is informed on behalf of the designated territory of its intention to appeal to the Privy Council under section 24 of the High Court Act 1991, the High Court must remand the person in custody or on bail while the appeal is pending, and if it remands the person in custody it may later grant bail.</p> <p>(2) The appeal is pending until —</p>		<p>Detention pending conclusion of certain appeals under section 57. 59. (1) This section applies if—</p> <p>(a) on an appeal under section 45 or 50 the Royal Court orders the person's discharge, and</p> <p>(b) immediately after it does so, the court is informed on behalf of the designated territory of an intention to appeal under section 57.</p> <p>(2) The Royal Court must remand the</p>	<p>[115A Detention pending conclusion of certain appeals under section 114</p> <p>(1) This section applies if—</p> <p>(a) on an appeal under section 103 or 108 the High Court orders the person's discharge;</p> <p>(b) immediately after it does so, the court is informed on behalf of the category 2 territory of an intention to appeal under section 114.</p>

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<p>(a) proceedings in respect of the appeal are discontinued;</p> <p>(b) the end of the period of 28 days starting with the day on which leave to appeal to the Privy Council, against the decision of the High Court on the appeal under section 54 or section 59, is granted, if no appeal to the Privy Council is brought before the end of that period; or</p> <p>(c) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time, whichever occurs first.</p>		<p>person in custody or on bail while the appeal is pending.</p> <p>(3) If the Royal Court remands the person in custody it may later grant bail.</p> <p>(4) An appeal under section 57 ceases to be pending at the earliest of these times –</p> <p>(a) when the proceedings on the appeal are discontinued,</p> <p>(b) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the Privy Council against the decision of the Royal Court on the appeal under section 45 or 50 is granted, if no appeal to the Privy Council is brought before the end of that period,</p> <p>(c) when there is no further step that can be taken on behalf of the designated territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).</p>	<p>(2) The court must remand the person in custody or on bail while the appeal is pending.</p> <p>(3) If the court remands the person in custody it may later grant bail.</p> <p>(4) An appeal under section 114 ceases to be pending at the earliest of these times–</p> <p>(a) when the proceedings on the appeal are discontinued;</p> <p>(b) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [Supreme Court] 2 against the decision of the High Court on the appeal under section 103 or 108 is granted, if no appeal to the [Supreme Court] 2 is brought before the end of that period;</p> <p>(c) when there is no further step that can be taken on behalf of the category 2 territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).</p> <p>(5) The preceding provisions of this section do not apply to Scotland.]</p>
<p>64 Appeal to be only remedy A decision of the High Bailiff or the Attorney General under this Part may be questioned in legal proceedings only by means of an appeal under this Part.</p>	<p>54 Appeal to be only remedy A decision under this Part of the Magistrate or the Attorney General may be questioned in legal proceedings only by means of an appeal under this Part.</p>	<p>Appeal to be only remedy. 60. A decision under this Part of the Magistrate's Court or Her Majesty's Procureur may be challenged in legal proceedings only by means of an appeal under this Part.</p>	<p>116 Appeals: general [(1) A decision under this Part of the judge or the Secretary of State may be questioned in legal proceedings only by means of an appeal under this Part. (2) Subsection (1) does not prevent an appeal against a determination of a devolution issue. (3) In this Part "devolution issue" has the same meaning as in Schedule 6 to the Scotland Act 1998.] 1</p>
<p>65 Time limit for extradition if there is no appeal (1) This section applies if the Attorney General orders a person's extradition to a designated territory and — (a) no notice of an appeal under section 52 or</p>	<p>55 Time limit for extradition if there is no appeal (1) If – (a) the Attorney General orders a person's extradition to a designated territory; and</p>	<p>Time limit for extradition if there is no appeal. 61. (1) This section applies if Her Majesty's Procureur orders a person's extradition to a designated territory and –</p>	<p>117 Extradition where no appeal [(1) This section applies if the Secretary of State orders a person's extradition to a category 2 territory under this Part and either— (a) no notice of application for leave to</p>

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<p>section 57 is given before the end of the period of 14 days starting with the day on which the Attorney General informs the person under section 50(1) that the Attorney General has ordered the person's extradition; or</p> <p>(b) notice is given during that period but the High Court refuses leave to appeal.</p> <p>(2) The person is not extradited to the designated territory before the end of the period of 28 days starting with—</p> <p>(a) the day on which the Attorney General makes the extradition order (where subsection (1)(a) applies and no order is made under section 67 or section 68);</p> <p>(b) the day on which the decision of the High Court refusing leave to appeal to it becomes final (where subsection (1)(b) applies and no order is made under section 67 or section 68); or</p> <p>(c) the earliest day on which the extradition order may be carried out (where an order is made under section 67 or section 68).</p> <p>(3) The decision of the High Court refusing leave to appeal becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal.</p> <p>(4) If subsection (2) is not complied with and the person applies to the High Bailiff to be discharged, the High Bailiff must order that the person be discharged, unless reasonable cause is shown for the delay.</p> <p>(5) For the purposes of subsections (1) to (3) —</p> <p>(a) any power of a court to extend the period permitted for giving notice of appeal; and</p> <p>(b) any power of a court to grant leave to take a step out of time, must be disregarded.</p> <p>(6) If leave to appeal to the High Court is granted on an application notice of which was given after the end of the period of 14 days commencing on the day on which the Attorney General informs the person under section 50(1) that the Attorney General has ordered the person's extradition, this section ceases to apply (but section 66 applies instead).</p> <p>(7) This section is subject to section 69..</p>	<p>(b) no notice of an appeal under Article 40 or Article 45 is given before the end of the period of 14 days commencing on the day on which the Attorney General informs the person under Article 38(1) that the Attorney General has ordered the person's extradition, the person shall be extradited to the designated territory before the end of the period of 28 days commencing the day on which the Attorney General makes the order.</p> <p>(2) If –</p> <p>(a) the person is not extradited to the designated territory before the end of the period of 28 days commencing the day on which the Attorney General makes the order; and</p> <p>(b) the person applies to the Magistrate to be discharged, the Magistrate shall order that the person be discharged, unless reasonable cause is shown for the delay.</p> <p>(3) For the purposes of paragraph (1) –</p> <p>(a) any power of a court to extend the period permitted for giving notice of appeal; and</p> <p>(b) any power of a court to grant leave to take a step out of time, shall be disregarded.</p> <p>(4) This Article is subject to Article 57(6).</p> <p>(5) If a person brings an appeal under Article 45 by virtue of paragraph (5) of that Article, this Article ceases to apply (but Article 56 applies instead).</p>	<p>(a) no notice of an appeal under section 45 or section 50 is given before the end of the period of 14 days commencing on the day on which Her Majesty's Procureur informs the person under section 43(1) that he or she has ordered the person's extradition, or</p> <p>(b) notice is given during that period but the Royal Court refuses leave to appeal to it.</p> <p>(2) The person must be extradited to the designated territory before the end of the required period, which is 28 days starting with –</p> <p>(a) the day on which Her Majesty's Procureur makes the extradition order (where subsection (1)(a) applies and no order is made under section 63 or section 66),</p> <p>(b) the day on which the decision of the Royal Court refusing leave to appeal to it becomes final (where subsection (1)(b) applies and no order is made under section 63 or section 66), or</p> <p>(c) the earliest day on which the extradition order may be carried out (where an order is made under section 63 or section 66).</p> <p>(3) The decision of the Royal Court refusing leave to appeal to it becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal.</p> <p>(4) If subsection (2) is not complied with and the person applies to the appropriate judge to be discharged the judge must order his or her discharge, unless reasonable cause is shown for the delay.</p> <p>(5) For the purposes of subsections (1)</p>	<p>appeal under section 103 or 108 is given before the end of the permitted period, or</p> <p>(b) notice is given during that period but the High Court refuses leave to appeal to it.</p> <p>] 1</p> <p>(2) The person must be extradited to the category 2 territory before the end of the required period, which is 28 days [starting with—] 2</p> <p>[(a) the day on which the Secretary of State makes the extradition order (where subsection (1)(a) applies and no order is made under section 118A or 118B),</p> <p>(b) the day on which the decision of the High Court refusing leave to appeal to it becomes final (where subsection (1)(b) applies and no order is made under section 118A or 118B), or</p> <p>(c) the earliest day on which the extradition order may be carried out (where an order is made under section 118A or 118B).] 3</p> <p>[(2A) The decision of the High Court refusing leave to appeal to it becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal.] 4</p> <p>(3) If subsection (2) is not complied with and the person applies to the appropriate judge to be discharged the judge must order his discharge, unless reasonable cause is shown for the delay.</p> <p>(4) These must be ignored for the purposes of [subsections (1) to (2A)] 5 —</p> <p>(a) any power of a court to extend the period permitted for giving [notice of</p>

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		<p>to (3) –</p> <p>(a) any power of a court to extend the period permitted for giving notice of application for leave to appeal, and</p> <p>(b) any power of a court to grant leave to take a step out of time, shall be disregarded.</p> <p>(6) If leave to appeal to the Royal Court is granted on an application notice of which was given after the end of the the end of the period of 14 days commencing on the day on which Her Majesty's Procureur informs the person under section 43(1) that he or she has ordered the person's extradition, this section ceases to apply (but section 62 applies instead).</p>	<p>application for leave to appeal] 6 ;</p> <p>(b) any power of a court to grant leave to take a step out of time.</p> <p>[(5) [If leave to appeal to the High Court is granted on an application notice of which was given after the end of the permitted period] 8 , this section ceases to apply (but section 118 applies instead).] 7</p> <p>[(6) In this section, "permitted period" means 14 days starting with the day on which the Secretary of State informs the person under section 100(1) that he has ordered his extradition.] 9</p>
<p>66 Time limit for extradition if there is an appeal</p> <p>(1) If—</p> <p>(a) there is an appeal to the High Court under any of sections 52, 57 and 59 against a decision or order relating to a person's extradition to a designated territory; and</p> <p>(b) the effect of the decision of the relevant court on appeal is that the person is to be extradited there, the person must be extradited to the designated territory before the end of the required period.</p> <p>(2) The required period is 28 days starting with —</p> <p>(a) the day on which the decision of the relevant court on appeal becomes final; or</p> <p>(b) the day on which further proceedings on appeal are discontinued.</p> <p>(3) But if the day referred to in paragraph (a) or (b) of subsection (2) is earlier than the earliest day on which, by reason of an order under section 67 or 68, the extradition order may be carried out ("the postponed date"), the required period is 28 days beginning with the postponed date.</p> <p>(4) The relevant court on appeal is —</p> <p>(a) the High Court, if there is no further appeal to the Privy Council against the decision on the appeal to</p>	<p>56 Time limit for extradition if there is an appeal</p> <p>(1) If –</p> <p>(a) there is an appeal to the Royal Court under any of Articles 40, 45 and 47 against a decision or order relating to a person's extradition to a designated territory; and</p> <p>(b) the effect of the decision of the relevant court on appeal is that the person is to be extradited there, the person shall be extradited to the designated territory before the end of the required period.</p> <p>(2) The required period is 28 days commencing –</p> <p>(a) on the day on which the decision of the relevant court on appeal becomes final; or</p> <p>(b) the day on which further proceedings on appeal are abandoned.</p> <p>(3) The relevant court on appeal is –</p> <p>(a) the Royal Court, if there is no further appeal to the Privy Council against the decision on the appeal to</p>	<p>Time limit for extradition if there is an appeal.</p> <p>62. (1) If –</p> <p>(a) there is an appeal to the Royal Court under any of sections 45, 50 and 52 against a decision or order relating to a person's extradition to a designated territory, and</p> <p>(b) the effect of the decision of the relevant court on appeal is that the person is to be extradited there, the person shall be extradited to the designated territory before the end of the required period.</p> <p>(2) The required period is 28 days commencing –</p> <p>(a) on the day on which the decision of the relevant court on appeal becomes final, or</p> <p>(b) the day on which further proceedings on appeal are abandoned.</p> <p>(3) However, if the day referred to in paragraph (a) or (b) of subsection (2) is earlier than the earliest day on which, by reason of an order under</p>	<p>118 Extradition following appeal</p> <p>(1) This section applies if—</p> <p>(a) there is an appeal to the High Court under section 103, 108 or 110 against a decision or order relating to a person's extradition to a category 2 territory, and</p> <p>(b) the effect of the decision of the relevant court on the appeal is that the person is to be extradited there.</p> <p>(2) The person must be extradited to the category 2 territory before the end of the required period, which is 28 days starting with—</p> <p>(a) the day on which the decision of the relevant court on the appeal becomes final, or</p> <p>(b) the day on which proceedings on the appeal are discontinued.</p> <p>[(2A) But if the day referred to in paragraph (a) or (b) of subsection (3) is earlier than the earliest day on which, by reason of an order under section 118C or 118D, the extradition order may be carried out ("the</p>

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<p>the High Court, or proceedings on any further appeal to the Privy Council are discontinued; or</p> <p>(b) the Privy Council, if there is a further appeal to the Privy Council and proceedings on that further appeal are not discontinued.</p> <p>(5) The decision of the High Court becomes final —</p> <p>(a) at the end of the period for applying to the High Court for leave to appeal to the Privy Council under section 24 of the High Court Act 1991, if there is no application to the High Court for leave;</p> <p>(b) at the end of the period permitted for applying to the Privy Council for leave to appeal, if the High Court refuses leave to appeal and there is no further application for leave;</p> <p>(c) if the Privy Council refuses leave to appeal; or</p> <p>(d) if the time limit for bringing an appeal is not complied with.</p> <p>(6) The decision of the Privy Council becomes final when it is made.</p> <p>(7) If—</p> <p>(a) subsection (1) is not complied with; and</p> <p>(b) the person applies to the High Bailiff to be discharged,</p> <p>the High Bailiff must order that the person be discharged, unless reasonable cause is shown for the delay.</p> <p>(8) For the purposes of subsection (5) —</p> <p>(a) any power of a court to extend the period permitted for giving notice of appeal; and</p> <p>(b) any power of a court to grant leave to take a step out of time,</p> <p>must be disregarded.</p> <p>(9) This section is subject to section 69.</p>	<p>the Royal Court, or proceedings on any further appeal to the Privy Council are abandoned; or</p> <p>(b) the Privy Council, if there is a further appeal to the Privy Council and proceedings on that further appeal are not abandoned.</p> <p>(4) The decision of the Royal Court becomes final —</p> <p>(a) at the end of the period for applying to the Royal Court for leave to appeal to the Privy Council under Article 52, if there is no application to the Royal Court for leave under Article 52(5);</p> <p>(b) at the end of the period permitted for applying to the Privy Council for leave to appeal under Article 52, if the Royal Court refuses leave to appeal under Article 52(5) and there is no application to the Privy Council itself for leave under Article 52(6);</p> <p>(c) if the Privy Council refuses leave to appeal under Article 52(6); or</p> <p>(d) if, leave to appeal under Article 52 having been granted, paragraph (7) of that Article (relating to the time for bringing the appeal) is not complied with.</p> <p>(5) The decision of the Privy Council becomes final when it is made.</p> <p>(6) If —</p> <p>(a) paragraph (1) is not complied with; and</p> <p>(b) the person applies to the Magistrate to be discharged,</p> <p>the Magistrate shall order that the person be discharged, unless reasonable cause is shown for the delay.</p> <p>(7) For the purposes of paragraph (4) —</p> <p>(a) any power of a court to extend the period permitted for giving notice of</p>	<p>section 63 or section 66, the extradition order may be carried out ("the postponed date"), the required period is 28 days beginning with the postponed date.</p> <p>(4) The relevant court on appeal is —</p> <p>(a) the Royal Court, if there is no further appeal to the Privy Council against the decision on the appeal to the Royal Court, or proceedings on any further appeal to the Privy Council are abandoned, or</p> <p>(b) the Privy Council, if there is a further appeal to the Privy Council and proceedings on that further appeal are not abandoned.</p> <p>(5) The decision of the Royal Court becomes final —</p> <p>(a) at the end of the period for applying to the Royal Court for leave to appeal to the Privy Council, if there is no such application,</p> <p>(b) at the end of the period permitted for applying to the Privy Council for leave to appeal, if the Royal Court refuses leave to appeal and there is no application to the Privy Council itself for leave to appeal,</p> <p>(c) if the Privy Council refuses leave to appeal to it, or</p> <p>(d) if, leave to appeal under section 57 having been granted, subsection (7) of that section (relating to the time for bringing the appeal) is not complied with.</p> <p>(6) The decision of the Privy Council becomes final when it is made.</p> <p>(7) If —</p> <p>(a) subsection (1) is not complied with, and</p> <p>(b) the person applies to the Magistrate's Court to be discharged,</p>	<p>postponed date"), the required period is 28 days beginning with the postponed date.] 1</p> <p>(3) The relevant court is—</p> <p>(a) the High Court, if there is no appeal to the [Supreme Court] 2 against the decision of the High Court on the appeal;</p> <p>(b) the [Supreme Court] 2 , if there is such an appeal.</p> <p>(4) The decision of the High Court on the appeal becomes final—</p> <p>(a) when the period permitted for applying to the High Court for leave to appeal to the [Supreme Court] 2 ends, if there is no such application;</p> <p>(b) when the period permitted for applying to the [Supreme Court] 2 for leave to appeal to it ends, if the High Court refuses leave to appeal and there is no application to the [Supreme Court] 2 for leave to appeal;</p> <p>(c) when the [Supreme Court] 2 refuses leave to appeal to it;</p> <p>(d) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [Supreme Court] 2 is granted, if no such appeal is brought before the end of that period.</p> <p>(5) These must be ignored for the purposes of subsection (4)—</p> <p>(a) any power of a court to extend the period permitted for applying for leave to appeal;</p> <p>(b) any power of a court to grant leave to take a step out of time.</p> <p>(6) The decision of the [Supreme Court] 2 on the appeal becomes final when it is made.</p> <p>(7) If subsection (2) is not complied</p>

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	<p>appeal; and (b) any power of a court to grant leave to take a step out of time, shall be disregarded. (8) This Article is subject to Article 57(6).</p>	<p>the Magistrate's Court shall order that the person be discharged, unless reasonable cause is shown for the delay. (8) For the purposes of subsection (5) – (a) any power of a court to extend the period permitted for giving notice of appeal, and (b) any power of a court to grant leave to take a step out of time, shall be disregarded.</p>	<p>with and the person applies to the appropriate judge to be discharged the judge must order his discharge, unless reasonable cause is shown for the delay. [(8) The preceding provisions of this section do not apply to Scotland.] 3</p>
<p>67 High Bailiff informed after extradition order that person is charged with offence in the Island (1) This section applies if — (a) the Attorney General has ordered a person's extradition; and (b) before the extradition order is carried out the High Bailiff is informed that the person is charged with an offence in the Island. (2) The High Bailiff must order the extradition order not to be carried out until one of these occurs — (a) the charge is disposed of; (b) the charge is withdrawn; (c) proceedings in respect of the charge are discontinued. (3) If a sentence of custody is imposed in respect of the offence charged, the High Bailiff may order the extradition order not to be carried out until the person is released from custody pursuant to the sentence (whether on licence or otherwise). (4) Rules of court may provide that where there is an appeal against the extradition order — (a) a reference in this section to the High Bailiff has effect, in prescribed circumstances, as if it were a reference to the High Court; and (b) this section has effect with any other prescribed modifications.</p>	<p>56A Court informed after extradition order that person is charged with offence in Jersey (1) This Article applies if — (a) the Attorney General has ordered a person's extradition; and (b) before the extradition order is carried out the Royal Court is informed that the person is charged with an offence in Jersey. (2) The Royal Court shall order the extradition order not to be carried out until one of these occurs — (a) the charge is disposed of; (b) the charge is withdrawn; (c) proceedings in respect of the charge are discontinued; (d) an order is made for the charge to lie on the file. (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the Royal Court may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise). (4) Rules of court may provide that where there is an appeal against the extradition order —</p>	<p>Magistrate's Court informed after extradition order that person is charged with offence in Bailiwick. 63. (1) This section applies if — (a) Her Majesty's Procureur has made an order for a person's extradition under this Part, and (b) before the extradition order is carried out the Magistrate's Court is informed that the person is charged with an offence in the Bailiwick. (2) The Magistrate's Court must order the extradition order not to be carried out until one of these occurs — (a) the charge is disposed of, (b) the charge is withdrawn, (c) proceedings in respect of the charge are discontinued. (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the Magistrate's Court may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise). (4) Rules of court may provide that where there is an appeal against the extradition order — (a) a reference in this section to the</p>	<p>118C Judge informed after extradition order that person is charged with offence in United Kingdom (1) This section applies if— (a) the Secretary of State has made an order for a person's extradition under this Part, and (b) before the extradition order is carried out the appropriate judge is informed that the person is charged with an offence in the United Kingdom. (2) The appropriate judge must order the extradition order not to be carried out until one of these occurs— (a) the charge is disposed of; (b) the charge is withdrawn; (c) proceedings in respect of the charge are discontinued; (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted <i>pro loco et tempore</i>. (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the appropriate judge may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence</p>

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	(a) a reference in this Article to the Royal Court has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal; and (b) this Article has effect with any other prescribed modifications.	Magistrate's Court has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and (b) this section has effect with any other prescribed modifications.	(whether on licence or otherwise). (4) Rules of court may provide that where there is an appeal against the extradition order — (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and (b) this section has effect with any other prescribed modifications.
<p>68 High Bailiff informed after extradition order that person is serving sentence in the Island</p> <p>(1) This section applies if — (a) the Attorney General has ordered a person's extradition; and (b) before the extradition order is carried out the High Bailiff is informed that the person is serving a sentence of custody in the Island.</p> <p>(2) The High Bailiff may order the extradition order not to be carried out until the person is released from custody pursuant to the sentence (whether on licence or otherwise).</p> <p>(3) Rules of court may provide that where there is an appeal against the extradition order — (a) a reference in this section to the High Bailiff has effect, in prescribed circumstances, as if it were a reference to the High Court; and (b) this section has effect with any other prescribed modifications.</p>	<p>56B Court informed after extradition order that person is serving sentence in Jersey</p> <p>(1) This Article applies if – (a) the Attorney General has ordered a person's extradition; and (b) before the extradition order is carried out the Royal Court is informed that the person is serving a sentence of imprisonment or another form of detention in Jersey.</p> <p>(2) The Royal Court may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).</p> <p>(3) Rules of court may provide that where there is an appeal against the extradition order – (a) a reference in this Article to the Royal Court has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal; and (b) this Article has effect with any other prescribed modifications.</p>	<p>Magistrate's Court informed after extradition order that person is serving sentence in the Bailiwick.</p> <p>66. (1) This section applies if – (a) Her Majesty's Procureur has made an order for a person's extradition under this Part, and (b) before the extradition order is carried out the Magistrate's Court is informed that the person is serving a sentence of imprisonment or another form of detention in the Bailiwick.</p> <p>(2) The Magistrate's Court may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).</p> <p>(3) Rules of court may provide that where there is an appeal against the extradition order – (a) reference in this section to the Magistrate's Court has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and (b) this section has effect with any other prescribed modifications.</p>	<p>[118D Judge informed after extradition hearing that person is serving sentence in United Kingdom</p> <p>(1) This section applies if— (a) the Secretary of State has made an order for a person's extradition under this Part, and (b) before the extradition order is carried out the appropriate judge is informed that the person is serving a sentence of imprisonment or another form of detention in the United Kingdom.</p> <p>(2) The appropriate judge may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).</p> <p>(3) Rules of court may provide that where there is an appeal against the extradition order— (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and (b) this section has effect with any other prescribed modifications.</p>
<p>69 Undertaking in relation to person serving sentence in the Island</p>	<p>57 Undertaking in relation to person serving sentence in Jersey</p>	<p>Undertaking in relation to person serving sentence in the Bailiwick.</p>	<p>119 Undertaking in relation to person serving sentence in United</p>

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<p>(1) If—</p> <p>(a) the Attorney General orders a person's extradition to a designated territory; and</p> <p>(b) the person is serving a sentence of custody in the Island either —</p> <p>(i) in custody; or</p> <p>(ii) on licence,</p> <p>the Attorney General may make the order for extradition subject to the condition that extradition is not to take place before the Attorney General receives an undertaking given on behalf of the designated territory in terms specified by the Attorney General.</p> <p>(2) The terms that may be specified by the Attorney General in relation to a person serving a sentence in circumstances covered by subsection (1)(b)(i) and accused in a designated territory of the commission of an offence include terms —</p> <p>(a) that the person be kept in custody until the conclusion of the proceedings against the person for the offence and any other offence in respect of which the person is permitted to be dealt with in the designated territory; and</p> <p>(b) that the person be returned to the Island on the conclusion of those proceedings to serve the remainder of his or her sentence.</p> <p>(3) The terms that may be specified by the Attorney General in relation to a person serving a sentence in circumstances covered by subsection (1)(b)(ii) and accused in a designated territory of the commission of an offence include terms that the person be returned to the Island to serve the remainder of his or her sentence after serving any sentence imposed on the person in the designated territory for —</p> <p>(a) the offence; and</p> <p>(b) any other offence in respect of which the person is permitted to be dealt with in the designated territory.</p> <p>(4) The terms that may be specified by the Attorney General in relation to a person alleged to be unlawfully at large after conviction of an offence by a court in a designated territory include terms that the person be returned to the Island to serve the remainder</p>	<p>(1) If –</p> <p>(a) the Attorney General orders a person's extradition to a designated territory; and</p> <p>(b) the person is serving a sentence of imprisonment or another form of detention in Jersey,</p> <p>the Attorney General may make the order for extradition subject to the condition that extradition is not to take place before the Attorney General receives an undertaking given on behalf of the designated territory in terms specified by the Attorney General.</p> <p>(2) The terms that may be specified by the Attorney General in relation to a person accused in a designated territory of the commission of an offence include terms –</p> <p>(a) that the person be kept in custody until the conclusion of the proceedings against the person for the offence and any other offence in respect of which the person is permitted to be dealt with in the designated territory; and</p> <p>(b) that the person be returned to Jersey on the conclusion of those proceedings to serve the remainder of the person's sentence.</p> <p>(3) The terms that may be specified by the Attorney General in relation to a person alleged to be unlawfully at large after conviction of an offence by a court in a designated territory include terms that the person be returned to Jersey to serve the remainder of his or her sentence after serving any sentence imposed on that person in the designated territory for –</p> <p>(a) the offence; and</p> <p>(b) any other offence in respect of which the person is permitted to be</p>	<p>67. (1) If –</p> <p>(a) Her Majesty's Procureur orders a person's extradition to a designated territory, and</p> <p>(b) the person is serving a sentence of imprisonment or another form of detention in the Bailiwick,</p> <p>Her Majesty's Procureur may make the order for extradition subject to the condition that extradition is not to take place before he or she receives an undertaking given on behalf of the designated territory in terms specified by him or her.</p> <p>(2) The terms that may be specified by Her Majesty's Procureur in relation to a person accused in a designated territory of the commission of an offence include terms –</p> <p>(a) that the person be kept in custody until the conclusion of the proceedings against the person for the offence and any other offence in respect of which the person is permitted to be dealt with in the designated territory, and</p> <p>(b) that the person be returned to the Bailiwick on the conclusion of those proceedings to serve the remainder of his or her sentence.</p> <p>(3) The terms that may be specified by Her Majesty's Procureur in relation to a person alleged to be unlawfully at large after conviction of an offence by a court in a designated territory include terms that the person be returned to the Bailiwick to serve the remainder of his or her sentence after serving any sentence imposed on that person in the designated territory for –</p> <p>(a) the offence, and</p> <p>(b) any other offence in respect of which the person is permitted to be</p>	<p>Kingdom</p> <p>(1) This section applies if—</p> <p>(a) the Secretary of State orders a person's extradition to a category 2 territory under this Part;</p> <p>(b) the person is serving a sentence of imprisonment or another form of detention in the United Kingdom [, either–] 1</p> <p>[(i) in custody, or</p> <p>(ii) on licence.] 1</p> <p>(2) The Secretary of State may make the order for extradition subject to the condition that extradition is not to take place before he receives an undertaking given on behalf of the category 2 territory in terms specified by him.</p> <p>(3) The terms which may be specified by the Secretary of State in relation to a person [within subsection (1)(b)(i) who is] 2 accused in a category 2 territory of the commission of an offence include terms—</p> <p>(a) that the person be kept in custody until the conclusion of the proceedings against him for the offence and any other offence in respect of which he is permitted to be dealt with in the category 2 territory;</p> <p>(b) that the person be returned to the United Kingdom to serve the remainder of his sentence on the conclusion of those proceedings.</p> <p>[(3A) The terms which may be specified by the Secretary of State in relation to a person within subsection (1)(b)(ii) who is accused in a category 2 territory of the commission of an offence include terms that the person be returned to the United Kingdom to serve the remainder of his sentence after serving any sentence imposed on</p>

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<p>of his or her sentence after serving any sentence imposed on that person in the designated territory for —</p> <p>(a) the offence; and</p> <p>(b) any other offence in respect of which the person is permitted to be dealt with in the designated territory.</p> <p>(5) Subsections (6) and (7) apply if the Attorney General makes an order for extradition subject to a condition under subsection (1).</p> <p>(6) If the Attorney General does not receive the undertaking before the end of the period of 21 days commencing on the day on which he or she makes the order, and the person applies to the High Court to be discharged, the High Court must order that the person be discharged.</p> <p>(7) If the Attorney General receives the undertaking before the end of that period —</p> <p>(a) in a case where section 65 (time limit for extradition if there is no appeal) applies, the period of 28 days specified in section 65(2) for the person's extradition to the designated territory concerned starts with the day on which the Attorney General receives the undertaking; and</p> <p>(b) in a case where section 66 (time limit for extradition if there is an appeal) applies, the period of 28 days specified in section 66(2) for the person's extradition to the designated territory concerned starts with the day on which the decision on the appeal becomes final (within the meaning of that section) or the day on which the Attorney General receives the undertaking, whichever is later.</p>	<p>dealt with in the designated territory.</p> <p>(4) Paragraphs (5) and (6) apply if the Attorney General makes an order for extradition subject to a condition under paragraph (1).</p> <p>(5) If the Attorney General does not receive the undertaking before the end of the period of 21 days commencing on the day on which he or she makes the order, and the person applies to the Royal Court to be discharged, the court shall order that the person be discharged.</p> <p>(6) If the Attorney General receives the undertaking before the end of that period —</p> <p>(a) in a case where Article 55 (relating to the time limit for extradition if there is no appeal) applies, the period of 28 days specified in Article 55(1) for the person's extradition to the designated territory concerned shall commence on the day on which the Attorney General receives the undertaking; and</p> <p>(b) in a case where Article 56 (relating to the time limit for extradition if there is an appeal) applies, the period of 28 days specified in Article 56(2) for the person's extradition to the designated territory concerned shall commence on the day on which the decision on the appeal becomes final (within the meaning of that Article) or the day on which the Attorney General receives the undertaking, whichever is later.</p>	<p>dealt with in the designated territory.</p> <p>(4) Subsections (5) and (6) apply if Her Majesty's Procureur makes an order for extradition subject to a condition under subsection (1).</p> <p>(5) If Her Majesty's Procureur does not receive the undertaking before the end of the period of 21 days commencing on the day on which he or she makes the order, and the person applies to the Royal Court to be discharged, the court shall order that the person be discharged.</p> <p>(6) If Her Majesty's Procureur receives the undertaking before the end of that period —</p> <p>(a) in a case where section 61 (relating to the time limit for extradition if there is no appeal) applies, the period of 28 days specified in section 61(1) for the person's extradition to the designated territory concerned shall commence on the day on which Her Majesty's Procureur receives the undertaking, and</p> <p>(b) in a case where section 62 (relating to the time limit for extradition if there is an appeal) applies, the period of 28 days specified in section 62(2) for the person's extradition to the designated territory concerned shall commence on the day on which the decision on the appeal becomes final (within the meaning of that section) or the day on which Her Majesty's Procureur receives the undertaking, whichever is later.</p>	<p>him in the category 2 territory for—</p> <p>(a) the offence, and</p> <p>(b) any other offence in respect of which he is permitted to be dealt with in the category 2 territory.] 3</p> <p>(4) The terms which may be specified by the Secretary of State in relation to a person alleged to be unlawfully at large after conviction of an offence by a court in a category 2 territory include terms that the person be returned to the United Kingdom to serve the remainder of his sentence after serving any sentence imposed on him in the category 2 territory for—</p> <p>(a) the offence, and</p> <p>(b) any other offence in respect of which he is permitted to be dealt with in the category 2 territory.</p> <p>(5) Subsections (6) and (7) apply if the Secretary of State makes an order for extradition subject to a condition under subsection (2).</p> <p>(6) If the Secretary of State does not receive the undertaking before the end of the period of 21 days starting with the day on which he makes the order and the person applies to the High Court to be discharged, the court must order his discharge.</p> <p>(7) If the Secretary of State receives the undertaking before the end of that period—</p> <p>(a) in a case where section 117 applies, the required period for the purposes of section 117(2) is 28 days starting with the day on which the Secretary of State receives the undertaking;</p> <p>(b) in a case where section 118 applies, the required period for the purposes of section 118(2) is 28 days starting with</p>

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			the day on which the decision of the relevant court on the appeal becomes final (within the meaning of that section) or (if later) the day on which the Secretary of State receives the undertaking.
<p>70 Withdrawal of request before end of extradition hearing before High Bailiff</p> <p>(1) If, at any time in the period to which subsection (2) refers, the High Bailiff is informed by the Attorney General that a request for a person's extradition has been withdrawn, the High Bailiff must order that the person be discharged.</p> <p>(2) The period to which this subsection refers is the period —</p> <p>(a) starting when the person first appears or is brought before the High Bailiff following the person's arrest; and</p> <p>(b) ending when the High Bailiff orders the person to be discharged or sends the case to the Attorney General for a decision as to whether the person is to be extradited.</p> <p>(3) If the person is not before the High Bailiff at the time when the High Bailiff orders that the person be discharged, the High Bailiff must inform the person of the order as soon as practicable.</p>	<p>58 Withdrawal of request before end of extradition hearing before Magistrate</p> <p>(1) If, at any time in the period to which paragraph (2) refers, the Magistrate is informed by the Attorney General that a request for a person's extradition has been withdrawn, the Magistrate shall order that the person be discharged.</p> <p>(2) The period to which this paragraph refers is the period —</p> <p>(a) commencing when the person first appears or is brought before the Magistrate following the person's arrest; and</p> <p>(b) ending when the Magistrate orders the person to be discharged or sends the case to the Attorney General for a decision as to whether the person is to be extradited.</p> <p>(3) If the person is not before the Magistrate at the time when the Magistrate orders that the person be discharged, the Magistrate shall inform the person of the order as soon as practicable.</p>	<p>Withdrawal of request before end of extradition hearing before Magistrate's Court.</p> <p>68. (1) If, at any time in the period to which subsection (2) refers, the Magistrate's Court is informed by Her Majesty's Procureur that a request for a person's extradition has been withdrawn, the Magistrate's Court must order that the person be discharged.</p> <p>(2) The period to which this section refers is the period —</p> <p>(a) commencing when the person first appears or is brought before the Magistrate's Court following the person's arrest; and</p> <p>(b) ending when the Magistrate's Court orders the person to be discharged or sends the case to Her Majesty's Procureur for a decision as to whether the person is to be extradited.</p> <p>(3) If the person is not before the Magistrate's Court at the time when the Magistrate's Court orders that the person be discharged, the Judge shall inform the person of the order as soon as practicable.</p>	<p>122 Withdrawal of request before end of extradition hearing</p> <p>(1) This section applies if at any time in the relevant period the appropriate judge is informed by the Secretary of State that a request for a person's extradition has been withdrawn.</p> <p>(2) The relevant period is the period—</p> <p>(a) starting when the person first appears or is brought before the appropriate judge following his arrest under this Part;</p> <p>(b) ending when the judge orders the person's discharge or sends the case to the Secretary of State for his decision whether the person is to be extradited.</p> <p>(3) The judge must order the person's discharge.</p> <p>(4) If the person is not before the judge at the time the judge orders his discharge, the judge must inform him of the order as soon as practicable.</p>
<p>71 Withdrawal of request after case sent to Attorney General</p> <p>If at any time in the period —</p> <p>(a) starting when the High Bailiff sends the case to the Attorney General for a decision as to whether the person is to be extradited; and</p> <p>(b) ending when the person is extradited in pursuance of the request for extradition or is discharged,</p>	<p>59 Withdrawal of request after case sent to Attorney General</p> <p>If, at any time in the period —</p> <p>(a) commencing when the Magistrate sends the case to the Attorney General for a decision as to whether the person is to be extradited; and</p> <p>(b) ending when the person is</p>	<p>Withdrawal of request after case sent to Her Majesty's Procureur.</p> <p>69. If, at any time in the period —</p> <p>(a) commencing when the Magistrate's Court sends the case to Her Majesty's Procureur for a decision as to whether the person is to be extradited, and</p> <p>(b) ending when the person is</p>	<p>123 Withdrawal of request after case sent to Secretary of State</p> <p>(1) This section applies if at any time in the relevant period the Secretary of State is informed that a request for a person's extradition has been withdrawn.</p> <p>(2) The relevant period is the period—</p>

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<p>the Attorney General is informed that the request for the person's extradition has been withdrawn, the Attorney General must order that the person be discharged.</p>	<p>extradited in pursuance of the request for extradition or is discharged, the Attorney General is informed that the request for the person's extradition has been withdrawn, the Attorney General shall order that the person be discharged.</p>	<p>extradited in pursuance of the request for extradition or is discharged, Her Majesty's Procureur is informed that the request for the person's extradition has been withdrawn, he or she must order that the person be discharged.</p>	<p>(a) starting when the judge sends the case to the Secretary of State for his decision whether the person is to be extradited; (b) ending when the person is extradited in pursuance of the request or discharged. (3) The Secretary of State must order the person's discharge.</p>
<p>72 Withdrawal of request while application or appeal pending (1) This section applies if at any time in the relevant period the High Court is informed by the Attorney General that a request for a person's extradition has been withdrawn. (2) The relevant period is the period — (a) starting when notice of application for leave to appeal to the High Court is given by the person whose extradition is requested or by a person acting on behalf of the designated territory to which the person's extradition is requested; (b) ending with the relevant day. (3) "The relevant day" is — (a) if the High Court refuses leave to appeal to it, the day on which the decision to refuse leave becomes final; (b) if leave to appeal is given but proceedings on the appeal are discontinued, the day of discontinuance; (c) if leave to appeal is given and proceedings on the appeal are not discontinued, the day on which the High Court makes its decision on the appeal. (4) For the purposes of subsection (3)(a), the decision to refuse leave becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal (ignoring any power of a court to grant leave to take a step out of time). (5) If the application or appeal is under section 52 or section 57 (appeals by persons whose extradition is requested), the High Court must — (a) order the person's discharge; and (b) quash the order for the person's extradition, if</p>	<p>60 Withdrawal of request while appeal to Royal Court pending (1) If at any time in the period — (a) commencing when notice of an appeal to the court is given by the person whose extradition is requested or by a person acting on behalf of the designated territory to which the person's extradition is requested; and (b) ending when proceedings on the appeal are abandoned or the court makes its decision on the appeal, the Royal Court is informed by the Attorney General that a request for a person's extradition has been withdrawn, the court shall take the steps specified in paragraph (2) or paragraph (3) (as the case requires). (2) If the appeal is under Article 40 or Article 45 (relating to appeals by persons whose extradition is requested), the Royal Court shall — (a) order the person's discharge; and (b) quash the order for the person's extradition, if the Attorney General has ordered the person's extradition. (3) If the appeal is under Article 42 or Article 47 (relating to appeals against the discharge of persons whose extradition is requested), the Royal Court shall dismiss the appeal. (4) If the person is not before the Royal Court at the time when the court orders</p>	<p>Withdrawal of request while application or appeal to Royal Court pending. 70. (1) If at any time in the period — (a) commencing when notice of an application for leave to appeal to the Royal Court is given by the person whose extradition is requested or by a person acting on behalf of the designated territory to which the person's extradition is requested, and (b) ending with the relevant day. (2) For the purposes of this section, the "relevant day" is — (a) if the Royal Court refuses leave to appeal to it, the day on which the decision to refuse leave becomes final, (b) if leave to appeal is given but proceedings on the appeal are discontinued, the day of discontinuance, (c) if leave to appeal is given and proceedings on the appeal are not discontinued, the day on which the court makes its decision on the appeal. (3) For the purposes of subsection (2)(a), the decision to refuse leave becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal (ignoring any power of a court to grant leave to take a step out of time).</p>	<p>124 Withdrawal of request while [application or] 1 appeal to High Court pending (1) This section applies if at any time in the relevant period the High Court is informed by the Secretary of State that a request for a person's extradition has been withdrawn. (2) The relevant period is the period— (a) starting when [notice of application for leave to appeal to the High Court] 2 is given by the person whose extradition is requested or by a person acting on behalf of the category 2 territory to which his extradition is requested; (b) ending [with the relevant day] 3 . [(2A) "The relevant day" is— (a) if the High Court refuses leave to appeal to it, the day on which the decision to refuse leave becomes final; (b) if leave to appeal is given but proceedings on the appeal are discontinued, the day of discontinuance; (c) if leave to appeal is given and proceedings on the appeal are not discontinued, the day on which the court makes its decision on the appeal. For the purposes of paragraph (a), the decision to refuse leave becomes final when, in accordance with rules of court, there is no further step that can</p>

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<p>the Attorney General has so ordered.</p> <p>(6) If the application or appeal is under section 54 or section 59 (appeals against discharge of persons whose extradition is requested), the High Court must dismiss the application or appeal.</p> <p>(7) If the person is not before the High Court at the time when the High Court orders that the person be discharged, the High Court must inform the person of the order as soon as practicable.</p>	<p>his or her discharge, the court shall inform the person of the order as soon as practicable.</p>	<p>(4) If the appeal is under section 45 or section 50 (relating to appeals by persons whose extradition is requested), the Royal Court shall –</p> <p>(a) order the person's discharge, and</p> <p>(b) quash the order for the person's extradition, if Her Majesty's Procureur has ordered the person's extradition.</p> <p>(5) If the application or appeal is under section 47 or section 52, the Royal Court shall dismiss the application or appeal.</p> <p>(6) If the person is not before the Royal Court at the time when the court orders his or her discharge, the Court shall inform the person of the order as soon as practicable.</p>	<p>be taken in relation to the application for leave to appeal (ignoring any power of a court to grant leave to take a step out of time).] 4</p> <p>(3) If the [application or] 5 appeal is under section 103 or 108, the court must—</p> <p>(a) order the person's discharge;</p> <p>(b) quash the order for his extradition, if the Secretary of State has ordered his extradition.</p> <p>[(4) If the application or appeal is under section 105 or 110, the court must dismiss the application or appeal.] 6</p> <p>(5) If the person is not before the court at the time the court orders his discharge, the court must inform him of the order as soon as practicable.</p>
<p>73 General provisions as to consent to extradition</p> <p>(1) A person arrested under a warrant issued under section 14 may consent to being extradited to the designated territory to which extradition is requested in relation to one or more offences contained within the extradition request.</p> <p>(2) A person arrested under a provisional warrant may consent to being extradited in relation to one or more offences contained within the extradition request to the designated territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence.</p> <p>(3) Consent under this section must be given in writing, and is irrevocable.</p>	<p>62 General provisions as to consent to extradition</p> <p>(1) A person arrested under a warrant issued under Article 8 may consent to being extradited to the designated territory to which extradition is requested.</p> <p>(2) A person arrested under a provisional warrant may consent to being extradited to the designated territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence.</p> <p>(3) Consent under this Article must be given in writing, and is irrevocable.</p>	<p>General provisions as to consent to extradition.</p> <p>72. (1) A person arrested under a warrant issued under section 7 may consent to being extradited to the designated territory to which extradition is requested.</p> <p>(2) A person arrested under a provisional warrant may consent to being extradited to the designated territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence.</p> <p>(3) Consent under this section must be given in writing, and is irrevocable.</p> <p>(4) If legal aid is available to a person arrested under a warrant issued under section 7 or a person arrested under a provisional warrant, such a person must be informed of his or her right to apply for legal aid, and be given the</p>	<p>127 Consent to extradition: general</p> <p>(1) A person arrested under a warrant issued under section 71 may consent to his extradition to the category 2 territory to which his extradition is requested.</p> <p>(2) A person arrested under a provisional warrant [or under section 74A] 1 may consent to his extradition to the category 2 territory in which he is accused of the commission of an offence or is alleged to have been convicted of an offence.</p> <p>(3) Consent under this section—</p> <p>(a) must be given in writing;</p> <p>(b) is irrevocable.</p> <p>(4) Consent under this section which is given by a person before his case is sent to the Secretary of State for the Secretary of State's decision whether he is to be extradited must be given</p>

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		<p>opportunity to apply for legal aid, before that person may give his or her consent to being extradited.</p> <p>(5) In this section, "legal aid" means representation for the purposes of criminal proceedings provided under a scheme made under the Legal Aid (Bailiwick of Guernsey) Law, 2003.</p>	<p>before the appropriate judge.</p> <p>(5) Consent under this section which is given in any other case must be given to the Secretary of State.</p> <p>(6) A person may not give his consent under this section before the appropriate judge unless—</p> <p>(a) he is legally represented before the appropriate judge at the time he gives consent, or</p> <p>(b) he is a person to whom subsection (7) applies.</p> <p>(7) This subsection applies to a person if—</p> <p>(a) he has been informed of his right to apply for legal aid and has had the opportunity to apply for legal aid, but he has refused or failed to apply;</p> <p>(b) he has applied for legal aid but his application has been refused;</p> <p>(c) he was granted legal aid but the legal aid was withdrawn.</p> <p>(8) In subsection (7) "legal aid" means—</p> <p>[(a) in England and Wales, representation for the purposes of criminal proceedings provided under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;] 2</p> <p>(b) in Scotland, such legal aid as is available by virtue of section 183(a) of this Act;</p> <p>(c) in Northern Ireland, such free legal aid as is available by virtue of sections 184 and 185 of this Act.</p> <p>(9) For the purposes of subsection (6) a person is to be treated as legally represented before the appropriate judge if (and only if) he has the assistance of counsel or a solicitor to represent him in the proceedings</p>

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			before the appropriate judge.
<p>74 Consent to extradition before case sent to Attorney General</p> <p>(1) If a person consents under section 73 to being extradited before the person's case is sent to the Attorney General for a decision as to whether the person is to be extradited, the consent must be given to the High Bailiff, in a manner to be prescribed by rules of court.</p> <p>(2) However, a person may not give consent under this section unless —</p> <p>(a) the person has the assistance of an advocate to represent him or her before the High Bailiff; or</p> <p>(b) the person has refused or failed to apply for legal aid (despite being informed of the right to apply for it and being given the opportunity to do so), or his or her application for legal aid has been refused, or legal aid has been withdrawn.</p> <p>(3) If the High Bailiff has not under section 18 or section 19 fixed a date on which the extradition hearing is to begin, the High Bailiff is not required to do so</p>	<p>63 Consent to extradition before case sent to Attorney General</p> <p>(1) If a person consents under Article 62 to being extradited before the person's case is sent to the Attorney General for the Attorney General's decision as to whether the person is to be extradited, the consent must be given to the Magistrate, in a manner to be prescribed by rules of court.</p> <p>(2) If the Magistrate has not under Article 12 or Article 13 fixed a date on which the extradition hearing is to begin, the Magistrate is not required to do so.</p> <p>(3) If the extradition hearing has begun, the Magistrate is no longer required to proceed or continue proceeding under any of Articles 15 to 28 (inclusive) (relating to the</p>	<p>Consent to extradition before case sent to Her Majesty's Procureur.</p> <p>73. (1) If a person consents under section 72 to being extradited before the person's case is sent to Her Majesty's Procureur for his or her decision as to whether the person is to be extradited, the consent must be given before the Magistrate's Court, in a manner to be prescribed by rules of court, and the following provisions of this section apply.</p> <p>(2) If the Magistrate's Court has not under section 11 or section 12 fixed a date on which the extradition hearing is to begin, the Magistrate's Court is not required to do so.</p> <p>(3) If the extradition hearing has begun, the Magistrate's Court is no longer required to proceed or continue</p>	<p>128 Consent to extradition before case sent to Secretary of State</p> <p>(1) This section applies if a person gives his consent under section 127 to the appropriate judge.</p> <p>(2) If the judge has not fixed a date under section 75 or 76 on which the extradition hearing is to begin he is not required to do so.</p> <p>(3) If the extradition hearing has begun the judge is no longer required to proceed or continue proceeding under sections 78 to 91.</p> <p>(4) The judge must send the case to the Secretary of State for his decision whether the person is to be extradited.</p> <p>(5) [...]1</p>

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<p>unless there are other offences contained within the extradition request in relation to which the person has not consented to his or her extradition.</p> <p>(4) If the extradition hearing has begun, the High Bailiff is no longer required to proceed or continue proceeding under any of sections 23 to 41 (relating to the extradition hearing) unless there are other offences contained within the extradition request in relation to which the person has not consented to his or her extradition.</p> <p>(5) The High Bailiff must send the case to the Attorney General for a decision as to whether the person is to be extradited.</p> <p>(6) The person must be taken to have waived any right that he or she would have (apart from the consent) not to be dealt with in the designated territory for an offence committed before the person's extradition if the person has consented to his or her extradition in relation to every offence contained within the extradition request.</p>	<p>extradition hearing).</p> <p>(4) The Magistrate shall send the case to the Attorney General for a decision as to whether the person is to be extradited.</p> <p>(5) The person shall be taken to have waived any right that he or she would have (apart from the consent) not to be dealt with in the designated territory for an offence committed before the person's extradition.</p>	<p>proceeding under any of sections 16 to 33 (relating to the extradition hearing).</p> <p>(4) The Magistrate's Court shall send the case to Her Majesty's Procureur for a decision as to whether the person is to be extradited.</p>	
<p>75 Consent to extradition after case sent to Attorney General</p> <p>If a person consents to being extradited under section 73 after the person's case is sent to the Attorney General for a decision as to whether the person is to be extradited, the consent must be given to the Attorney General.</p>	<p>64 Consent to extradition after case sent to Attorney General</p> <p>If a person consents to being extradited under Article 62 after the person's case is sent to the Attorney General for a decision as to whether the person is to be extradited, the consent shall be given to the Attorney General.</p>	<p>Consent to extradition after case sent to Her Majesty's Procureur.</p> <p>74. If a person consents to being extradited under section 72 after the person's case is sent to Her Majesty's Procureur for a decision as to whether the person is to be extradited, the consent shall be given before Her Majesty's Procureur.</p>	
<p>76 Competing extradition requests</p> <p>(1) This section applies if —</p> <p>(a) the Attorney General receives a valid request for a person's extradition to a designated territory;</p> <p>(b) the person is in the Island; and</p> <p>(c) before the person is extradited in pursuance of the request or discharged, the Attorney General receives another valid request for the person's extradition.</p> <p>(2) If neither of the requests has been disposed of, the Attorney General may order proceedings (or further proceedings) on one of the requests to be deferred until the other request has been disposed of.</p> <p>(3) If an order for a person's extradition has been made in pursuance of the request under consideration,</p>	<p>65 Competing extradition requests</p> <p>(1) This Article applies if —</p> <p>(a) the Attorney General receives a valid request for a person's extradition to a designated territory;</p> <p>(b) the person is in Jersey; and</p> <p>(c) before the person is extradited in pursuance of the request or discharged, the Attorney General receives another valid request for the person's extradition.</p> <p>(2) If neither of the requests has been disposed of, the Attorney General may order proceedings (or further</p>	<p>Competing extradition requests.</p> <p>75. (1) This section applies if —</p> <p>(a) Her Majesty's Procureur receives a valid request for a person's extradition to a designated territory,</p> <p>(b) the person is in the Bailiwick, and</p> <p>(c) before the person is extradited in pursuance of the request or discharged, Her Majesty's Procureur receives another valid request for the person's extradition.</p> <p>(2) If neither of the requests has been disposed of, Her Majesty's Procureur may order proceedings (or further</p>	<p>126 Competing extradition requests</p> <p>(1) This section applies if—</p> <p>(a) the Secretary of State receives a valid request for a person's extradition to a category 2 territory;</p> <p>(b) the person is in the United Kingdom;</p> <p>(c) before the person is extradited in pursuance of the request or discharged, the Secretary of State receives another valid request for the person's extradition.</p> <p>(2) The Secretary of State may—</p>

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<p>the Attorney General may order the person's extradition in pursuance of that request to be deferred until the other request has been disposed of.</p> <p>(4) In applying this section, the Attorney General must take account of —</p> <p>(a) the relative seriousness of the offences concerned;</p> <p>(b) the place where each offence was committed (or was alleged to have been committed);</p> <p>(c) the date when each request was received; and</p> <p>(d) whether, in the case of each offence, the person is alleged to be accused of its commission (but not convicted of the offence), or is alleged to be unlawfully at large after conviction of the offence.</p>	<p>proceedings) on one of the requests to be deferred until the other request has been disposed of.</p> <p>(3) If an order for a person's extradition has been made in pursuance of the request under consideration, the Attorney General may order the person's extradition in pursuance of that request to be deferred until the other request has been disposed of.</p> <p>(4) In applying this Article, the Attorney General shall take account of —</p> <p>(a) the relative seriousness of the offences concerned;</p> <p>(b) the place where each offence was committed (or was alleged to have been committed);</p> <p>(c) the date when each offence was committed (or was alleged to have been committed);</p> <p>(d) the date when each request was received; and</p> <p>(e) whether, in the case of each offence, the person is alleged to be accused of its commission (but not convicted of the offence), or is alleged to be unlawfully at large after conviction of the offence.</p>	<p>proceedings) on one of the requests to be deferred until the other request has been disposed of.</p> <p>(3) If an order for a person's extradition has been made in pursuance of the request under consideration, Her Majesty's Procureur may order the person's extradition in pursuance of that request to be deferred until the other request has been disposed of.</p> <p>(4) In applying this section, Her Majesty's Procureur shall take account of —</p> <p>(a) the relative seriousness of the offences concerned,</p> <p>(b) the place where each offence was committed (or was alleged to have been committed),</p> <p>(c) the date when each offence was committed (or was alleged to have been committed),</p> <p>(d) the date when each request was received, and</p> <p>(e) whether, in the case of each offence, the person is alleged to be accused of its commission (but not convicted of the offence), or is alleged to be unlawfully at large after conviction of the offence.</p>	<p>(a) order proceedings (or further proceedings) on one of the requests to be deferred until the other one has been disposed of, if neither of the requests has been disposed of;</p> <p>(b) order the person's extradition in pursuance of the request under consideration to be deferred until the other request has been disposed of, if an order for his extradition in pursuance of the request under consideration has been made.</p> <p>(3) In applying subsection (2) the Secretary of State must take account in particular of these matters—</p> <p>(a) the relative seriousness of the offences concerned;</p> <p>(b) the place where each offence was committed (or was alleged to have been committed);</p> <p>(c) the date when each request was received;</p> <p>(d) whether, in the case of each offence, the person is accused of its commission (but not alleged to have been convicted) or is alleged to be unlawfully at large after conviction.</p>
<p>77 Consent to dealing with another offence</p> <p>(1) This section applies if —</p> <p>(a) a person is extradited to a designated territory; and</p> <p>(b) the Attorney General receives a valid request to give consent to the person's being dealt with in the designated territory for an offence other than the offence in respect of which the person was extradited.</p> <p>(2) A request for consent is valid if it is made by an authority of the designated territory, and the Attorney General believes that the authority has the function in that designated territory of making requests for the consent to which subsection (1)(b) refers.</p>	<p>66 Consent to dealing with another offence</p> <p>(1) This Article applies if —</p> <p>(a) a person is extradited to a designated territory; and</p> <p>(b) the Attorney General receives a valid request for the Attorney General's consent to the person being dealt with in the designated territory for an offence other than the offence in respect of which the person was extradited.</p> <p>(2) A request for consent is valid if it is</p>	<p>Consent to dealing with another offence.</p> <p>76. (1) This section applies if —</p> <p>(a) a person is extradited to a designated territory, and</p> <p>(b) Her Majesty's Procureur receives a valid request for his or her consent to the person being dealt with in the designated territory for an offence other than the offence in respect of which the person was extradited.</p> <p>(2) A request for consent is valid if it is made by an authority of the designated</p>	<p>129 Consent to other offence being dealt with</p> <p>(1) This section applies if—</p> <p>(a) a person is extradited to a category 2 territory in accordance with this Part;</p> <p>(b) the Secretary of State receives a valid request for his consent to the person being dealt with in the territory for an offence other than the offence in respect of which he was extradited.</p> <p>(2) A request for consent is valid if it is made by an authority which is an authority of the territory and which the</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
<p>(3) The Attorney General must serve on the person notice of receipt of the request for consent, unless the Attorney General is satisfied that it would be impracticable to do so.</p> <p>(4) The Attorney General must decide whether the offence is an extradition offence.</p> <p>(5) If the Attorney General decides that the offence is not an extradition offence, the Attorney General must refuse to give consent.</p> <p>(6) If the Attorney General decides that the offence is an extradition offence, the Attorney General must decide whether the High Bailiff would send the case to the Attorney General under sections 24 to 41 for the Attorney General's decision whether the person should be extradited if —</p> <p>(a) the person were in the Island; and</p> <p>(b) the High Bailiff were required to proceed under section 24 (bars to extradition) in respect of the offence for which the Attorney General's consent is requested.</p> <p>(7) If the Attorney General decides the question in subsection (6) in the negative, the Attorney General must refuse to give consent.</p> <p>(8) If the Attorney General decides that question in the affirmative, the Attorney General must decide whether, if the person were in the Island, the person's extradition in respect of the offence would be prohibited under any of sections 44, 45 and 46.</p> <p>(9) If the Attorney General decides the question in subsection (8) in the affirmative, the Attorney General must refuse to give consent.</p> <p>(10) If the Attorney General decides that question in the negative, the Attorney General may give consent.</p>	<p>made by an authority of the designated territory, and the Attorney General believes that the authority has the function in that designated territory of making requests for the consent to which paragraph (1)(b) refers.</p> <p>(3) The Attorney General shall serve notice on the person that the Attorney General has received the request for consent, unless the Attorney General is satisfied that it would be impracticable to do so.</p> <p>(4) The Attorney General shall decide whether the offence is an extradition offence.</p> <p>(5) If the Attorney General decides that the offence is not an extradition offence, the Attorney General shall refuse to give consent.</p> <p>(6) If the Attorney General decides that the offence is an extradition offence, the Attorney General shall decide whether the Magistrate would send the case to the Attorney General under Articles 16 to 28 (inclusive) for the Attorney General's decision whether the person should be extradited if —</p> <p>(a) the person were in Jersey; and</p> <p>(b) the Magistrate were required to proceed under Article 16 in respect of the offence for which the Attorney General's consent is requested.</p> <p>(7) If the Attorney General decides the question in paragraph (6) in the negative, the Attorney General shall refuse to give consent.</p> <p>(8) If the Attorney General decides that question in the affirmative, the Attorney General shall decide whether, if the person were in Jersey, the person's extradition in respect of the offence would be prohibited under any of</p>	<p>territory, and if Her Majesty's Procureur believes that the authority has the function in that designated territory of making requests for the consent to which subsection (1)(b) refers.</p> <p>(3) Her Majesty's Procureur must serve notice on the person that he or she has received the request for consent, unless he or she is satisfied that it would be impracticable to do so.</p> <p>(4) Her Majesty's Procureur shall decide whether the offence is an extradition offence.</p> <p>(5) If Her Majesty's Procureur decides that the offence is not an extradition offence, he or she must refuse to give consent.</p> <p>(6) If Her Majesty's Procureur decides that the offence is an extradition offence, he or she must decide whether the Magistrate's Court would send the case to Her Majesty's Procureur under sections 17 to 33 (for his or her decision whether the person should be extradited) if —</p> <p>(a) the person were in the Bailiwick, and</p> <p>(b) the Magistrate's Court were required to proceed under section 17 in respect of the offence for which Her Majesty's Procureur's consent is requested.</p> <p>(7) If Her Majesty's Procureur decides the question in subsection (6) in the negative, he or she must refuse to give consent.</p> <p>(8) If Her Majesty's Procureur decides that question in the affirmative, he or she must decide whether, if the person were in the Bailiwick, the person's extradition in respect of the offence would be prohibited under any of</p>	<p>Secretary of State believes has the function of making requests for the consent referred to in subsection (1)(b) in that territory.</p> <p>(3) The Secretary of State must serve notice on the person that he has received the request for consent, unless he is satisfied that it would not be practicable to do so.</p> <p>(4) The Secretary of State must decide whether the offence is an extradition offence.</p> <p>(5) If the Secretary of State decides the question in subsection (4) in the negative he must refuse his consent.</p> <p>(6) If the Secretary of State decides that question in the affirmative he must decide whether the appropriate judge would send the case to him (for his decision whether the person was to be extradited) under sections 79 to 91 if—</p> <p>(a) the person were in the United Kingdom, and</p> <p>(b) the judge were required to proceed under section 79 in respect of the offence for which the Secretary of State's consent is requested.</p> <p>(7) If the Secretary of State decides the question in subsection (6) in the negative he must refuse his consent.</p> <p>(8) If the Secretary of State decides that question in the affirmative he must decide whether, if the person were in the United Kingdom, his extradition in respect of the offence would be prohibited under section 94, 95 or 96.</p> <p>(9) If the Secretary of State decides the question in subsection (8) in the affirmative he must refuse his consent.</p> <p>(10) If the Secretary of State decides that question in the negative he may give his consent.</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
	<p>Articles 31, 32 and 33.</p> <p>(9) If the Attorney General decides the question in paragraph (8) in the affirmative, the Attorney General shall refuse to give consent.</p> <p>(10) If the Attorney General decides that question in the negative, the Attorney General may give consent.</p>	<p>sections 36, 37 and 38.</p> <p>(9) If Her Majesty's Procureur decides the question in subsection (8) in the affirmative, he or she must refuse to give consent.</p> <p>(10) If Her Majesty's Procureur decides that question in the negative, he or she may give consent.</p>	
<p>78 Consent to further extradition to designated territory</p> <p>(1) This section applies if —</p> <p>(a) a person is extradited to a designated territory ("the requesting territory"); and</p> <p>(b) the Attorney General receives a valid request to give consent to the person's extradition to another designated territory for an offence other than the offence in respect of which the person was extradited.</p> <p>(2) A request for consent is valid if it is made by an authority that is an authority of the requesting territory, and the Attorney General believes that the authority has the function in that territory of making requests for the consent to which subsection (1)(b) refers.</p> <p>(3) The Attorney General must serve notice on the person that the Attorney General has received the request for consent, unless the Attorney General is satisfied that it would be impracticable to do so.</p> <p>(4) The Attorney General must decide whether the offence is an extradition offence in relation to the designated territory to which subsection (1)(b) refers.</p> <p>(5) If the Attorney General decides that the offence is not an extradition offence, the Attorney General must refuse to give consent.</p> <p>(6) If the Attorney General decides that the offence is an extradition offence, the Attorney General must decide whether the High Bailiff would send the case to the Attorney General under sections 24 to 41 for the Attorney General's decision whether the person should be extradited if —</p> <p>(a) the person were in the Island; and</p> <p>(b) the High Bailiff were required to proceed under section 24 (bars to extradition) in respect of the offence for which the Attorney General's consent is requested.</p>	<p>67 Consent to further extradition to designated territory</p> <p>(1) This Article applies if —</p> <p>(a) a person is extradited to a designated territory (the requesting territory); and</p> <p>(b) the Attorney General receives a valid request for the Attorney General's consent to the person's extradition to another designated territory for an offence other than the offence in respect of which the person was extradited.</p> <p>(2) A request for consent is valid if it is made by an authority that is an authority of the requesting territory, and the Attorney General believes that the authority has the function in that territory of making requests for the consent to which paragraph (1)(b) refers.</p> <p>(3) The Attorney General shall serve notice on the person that the Attorney General has received the request for consent, unless the Attorney General is satisfied that it would be impracticable to do so.</p> <p>(4) The Attorney General shall decide whether the offence is an extradition offence in relation to the designated territory to which paragraph (1)(b) refers.</p> <p>(5) If the Attorney General decides that the offence is not an extradition</p>	<p>Consent to further extradition to designated territory.</p> <p>77. (1) This section applies if —</p> <p>(a) a person is extradited to a designated territory (the requesting territory), and</p> <p>(b) Her Majesty's Procureur receives a valid request for his or her consent to the person's extradition to another designated territory for an offence other than the offence in respect of which the person was extradited.</p> <p>(2) A request for consent is valid if it is made by an authority that is an authority of the requesting territory, and Her Majesty's Procureur believes that the authority has the function in that territory of making requests for the consent to which subsection (1)(b) refers.</p> <p>(3) Her Majesty's Procureur must serve notice on the person that he or she has received the request for consent, unless he or she is satisfied that it would be impracticable to do so.</p> <p>(4) Her Majesty's Procureur must decide whether the offence is an extradition offence in relation to the designated territory to which subsection (1)(b) refers.</p> <p>(5) If Her Majesty's Procureur decides that the offence is not an extradition offence, he or she must refuse to give consent.</p>	<p>130 Consent to further extradition to category 2 territory</p> <p>(1) This section applies if—</p> <p>(a) a person is extradited to a category 2 territory (the requesting territory) in accordance with this Part;</p> <p>(b) the Secretary of State receives a valid request for his consent to the person's extradition to another category 2 territory for an offence other than the offence in respect of which he was extradited.</p> <p>(2) A request for consent is valid if it is made by an authority which is an authority of the requesting territory and which the Secretary of State believes has the function of making requests for the consent referred to in subsection (1)(b) in that territory.</p> <p>(3) The Secretary of State must serve notice on the person that he has received the request for consent, unless he is satisfied that it would not be practicable to do so.</p> <p>(4) The Secretary of State must decide whether the offence is an extradition offence in relation to the category 2 territory referred to in subsection (1)(b).</p> <p>(5) If the Secretary of State decides the question in subsection (4) in the negative he must refuse his consent.</p> <p>(6) If the Secretary of State decides that question in the affirmative he must</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
<p>(7) If the Attorney General decides the question in subsection (6) in the negative, the Attorney General must refuse to give consent.</p> <p>(8) If the Attorney General decides that question in the affirmative, the Attorney General must decide whether, if the person were in the Island, the person's extradition in respect of the offence would be prohibited under any of sections 44, 45 and 46.</p> <p>(9) If the Attorney General decides the question in subsection (8) in the affirmative, the Attorney General must refuse to give consent.</p> <p>(10) If the Attorney General decides that question in the negative, the Attorney General may give consent.</p>	<p>offence, the Attorney General shall refuse to give consent.</p> <p>(6) If the Attorney General decides that the offence is an extradition offence, the Attorney General shall decide whether the Magistrate would send the case to the Attorney General under Articles 16 to 28 (inclusive) for the Attorney General's decision whether the person should be extradited if –</p> <p>(a) the person were in Jersey; and</p> <p>(b) the Magistrate were required to proceed under Article 16 in respect of the offence for which the Attorney General's consent is requested.</p> <p>(7) If the Attorney General decides the question in paragraph (6) in the negative, the Attorney General shall refuse to give consent.</p> <p>(8) If the Attorney General decides that question in the affirmative, the Attorney General shall decide whether, if the person were in Jersey, the person's extradition in respect of the offence would be prohibited under any of Articles 31, 32 and 33.</p> <p>(9) If the Attorney General decides the question in paragraph (8) in the affirmative, the Attorney General shall refuse to give consent.</p> <p>(10) If the Attorney General decides that question in the negative, the Attorney General may give consent.</p>	<p>(6) If Her Majesty's Procureur decides that the offence is an extradition offence, Her Majesty's Procureur must decide whether the Magistrate's Court would send the case to him or her under sections 17 to 33 for Her Majesty's Procureur's decision whether the person should be extradited if –</p> <p>(a) the person were in the Bailiwick, and</p> <p>(b) the Magistrate's Court were required to proceed under section 17 in respect of the offence for which Her Majesty's Procureur's consent is requested.</p> <p>(7) If Her Majesty's Procureur decides the question in subsection (6) in the negative, he or she must refuse to give consent.</p> <p>(8) If Her Majesty's Procureur decides that question in the affirmative, he or she must decide whether, if the person were in the Bailiwick, the person's extradition in respect of the offence would be prohibited under any of sections 36, 37 and 38.</p> <p>(9) If Her Majesty's Procureur decides the question in subsection (8) in the affirmative, he or she must refuse to give consent.</p> <p>(10) If Her Majesty's Procureur decides that question in the affirmative, he or she may give consent.</p>	<p>decide whether the appropriate judge would send the case to him (for his decision whether the person was to be extradited) under sections 79 to 91 if—</p> <p>(a) the person were in the United Kingdom, and</p> <p>(b) the judge were required to proceed under section 79 in respect of the offence for which the Secretary of State's consent is requested.</p> <p>(7) If the Secretary of State decides the question in subsection (6) in the negative he must refuse his consent.</p> <p>(8) If the Secretary of State decides that question in the affirmative he must decide whether, if the person were in the United Kingdom, his extradition in respect of the offence would be prohibited under section 94, 95 or 96.</p> <p>(9) If the Secretary of State decides the question in subsection (8) in the affirmative he must refuse his consent.</p> <p>(10) If the Secretary of State decides that question in the negative he may give his consent.</p>
<p>79 Return of person to the Island to serve remainder of sentence</p> <p>(1) This section applies to a person who —</p> <p>(a) is serving a sentence of custody in the Island;</p> <p>(b) is extradited to a designated territory;</p> <p>(c) is subsequently returned to the Island to serve the remainder of that sentence; and</p> <p>(d) is not yet entitled to be released from custody pursuant to his or her sentence (whether on licence or</p>	<p>69 Return of person to Jersey to serve remainder of sentence</p> <p>(1) This Article applies to a person who –</p> <p>(a) is serving a sentence of imprisonment or another form of detention in Jersey;</p> <p>(b) is extradited to a designated territory; and</p>	<p>Return of person to the Bailiwick to serve remainder of sentence.</p> <p>79. (1) This section applies to a person who –</p> <p>(a) is serving a sentence of imprisonment or another form of detention in the Bailiwick,</p> <p>(b) is extradited to a designated territory, and</p>	<p>[132 Return of person to serve remainder of sentence</p> <p>(1) This section applies if—</p> <p>(a) a person who is serving a sentence of imprisonment or another form of detention in the United Kingdom is extradited to a category 2 territory in accordance with this Part;</p> <p>(b) the person is returned to the United</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
<p>otherwise).</p> <p>(2) A person to whom this section applies is liable to be detained in pursuance of the person's sentence.</p> <p>(3) If the person is at large, he or she must be treated as being unlawfully at large.</p> <p>(4) Time during which, as a result of his or her extradition, the person was not in the Island does not count as time served by the person as part of his or her sentence.</p> <p>(5) However, subsection (4) does not apply if —</p> <p>(a) the person was extradited for the purpose of being prosecuted for an offence; and</p> <p>(b) he or she has not been convicted of the offence or of any other offence in respect of which the person was permitted to be dealt with in the designated territory.</p> <p>(6) In a case to which subsection (5) refers, time during which as a result of his or her extradition the person was not in the Island counts as time served by the person as part of his or her sentence if (but only if) it was spent in custody in connection with the offence or any other offence in respect of which he or she was permitted to be dealt with in the designated territory.</p> <p>(7) In a case where the person is entitled to be released from detention on licence pursuant to the sentence —</p> <p>(a) if the person was released on licence at the time of extradition, the licence is suspended until the person's return;</p> <p>(b) if the person was not released on licence at that time, subsections (8) to (10) apply in relation to the person ("the offender").</p> <p>(8) On return, the offender is liable to custody.</p> <p>(9) A constable may take the offender into custody.</p> <p>(10) The offender must be released on licence within the period of 5 days beginning when the offender is taken (or retaken) into custody under this section.</p>	<p>(c) is subsequently returned to Jersey to serve the remainder of that sentence.</p> <p>(2) A person to whom this Article applies is liable to be detained in pursuance of the person's sentence.</p> <p>(3) If the person is at large, he or she shall be treated as being unlawfully at large.</p> <p>(4) Time during which, as a result of his or her extradition, the person was not in Jersey shall not count as time served by the person as part of his or her sentence.</p> <p>(5) Paragraph (4) does not apply if —</p> <p>(a) the person was extradited for the purpose of being prosecuted for an offence; and</p> <p>(b) he or she has not been convicted of the offence or of any other offence in respect of which the person was permitted to be dealt with in the designated territory.</p> <p>(6) In a case to which paragraph (5) refers, time during which as a result of his or her extradition the person was not in Jersey counts as time served by the person as part of his or her sentence if (but only if) it was spent in custody in connection with the offence or any other offence in respect of which he or she was permitted to be dealt with in the designated territory.</p>	<p>(c) is subsequently returned to the Bailiwick to serve the remainder of that sentence.</p> <p>(2) A person to whom this section applies who is not entitled to be released from detention pursuant to the sentence —</p> <p>(a) is liable to be detained in pursuance of his or her sentence, and</p> <p>(b) if at large, shall be treated as being unlawfully at large.</p> <p>(3) Time during which, as a result of his or her extradition, the person was not in the Bailiwick does not count as time served by the person as part of his or her sentence.</p> <p>(4) Subsection (3) does not apply if —</p> <p>(a) the person was extradited for the purpose of being prosecuted for an offence, and</p> <p>(b) the person has not been convicted of the offence or of any other offence in respect of which he or she was permitted to be dealt with in the designated territory.</p> <p>(5) In a case to which subsection (4) refers, time during which as a result of his or her extradition the person was not in the Bailiwick counts as time served by the person as part of the person's sentence if (but only if) it was spent in custody in connection with the offence or any other offence in respect of which he or she was permitted to be dealt with in the designated territory.</p> <p>(6) In a case where the person is entitled to be released from detention on licence pursuant to the sentence —</p> <p>(a) if the person was released on licence at the time of extradition, the licence is suspended until the person's return,</p>	<p>Kingdom to serve the remainder of the sentence or the person otherwise returns to the United Kingdom.</p> <p>(2) Time during which the person was outside the United Kingdom as a result of the extradition does not count as time served by the person as part of the sentence.</p> <p>(3) But subsection (2) does not apply if—</p> <p>(a) the person was extradited for the purpose of being prosecuted for an offence, and</p> <p>(b) the person has not been convicted of the offence or of any other offence in respect of which the person was permitted to be dealt with in the category 2 territory.</p> <p>(4) In a case falling within subsection (3), time during which the person was outside the United Kingdom as a result of the extradition counts as time served by the person as part of the sentence if (and only if) it was spent in custody in connection with the offence or any other offence in respect of which the person was permitted to be dealt with in the territory.</p> <p>(5) In a case where the person is not entitled to be released from detention pursuant to the sentence—</p> <p>(a) the person is liable to be detained in pursuance of the sentence, and</p> <p>(b) if at large, the person must be treated as being unlawfully at large.</p> <p>(6) In a case where the person is entitled to be released from detention on licence pursuant to the sentence—</p> <p>(a) if the person was released on licence at the time of extradition, the licence is suspended until the person's return,</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
		<p>(b) if the person was not released on licence at that time, subsections (7) to (9) apply in relation to the person ("the offender").</p> <p>(7) The offender is liable to be detained, on return, in any place in which the offender could have been detained pursuant to the sentence before the time of extradition.</p> <p>(8) An officer of police may –</p> <p>(a) take the offender into custody, and</p> <p>(b) convey the offender to the place mentioned in subsection (7).</p> <p>(9) The offender must be released on licence within the period of 5 days beginning when the offender is taken (or retaken) into custody under this section.</p>	<p>(b) if the person was not released on licence at that time, subsections (7) to (10) apply in relation to the person ("the offender").</p> <p>(7) The offender is liable to be detained, on return, in any place in which the offender could have been detained pursuant to the sentence before the time of extradition.</p> <p>(8) A constable or immigration officer may—</p> <p>(a) take the offender into custody, and</p> <p>(b) convey the offender to the place mentioned in subsection (7).</p> <p>(9) The offender must be released on licence within the period of 5 days beginning when the offender is taken (or retaken) into custody under this section.</p> <p>(10) In calculating a period of 5 days for the purposes of subsection (9) no account is to be taken of any day mentioned in any of paragraphs (a) to (d) of section 59(10).</p> <p>(11) A person is entitled to be released from detention if there is—</p> <p>(a) [...]²</p> <p>(b) a duty to release the person under [Chapter 6 of Part 12 of the Criminal Justice Act 2003] 3 [...]⁴ ,</p> <p>(c) a duty to release the person under [section 1, 1AA, 1AB or 7(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993] 5 or section 5, 11(2), 13, 19 or 23 of the Custodial Sentences and Weapons (Scotland) Act 2007, or</p> <p>(d) a duty to release the person under section 1 of the Northern Ireland (Remission of Sentences) Act 1995, Article 26 of the Criminal Justice (Northern Ireland) Order 1996 or [</p>

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			<p>Article 17, 18(8) or 20A(8) of the Criminal Justice (Northern Ireland) Order 2008] 6 .</p> <p>(12) The powers conferred on a constable by subsection (8) are exercisable in any part of the United Kingdom.</p> <p>(13) An immigration officer is a person who is an immigration officer within the meaning of the Immigration Act 1971.</p>
<p>80 Costs where extradition ordered</p> <p>(1) If —</p> <p>(a) an order for a person’s extradition is made under this Part;</p> <p>(b) the High Court dismisses an appeal under section 52 or section 57; or</p> <p>(c) the High Court dismisses an application by the person for leave to appeal to the Privy Council under section 24 of the High Court Act 1991, the appropriate authority may make such order as to costs as that authority considers just and reasonable with regard to the costs to be paid by the person.</p> <p>(2) In subsection (1), “appropriate authority” means —</p> <p>(a) in a case falling within subsection (1)(a), the High Bailiff;</p> <p>(b) in a case falling within subsection (1)(b) by virtue of section 53(6)(b), the High Bailiff;</p> <p>(c) in any other case, the High Court.</p> <p>(3) An order for costs under this section —</p> <p>(a) must specify their amount;</p> <p>(b) may name the person to whom they are to be paid.</p>			<p>133 Costs where extradition ordered</p> <p>(1) This section applies if any of the following occurs in relation to a person whose extradition is requested under this Part—</p> <p>(a) an order for the person's extradition is made under this Part;</p> <p>[(aa) the High Court dismisses an application for leave to appeal to it under section 103 or 108;] 1</p> <p>(b) the High Court dismisses an appeal under section 103 or 108;</p> <p>(c) the High Court or the [Supreme Court] 2 dismisses an application for leave to appeal to the [Supreme Court] 2 under section 114, if the application is made by the person;</p> <p>(d) the [Supreme Court] 2 dismisses an appeal under section 114, if the appeal is brought by the person.</p> <p>(2) In a case falling within subsection (1)(a), the appropriate judge may make such order as he considers just and reasonable with regard to the costs to be paid by the person.</p> <p>[(2A) In a case falling within subsection (1)(a), the High Court may</p>

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			<p>make such order as it considers just and reasonable with regard to the costs to be paid by the person.] 3</p> <p>(3) In a case falling within subsection (1)(b) by virtue of section 104(7), the judge who decides the question that is (or all the questions that are) the subject of a direction under section 104(1)(b) may make such order as he considers just and reasonable with regard to the costs to be paid by the person.</p> <p>(4) In any other case falling within subsection (1)(b), the High Court may make such order as it considers just and reasonable with regard to the costs to be paid by the person.</p> <p>(5) In a case falling within subsection (1)(c) or (d), the court by which the application or appeal is dismissed may make such order as it considers just and reasonable with regard to the costs to be paid by the person.</p> <p>(6) An order for costs under this section—</p> <p>(a) must specify their amount;</p> <p>(b) may name the person to whom they are to be paid.</p>
<p>81 Costs where discharge ordered</p> <p>(1) If —</p> <p>(a) an order for a person’s discharge is made under this Part;</p> <p>(b) the person is taken to be discharged under this Part;</p> <p>(c) the High Court dismisses an appeal under section 54 or section 59; or</p> <p>(d) the High Court dismisses an application by a designated territory for leave to appeal to the Privy Council under section 24 of the High Court Act 1991,</p>			<p>134 Costs where discharge ordered</p> <p>(1) This section applies if any of the following occurs in relation to a person whose extradition to a category 2 territory is requested under this Part—</p> <p>(a) an order for the person's discharge is made under this Part;</p> <p>(b) the person is taken to be discharged under this Part;</p>

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<p>the appropriate authority may make an order in favour of the person, to be paid out of money provided by Tynwald, of such amount as that authority considers reasonably sufficient to compensate the person in whose favour the order is made for any expenses properly incurred by the person in proceedings under this Part.</p> <p>(2) However, if the appropriate authority considers that there are circumstances that make it inappropriate that the person in whose favour the order is made should recover the full amount mentioned in subsection (3), that authority must —</p> <p>(a) assess what amount would be just and reasonable; and</p> <p>(b) specify that amount in the order.</p> <p>(3) Unless subsection (2) applies or rules of court otherwise provide, if the person in whose favour the order is made agrees the amount of costs to be paid, the appropriate authority may specify the amount in the order.</p> <p>(4) In this section “appropriate authority” means —</p> <p>(a) in a case falling within subsection (1)(a) or (b), the High Bailiff;</p> <p>(b) in a case falling within subsection (1)(c) or (d), the High Court.</p>			<p>[(ba) the High Court dismisses an application for leave to appeal to it under section 105 or 110;] 1</p> <p>(c) the High Court dismisses an appeal under section 105 or 110;</p> <p>(d) the High Court or the [Supreme Court] 2 dismisses an application for leave to appeal to the [Supreme Court] 2 under section 114, if the application is made on behalf of the category 2 territory;</p> <p>(e) the [Supreme Court] 2 dismisses an appeal under section 114, if the appeal is brought on behalf of the category 2 territory.</p> <p>(2) In a case falling within subsection (1)(a), an order under subsection (5) in favour of the person may be made by—</p> <p>(a) the appropriate judge, if the order for the person's discharge is made by him or by the Secretary of State;</p> <p>(b) the High Court, if the order for the person's discharge is made by it;</p> <p>(c) the [Supreme Court] 2 , if the order for the person's discharge is made by it.</p> <p>(3) In a case falling within subsection (1)(b), the appropriate judge may make an order under subsection (5) in favour of the person.</p> <p>(4) In a case falling within subsection [(1)(ba), (c)] 3 , (d) or (e), the court by which the application or appeal is dismissed may make an order under subsection (5) in favour of the person.</p> <p>(5) An order under this subsection in favour of a person is an order for a</p>

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			<p>payment of the appropriate amount to be made to the person out of money provided by Parliament.</p> <p>[(5A) In England and Wales, an order under subsection (5) is to be made, and the appropriate amount is to be determined, in accordance with sections 135A and 135B.</p> <p>(5B) In Scotland and Northern Ireland, an order under subsection (5) is to be made, and the appropriate amount is to be determined, in accordance with subsections (6) to (9).] 4</p> <p>(6) The appropriate amount is such amount as the judge or court making the order under subsection (5) considers reasonably sufficient to compensate the person in whose favour the order is made for any expenses properly incurred by him in the proceedings under this Part.</p> <p>(7) But if the judge or court making an order under subsection (5) is of the opinion that there are circumstances which make it inappropriate that the person in whose favour the order is made should recover the full amount mentioned in subsection (6), the judge or court must—</p> <p>(a) assess what amount would in his or its opinion be just and reasonable;</p> <p>(b) specify that amount in the order as the appropriate amount.</p> <p>(8) Unless subsection (7) applies, the appropriate amount—</p> <p>(a) must be specified in the order, if the court considers it appropriate for it to be so specified</p> <p>and the person in whose favour the</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
			<p>order is made agrees the amount; (b) must be determined in accordance with regulations made by the Lord Chancellor for the purposes of this section, in any other case. [(9) In relation to proceedings in Northern Ireland (including proceedings in the Supreme Court on an appeal, or on an application for leave to appeal, from proceedings in Northern Ireland)— (a) subsection (5) has effect as if for “out of money provided by Parliament” there were substituted “by the Department of Justice in Northern Ireland”; (b) the power to make regulations under subsection (8)(b) is exercisable by the Department of Justice in Northern Ireland (and not by the Lord Chancellor).</p>
<p>82 Persons serving sentences outside territory where convicted (1) This section applies if — (a) a request is made for a person’s extradition to a designated territory, and the request contains the statement to which subsection (2) refers; or (b) a provisional warrant for a person’s arrest is sought on behalf of a designated territory, and information given in writing and on oath contains the statement to which subsection (2) refers. (2) The statement to which this subsection refers is a statement — (a) that the person is unlawfully at large from a prison in one territory (“the imprisoning territory”) in which the person was serving a sentence after conviction of an offence by a court in another territory (“the convicting territory”); and (b) that the person was serving the sentence in pursuance of international arrangements for prisoners sentenced in one territory to be repatriated to another</p>	<p>70 Persons serving sentences outside territory where convicted (1) This Article applies if – (a) a request is made for a person’s extradition to a designated territory, and the request contains the statement to which paragraph (2) refers; or (b) a provisional warrant for a person’s arrest is sought on behalf of a designated territory, and information given in writing and on oath contains the statement to which paragraph (2) refers. (2) The statement to which this paragraph refers is a statement – (a) that the person is unlawfully at large from a prison in one territory (the imprisoning territory) in which the person was serving a sentence after conviction of an offence by a court in</p>	<p>Persons serving sentences outside territory where convicted. 80. (1) This section applies if – (a) a request is made for a person's extradition to a designated territory, and the request contains the statement referred to in subsection (2), or (b) a provisional warrant for a person's arrest is sought on behalf of a designated territory, and information given in writing and on oath contains the statement referred to in subsection (2). (2) The statement is one that the person – (a) is alleged to be unlawfully at large from a prison in one territory (the imprisoning territory) in which the person was serving a sentence after conviction of an offence by a court in</p>	<p>136 Persons serving sentences outside territory where convicted (1) This section applies if— (a) a request is made for a person's extradition to a category 2 territory and the request contains the statement referred to in subsection (2), [...]1 (b) a provisional warrant for a person's arrest is sought on behalf of a category 2 territory and the information laid before the justice contains the statement referred to in subsection (2) [, or] 2 [(c) a request for the person's arrest is made by an authority of a specified category 2 territory (within the meaning of section 74B(7)) and the request contains the statement referred to in subsection (2).] 2 (2) The statement is one that the</p>

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<p>territory in order to serve their sentences.</p> <p>(3) If the designated territory is either the imprisoning territory or the convicting territory —</p> <p>(a) section 13(3) has effect as if the reference in that provision to the statement to which that subsection refers were a reference to the statement to which subsection (2) of this section refers; and</p> <p>(b) section 16(1) has effect as if the reference in that provision to a person to whom subsection (2) of that section refers were a reference to the person to whom subsection (1)(b) of this section refers.</p> <p>(4) If the designated territory is the imprisoning territory —</p> <p>(a) sections 14(2)(a), 16(3)(a) and 23(3)(b) have effect as if the references in those provisions to an extradition offence were references to an extradition offence in relation to the convicting territory;</p> <p>(b) sections 17(7)(b) and 73(2) have effect as if the references in those provisions to the designated territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence were references to the imprisoning territory;</p> <p>(c) section 17(10)(b) has effect as if the reference in that provision to the designated territory were a reference to the imprisoning territory;</p> <p>(d) sections 6, 7, 23(1)(e) and 69(4) have effect as if the reference in those provisions to a designated territory were references to the convicting territory; and</p> <p>(e) subsections (5), (7)(a) and (8)(a) of section 35 have effect as if the references in those provisions to the person's being entitled were references to the person's being entitled in the convicting territory.</p>	<p>another territory (the convicting territory); and</p> <p>(b) that the person was serving the sentence in pursuance of international arrangements for prisoners sentenced in one territory to be repatriated to another territory in order to serve their sentences.</p> <p>(3) If the designated territory is either the imprisoning territory or the convicting territory —</p> <p>(a) Article 7(3) shall have effect as if the reference in that provision to the statement to which that paragraph refers were a reference to the statement to which paragraph (2) of this Article refers; and</p> <p>(b) Article 10(1) shall have effect as if the reference in that provision to a person to whom paragraph (2) of that Article refers were a reference to the person to whom paragraph (1)(b) of this Article refers.</p> <p>(4) If the designated territory is the imprisoning territory —</p> <p>(a) Articles 8(2)(a), 10(3)(a) and 15(3)(b) shall have effect as if the references in those provisions to an extradition offence were references to an extradition offence in relation to the convicting territory;</p> <p>(b) Articles 11(7)(b) and 62(2) shall have effect as if the references in those provisions to the designated territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence were references to the imprisoning territory;</p> <p>(c) Article 11(10)(b) shall have effect as if the reference in that provision to the designated territory were a reference to</p>	<p>another territory (the convicting territory), and</p> <p>(b) was serving the sentence in pursuance of international arrangements for prisoners sentenced in one territory to be repatriated to another territory in order to serve their sentences.</p> <p>(3) If the designated territory is either the imprisoning territory or the convicting territory —</p> <p>(a) section 6(3) shall have effect as if the reference in that provision to the statement to which that section refers were a reference to the statement to which subsection (2) of this section refers, and</p> <p>(b) section 9(1) shall have effect as if the reference in that provision to a person to whom subsection (2) of that section refers were a reference to the person to whom subsection (1)(b) of this section refers.</p> <p>(4) If the designated territory is the imprisoning territory —</p> <p>(a) sections 7(2)(a), 9(3)(a) and 16(4)(b) shall have effect as if the references in those provisions to an extradition offence were references to an extradition offence in relation to the convicting territory,</p> <p>(b) sections 10(7)(b) and 72(2) shall have effect as if the references in those provisions to the designated territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence were references to the imprisoning territory,</p> <p>(c) section 10(10)(b) shall have effect as if the reference in that provision to the designated territory were a</p>	<p>person—</p> <p>(a) is alleged to be unlawfully at large from a prison in one territory (the imprisoning territory) in which he was serving a sentence after conviction of an offence specified in the request by a court in another territory (the convicting territory), and</p> <p>(b) was serving the sentence in pursuance of international arrangements for prisoners sentenced in one territory to be repatriated to another territory in order to serve their sentence.</p> <p>(3) If the category 2 territory is either the imprisoning territory or the convicting territory—</p> <p>(a) section 70(3) has effect as if the reference to the statement referred to in subsection (4) of that section were a reference to the statement referred to in subsection (2) of this section;</p> <p>(b) section 73(1) has effect as if the reference to a person within subsection (2) of that section were a reference to the person referred to in subsection (1)(b) [or (c) (as the case may be)] 3 of this section [;] 4</p> <p>[(c) section 74C(1)(b) has effect as if the reference to the statement referred to in subsection (4) of that section were a reference to the statement in subsection (2) of this section;</p> <p>(d) section 74C(5) has effect as if paragraph (c) were omitted and as if in paragraph (d)—</p> <p>(i) "the category 2 territory" read "the convicting territory";</p> <p>(ii) "if the person has been sentenced for the offence" were omitted.] 4</p> <p>(4) If the category 2 territory is the imprisoning territory—</p>

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	<p>the imprisoning territory; (d) Articles 4(1), (2), (3), (4) and (5), 5, 15(1)(e) and 57(3) shall have effect as if the reference in that provision to a designated territory were references to the convicting territory; and (e) Paragraphs (5), (7)(a) and (8)(a) of Article 22 shall have effect as if the references in those provisions to the person's being entitled were references to the person's being entitled in the convicting territory</p>	<p>reference to the imprisoning territory, (d) sections 3, 4, 16(2)(e) and 67(3) shall have effect as if the references in those provisions to a designated territory were references to the convicting territory, and (e) section 27(5) shall have effect as if after "entitled" there were inserted "in the convicting territory".</p>	<p>(a) sections 71(2)(a), 73(3)(a) and 78(4)(b) have effect as if "an extradition offence" read "an extradition offence in relation to the convicting territory"; [(aa) section 74(7)(a) has effect as if "accused of the commission of an offence in a category 2 territory or that he is alleged to be unlawfully at large after conviction of an offence by a court in a category 2 territory" read "alleged to be unlawfully at large from a prison in the imprisoning territory after conviction of an offence in the convicting territory";] 5 (b) sections 74(8)(a) and 127(2) have effect as if "the category 2 territory in which he is accused of the commission of an offence or is alleged to have been convicted of an offence" read "the imprisoning territory"; (c) section 74(11)(b) has effect as if "the category 2 territory" read "the imprisoning territory"; [(ca) section 74B(1)(b) has effect as if sub-paragraph (i) were omitted and as if for sub-paragraph (ii) there were substituted— "(ii) the person is alleged to be unlawfully at large from a prison in the imprisoning territory after conviction of an offence in the convicting territory"; (cb) section 74B(1)(c) has effect as if "a serious extradition offence" read "a serious extradition offence in relation to the convicting territory"; (cc) section 74E(1)(a) has effect as if "accused of the commission of an offence in a category 2 territory or are alleged to be unlawfully at large after</p>

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			<p>conviction of an offence by a court in a category 2 territory" read "alleged to be unlawfully at large from a prison in the imprisoning territory after conviction of an offence in the convicting territory";</p> <p>(cd) section 74E(2)(a) has effect as if "the category 2 territory in which the person is accused of the commission of an offence or is alleged to have been convicted of an offence" read "the imprisoning territory"; 16</p> <p>(d) section 78(2)(e) has effect as if "the category 2 territory" read "the convicting territory";</p> <p>(e) section 85(5) has effect as if after "entitled" there were inserted "in the convicting territory";</p> <p>(f) section 119(4) has effect as if "a category 2 territory" read "the convicting territory" and as if "the category 2 territory" in both places read "the convicting territory";</p> <p>(g) section 138(1) has effect as if "a category 2 territory" read "the convicting territory";</p> <p>(h) in section 138, subsections (2), (3), (4), (5) and (7) have effect as if "the category 2 territory" read "the convicting territory".</p> <p>(5) Subsection (1)(b) applies to Scotland with the substitution of "application by the procurator fiscal sets out the matters referred to in paragraphs (a) and (b) of subsection (2)" for "information laid by the justice contains the statement referred to in subsection (2)".</p> <p>(6) Subsection (1)(b) applies to Northern Ireland with the substitution of "the complaint made to" for "the information laid before".</p>
83 Conditions for re-extradition	71 Conditions for re-extradition	Conditions for re-extradition.	186 Re-extradition: preliminary

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<p>(1) Section 84 applies in relation to a person if the 5 conditions in the following provisions of this section are satisfied.</p> <p>(2) The first condition is that the person was extradited to a designated territory in accordance with Part 2.</p> <p>(3) The second condition is that the person was serving a sentence of custody in the Island ("the Manx sentence") before he or she was extradited.</p> <p>(4) The third condition is that the request in pursuance of which the person was extradited contained a statement that the person was accused of the commission of an offence.</p> <p>(5) The fourth condition is that a certificate issued by a judicial authority of the designated territory shows that —</p> <p>(a) a custodial sentence of 4 months or a greater punishment ("the overseas sentence") was imposed on the person in that designated territory; and</p> <p>(b) the overseas sentence was imposed on the person in respect of the offence specified in the warrant or request, or any other offence committed before the person's extradition in respect of which he or she was permitted to be dealt with in that designated territory.</p> <p>(6) The fifth condition is that before serving the overseas sentence the person was returned to the Island to serve the remainder of the Manx sentence.</p>	<p>(1) Article 72 applies in relation to a person if the 5 conditions in paragraphs (2), (3), (4), (5) and (6) of this Article are satisfied.</p> <p>(2) The first condition is that the person was extradited to a designated territory in accordance with Part 2.</p> <p>(3) The second condition is that the person was serving a sentence of imprisonment or another form of detention in Jersey ("the Jersey sentence") before he or she was extradited.</p> <p>(4) The third condition is that the request in pursuance of which the person was extradited contained a statement that the person was accused of the commission of an offence.</p> <p>(5) The fourth condition is that a certificate issued by a judicial authority of the designated territory shows that —</p> <p>(a) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment ("the overseas sentence") was imposed on the person in that designated territory; and</p> <p>(b) the overseas sentence was imposed on the person in respect of the offence specified in the warrant or request, or any other offence committed before the person's extradition in respect of which he or she was permitted to be dealt with in that designated territory.</p> <p>(6) The fifth condition is that before serving the overseas sentence the person was returned to Jersey to serve the remainder of the Jersey sentence.</p>	<p>81. (1) Section 82 applies in relation to a person if the five conditions in sections (2), (3), (4), (5) and (6) of this section are satisfied.</p> <p>(2) The first condition is that the person was extradited to a designated territory in accordance with Part II.</p> <p>(3) The second condition is that the person was serving a sentence of imprisonment or another form of detention in the Bailiwick ("the Bailiwick sentence") before the person was extradited.</p> <p>(4) The third condition is that the request in pursuance of which the person was extradited contained a statement that the person was accused of the commission of an offence.</p> <p>(5) The fourth condition is that a certificate issued by a judicial authority of the designated territory shows that —</p> <p>(a) a sentence of imprisonment or another form of detention for a term of four months or a greater punishment ("the overseas sentence") was imposed on the person in that designated territory, and</p> <p>(b) the overseas sentence was imposed on the person in respect of —</p> <p>(i) the offence specified in the warrant or request, or</p> <p>(ii) any other offence committed before his or her extradition in respect of which the person was permitted to be dealt with in that designated territory.</p> <p>(6) The fifth condition is that before serving the overseas sentence the person was returned to the Bailiwick to serve the remainder of the Bailiwick sentence.</p>	<p>(1) Section 187 applies in relation to a person if the conditions in subsections (2) to (6) are satisfied.</p> <p>(2) The first condition is that the person was extradited to a territory in accordance with Part 1 or Part 2.</p> <p>(3) The second condition is that the person was serving a sentence of imprisonment or another form of detention in the United Kingdom (the UK sentence) before he was extradited.</p> <p>(4) The third condition is that—</p> <p>(a) if the person was extradited in accordance with Part 1, the Part 1 warrant in pursuance of which he was extradited contained a statement that it was issued with a view to his extradition for the purpose of being prosecuted for an offence;</p> <p>(b) if the person was extradited in accordance with Part 2, the request in pursuance of which the person was extradited contained a statement that the person was accused of the commission of an offence.</p> <p>(5) The fourth condition is that a certificate issued by a judicial authority of the territory shows that—</p> <p>(a) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment (the overseas sentence) was imposed on the person in the territory;</p> <p>(b) the overseas sentence was imposed on him in respect of—</p> <p>(i) the offence specified in the warrant or request, or</p> <p>(ii) any other offence committed before his extradition in respect of which he was permitted to be dealt with in the territory.</p>

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			(6) The fifth condition is that before serving the overseas sentence the person was returned to the United Kingdom to serve the remainder of the UK sentence.
<p>84 Initial stages of re-extradition hearing</p> <p>(1) If this section applies in relation to a person, he or she must be brought as soon as practicable after the relevant time before the High Bailiff, who must decide whether the person is to be re-extradited to the designated territory in which the overseas sentence was imposed.</p> <p>(2) The relevant time is the time at which the person would otherwise be released from custody pursuant to the Manx sentence (whether or not on licence).</p> <p>(3) If subsection (1) is not complied with, and the person applies to the High Bailiff to be discharged, the High Bailiff must order that the person be discharged.</p> <p>(4) The person must be treated as continuing in legal custody until he or she is brought before the High Bailiff under subsection (1) or is taken to be discharged under subsection (3).</p> <p>(5) If the person is brought before the High Bailiff under subsection (1), the High Bailiff must decide whether or not the territory in which the overseas sentence was imposed is a designated territory.</p> <p>(6) If the High Bailiff decides that the territory is a designated territory, section 85 applies.</p> <p>(7) If the High Bailiff decides that the territory is not a designated territory, the High Bailiff must order the person's discharge.</p>	<p>72 Initial stages of re-extradition hearing</p> <p>(1) If this Article applies in relation to a person, he or she shall be brought as soon as practicable after the relevant time before the Magistrate, who shall decide whether the person is to be re-extradited again to the designated territory in which the overseas sentence was imposed.</p> <p>(2) The relevant time is the time at which the person would otherwise be released from detention pursuant to the Jersey sentence (whether or not on licence).</p> <p>(3) If paragraph (1) is not complied with, and the person applies to the Magistrate to be discharged, the Magistrate shall order that the person be discharged.</p> <p>(4) The person shall be treated as continuing in legal custody until he or she is brought before the Magistrate under paragraph (1) or is taken to be discharged under paragraph (3).</p> <p>Extradition (Jersey) Law 2004 Article 73 Official Consolidated Version 21 September 2023 – Current Page - 51</p> <p>(5) If the person is brought before the Magistrate under paragraph (1), the Magistrate shall decide whether or not the territory in which the overseas sentence was imposed is a designated territory.</p> <p>(6) If the Magistrate decides that the territory is a designated territory, Article</p>	<p>Initial stages of re-extradition hearing.</p> <p>82. (1) If this section applies in relation to a person, the person must be brought as soon as practicable after the relevant time before the Magistrate's Court, and the Magistrate's Court shall decide whether he or she is to be re-extradited to the designated territory in which the overseas sentence was imposed.</p> <p>(2) The relevant time is the time at which the person would otherwise be released from detention pursuant to the Bailiwick sentence (whether or not on licence).</p> <p>(3) If subsection (1) is not complied with, and the person applies to the Magistrate's Court to be discharged, the court must order that the person be discharged.</p> <p>(4) The person shall be treated as continuing in legal custody until he or she is brought before the Magistrate's Court under subsection (1) or is ordered to be discharged under subsection (3).</p> <p>(5) If the person is brought before the Magistrate's Court under subsection (1), the Magistrate's Court must decide whether or not the territory in which the overseas sentence was imposed is a designated territory.</p> <p>(6) If the Magistrate's Court decides that the territory is a designated territory, section 83 applies.</p> <p>(7) If the Magistrate's Court decides</p>	<p>187 Re-extradition hearing</p> <p>(1) If this section applies in relation to a person, as soon as practicable after the relevant time the person must be brought before the appropriate judge for the judge to decide whether the person is to be extradited again to the territory in which the overseas sentence was imposed.</p> <p>(2) The relevant time is the time at which the person would otherwise be released from detention pursuant to the UK sentence (whether or not on licence).</p> <p>(3) If subsection (1) is not complied with and the person applies to the judge to be discharged, the judge must order his discharge.</p> <p>(4) The person must be treated as continuing in legal custody until he is brought before the appropriate judge under subsection (1) or he is discharged under subsection (3).</p> <p>(5) If the person is brought before the appropriate judge under subsection (1) the judge must decide whether the territory in which the overseas sentence was imposed is—</p> <p>(a) a category 1 territory;</p> <p>(b) a category 2 territory;</p> <p>(c) neither a category 1 territory nor a category 2 territory.</p> <p>(6) If the judge decides that the territory is a category 1 territory, section 188 applies.</p> <p>(7) If the judge decides that the territory is a category 2 territory,</p>

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	<p>73 applies. (7) If the Magistrate decides that the territory is not a designated territory, the Magistrate shall order the person's discharge.</p>	<p>that the territory is not a designated territory, it must order the person's discharge.</p>	<p>section 189 applies. (8) If the judge decides that the territory is neither a category 1 territory nor a category 2 territory, he must order the person's discharge. (9) A person's discharge as a result of this section or section 188 or 189 does not affect any conditions on which he is released from detention pursuant to the UK sentence. [(10) Section 139 applies for the purposes of this section as it applies for the purposes of Part 2.]</p>
<p>85 Applicability of Act to re-extradition (1) If this section applies, this Act applies as it would if — (a) a valid request for the person's extradition to the designated territory concerned had been made under Part 2; (b) the request contained a statement that the person had been convicted of the relevant offence; (c) the relevant offence were specified in the request; (d) the hearing at which the High Bailiff is to make the decision referred to in section 84(1) were the extradition hearing; and (e) the proceedings before the High Bailiff were under Part 2. (2) Part 2 applies to proceedings under this Part, subject to the modifications in Schedule 2. (3) In this section "relevant offence" means the offence in respect of which the overseas sentence is imposed.</p>	<p>73 Applicability of Law to re-extradition (1) If this Article applies, this Law applies as it would if — (a) a valid request for the person's extradition to the designated territory concerned had been made under Part 2; (b) the request contained a statement that the person was alleged to be unlawfully at large after conviction of the relevant offence; and (c) the relevant offence were specified in the request. (2) The provisions in Schedule 2 shall apply to proceedings under this Part, instead of the provisions in Part 2. (3) The relevant offence is the offence in respect of which the overseas sentence is imposed.</p>	<p>Applicability of Law to re-extradition. 83. (1) If this section applies, this Law applies as it would if — (a) a valid request for the person's extradition to the designated territory concerned had been made under Part II, (b) the request contained a statement that the person was alleged to be unlawfully at large after conviction of the relevant offence, (c) the relevant offence were specified in the request, (d) the hearing at which the Magistrate's Court is to make the decision referred to in section 82(1) were the extradition hearing, and (e) the proceedings before the Magistrate's Court were under Part II. (2) Part II shall apply to proceedings under this Part, subject to the modifications in Schedule 2. (3) The relevant offence is the offence in respect of which the overseas sentence is imposed.</p>	<p>189 Re-extradition to category 2 territories (1) If this section applies, this Act applies as it would if— (a) a valid request for the person's extradition to the territory had been made; (b) the request contained a statement that the person [had been convicted] 1 of the relevant offence; (c) the relevant offence were specified in the request; (d) the hearing at which the appropriate judge is to make the decision referred to in section 187(1) were the extradition hearing; (e) the proceedings before the judge were under Part 2. (2) As applied by subsection (1) this Act has effect with the modifications set out in Part 2 of Schedule 1. (3) The relevant offence is the offence in respect of which the overseas sentence is imposed.</p>

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<p>86 Discharge not to affect conditions of release A person's discharge as a result of section 84 or section 85 does not affect any conditions on which the person is released from custody pursuant to the Manx sentence.</p>	<p>74 Discharge not to affect conditions of release A person's discharge as a result of Article 72 or Article 73 does not affect any conditions on which the person is released from detention pursuant to the Jersey sentence.</p>	<p>Discharge not to affect conditions of release. 84. A person's discharge as a result of section 82 or section 83 does not affect any conditions on which the person is released from detention pursuant to the Bailiwick sentence.</p>	
<p>87 Attorney General may request extradition to the Island (1) The Attorney General may, directly or through the Secretary of State, request an appropriate authority of any other territory to extradite a person to the Island. (2) In this section, "appropriate authority" means the judicial authority of the territory which the Attorney General believes has the function of issuing arrest warrants in that territory.</p>	<p>75 Attorney General may request extradition to Jersey The Attorney General may, directly or through a Secretary of State, request an appropriate authority of any other territory to extradite a person to Jersey.</p>	<p>Her Majesty's Procureur may request extradition to the Bailiwick. 85. Her Majesty's Procureur may request an appropriate authority of any other territory to extradite a person to the Bailiwick.</p>	
<p>88 Commonwealth countries etc. and Hong Kong (1) If — (a) a person is extradited to the Island from a designated territory under a law of the designated territory corresponding to this Act; and (b) the designated territory is a Commonwealth country, a British overseas territory or the Hong Kong Special Administrative Region of the People's Republic of China, the person may be dealt with in the Island, for an offence committed before the person's extradition, only if the offence is one to which subsection (3) refers or the protected period has ended. This is subject to section 90. (2) A person is dealt with in the Island for an offence if the person is — (a) tried in the Island for the offence; or (b) detained with a view to trial in the Island for the offence. (3) The offences to which this subsection refers are — (a) the offence in respect of which the person is extradited; (b) a lesser offence disclosed by the information</p>	<p>76 Commonwealth countries and Hong Kong (1) If — (a) a person is extradited to Jersey from a designated territory under a law of the designated territory corresponding to this Law; and (b) the designated territory is a Commonwealth country, a British overseas territory or the Hong Kong Special Administrative Region of the People's Republic of China, the person may be dealt with in Jersey, for an offence committed before the person's extradition, only if the offence is one to which paragraph (3) refers or the protected period has ended. (2) A person is dealt with in Jersey for an offence if — (a) the person is tried in Jersey for the offence; or (b) the person is detained with a view to trial in Jersey for the offence. (3) The offences to which this paragraph refers are —</p>	<p>Commonwealth countries and Hong Kong. 86. (1) Subject to section 115, if — (a) a person is extradited to the Bailiwick from a designated territory under a law of the designated territory corresponding to this Law, and (b) the designated territory is a Commonwealth country, a British overseas territory or the Hong Kong Special Administrative Region of the People's Republic of China, the person may be dealt with in the Bailiwick, for an offence committed before the person's extradition, only if the offence is one to which subsection (3) refers or the protected period has ended. (2) A person is dealt with in the Bailiwick for an offence if — (a) the person is tried in the Bailiwick for the offence, or (b) the person is detained with a view to trial in the Bailiwick for the offence. (3) The offences to which this section</p>	<p>150 Dealing with person for other offences: Commonwealth countries etc. (1) This section applies if— (a) a person is extradited to the United Kingdom from a category 2 territory under law of the territory corresponding to Part 2 of this Act, and (b) the territory is a Commonwealth country, a British overseas territory or the Hong Kong Special Administrative Region of the People's Republic of China. (2) The person may be dealt with in the United Kingdom for an offence committed before his extradition only if— (a) the offence is one falling within subsection (3), or (b) the condition in subsection (6) is satisfied. [This is subject to section 151B.] 1 (3) The offences are— (a) the offence in respect of which the person is extradited;</p>

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<p>provided to the designated territory in respect of that offence; and</p> <p>(c) an offence in respect of which consent to the person being dealt with is given by or on behalf of the relevant authority.</p> <p>(4) The protected period is 45 days starting on the first day after the person's extradition to the Island on which the person is given an opportunity to leave the Island.</p> <p>(5) An offence is a lesser offence in relation to another offence if the maximum punishment for it is less severe than the maximum punishment for the other offence.</p> <p>(6) The relevant authority is —</p> <p>(a) if the person has been extradited from a Commonwealth country, the government of that country;</p> <p>(b) if the person has been extradited from a British overseas territory, the person administering the territory; and</p> <p>(c) if the person has been extradited from the Hong Kong Special Administrative Region of the People's Republic of China, the government of that Region.</p>	<p>(a) the offence in respect of which the person is extradited;</p> <p>(b) a lesser offence disclosed by the information provided to the designated territory in respect of that offence; and</p> <p>(c) an offence in respect of which consent to the person being dealt with is given by or on behalf of the relevant authority.</p> <p>(4) The protected period is 45 days commencing on the first day after the person's extradition to Jersey on which the person is given an opportunity to leave Jersey.</p> <p>(5) An offence is a lesser offence in relation to another offence if the court by which the person is dealt with in Jersey considers that if the person is convicted of both offences, the court should impose a less severe penalty for the first offence than the penalty that it should impose for the other offence.</p> <p>(6) The relevant authority is —</p> <p>(a) if the person has been extradited from a Commonwealth country, the government of that country;</p> <p>(b) if the person has been extradited from a British overseas territory, the person administering the territory; and</p> <p>(c) if the person has been extradited from the Hong Kong Special Administrative Region of the People's Republic of China, the government of the Region.</p>	<p>refers are —</p> <p>(a) the offence in respect of which the person is extradited,</p> <p>(b) a lesser offence disclosed by the information provided to the designated territory in respect of that offence, and</p> <p>(c) an offence in respect of which consent to the person being dealt with is given by or on behalf of the relevant authority.</p> <p>(4) The protected period is 45 days commencing on the first day after the person's extradition to the Bailiwick on which the person is given an opportunity to leave the Bailiwick.</p> <p>(5) An offence is a lesser offence in relation to another offence if the maximum punishment for it is less severe than the maximum punishment for the other offence.</p> <p>(6) The relevant authority is —</p> <p>(a) if the person has been extradited from a Commonwealth country, the government of that country,</p> <p>(b) if the person has been extradited from a British overseas territory, the person administering the territory, and</p> <p>(c) if the person has been extradited from the Hong Kong Special Administrative Region of the People's Republic of China, the government of the Region.</p>	<p>(b) a lesser offence disclosed by the information provided to the category 2 territory in respect of that offence;</p> <p>(c) an offence in respect of which consent to the person being dealt with is given by or on behalf of the relevant authority.</p> <p>(4) An offence is a lesser offence in relation to another offence if the maximum punishment for it is less severe than the maximum punishment for the other offence.</p> <p>(5) The relevant authority is—</p> <p>(a) if the person has been extradited from a Commonwealth country, the government of the country;</p> <p>(b) if the person has been extradited from a British overseas territory, the person administering the territory;</p> <p>(c) if the person has been extradited from the Hong Kong Special Administrative Region of the People's Republic of China, the government of the Region.</p> <p>(6) The condition is that the protected period has ended.</p> <p>(7) The protected period is 45 days starting with the first day after his extradition to the United Kingdom on which the person is given an opportunity to leave the United Kingdom.</p> <p>(8) A person is dealt with in the United Kingdom for an offence if—</p> <p>(a) he is tried there for it;</p> <p>(b) he is detained with a view to trial there for it.</p>
<p>89 Other designated territories</p> <p>(1) If —</p> <p>(a) a person is extradited to the Island from a designated territory under the law of the designated</p>	<p>77 Other designated territories</p> <p>(1) If —</p> <p>(a) a person is extradited to Jersey from a designated territory under the</p>	<p>Dealing with person for other offences.</p> <p>114. (1) This section applies if a person is extradited to the Bailiwick</p>	<p>[151A Dealing with person for other offences</p> <p>(1) This section applies if a person is extradited to the United Kingdom from</p>

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<p>territory corresponding to this Act; and (b) the designated territory is not one specified in section 88(1)(b), the person may be dealt with in the Island for an offence committed before his or her extradition only if the offence is one to which subsection (3) refers or the condition to which subsection (4) refers is satisfied. This is subject to section 90. (2) A person is dealt with in the Island for an offence if the person is — (a) tried in the Island for the offence; or (b) detained with a view to trial in the Island for the offence. (3) The offences to which this subsection refers are — (a) the offence in respect of which the person is extradited; (b) an offence disclosed by the information provided to the designated territory in respect of that offence; and (c) an offence in respect of which consent to the person being dealt with is given on behalf of that designated territory. (4) The condition to which this subsection refers is — (a) that the person has returned to the designated territory from which the person was extradited; or (b) that the person has been given an opportunity to leave the Island.</p>	<p>law of the designated territory corresponding to this Law; and (b) the designated territory is not one specified in Article 76(1)(b), the person may be dealt with in Jersey for an offence committed before his or her extradition only if the offence is one to which paragraph (3) refers or the condition to which paragraph (4) refers is satisfied. (2) A person is dealt with in Jersey for an offence if — (a) the person is tried in Jersey for the offence; or (b) the person is detained with a view to trial in Jersey for the offence. (3) The offences to which this paragraph refers are — (a) the offence in respect of which the person is extradited; (b) an offence disclosed by the information provided to the designated territory in respect of that offence; and (c) an offence in respect of which consent to the person being dealt with is given on behalf of that designated territory. (4) The condition to which this paragraph refers is — (a) that the person has returned to the designated territory from which the person was extradited; or (b) that the person has been given an opportunity to leave Jersey.</p>	<p>from a territory which is not — (a) a designated territory, or (b) a territory falling within section 86(1)(b). (2) Subject to section 115, the person may be dealt with in the Bailiwick for an offence committed before the person's extradition only if — (a) the offence is one falling within subsection (3), or (b) the condition in subsection (4) is satisfied. (3) The offences are — (a) the offence in respect of which the person is extradited; (b) an offence disclosed by the information provided to the territory in respect of that offence; (c) an offence in respect of which consent to the person being dealt with is given on behalf of the territory. (4) The condition is that — (a) the person has returned to the territory from which the person was extradited, or (b) the person has been given an opportunity to leave the Bailiwick. (5) A person is dealt with in the Bailiwick for an offence if — (a) the person is tried there for it, or (b) the person is detained with a view to trial there for it.</p>	<p>a territory which is not— (a) a category 1 territory, or (b) a territory falling within section 150(1)(b). (2) The person may be dealt with in the United Kingdom for an offence committed before the person's extradition only if— (a) the offence is one falling within subsection (3), or (b) the condition in subsection (4) is satisfied. [This is subject to section 151B.] 2 (3) The offences are— (a) the offence in respect of which the person is extradited; (b) an offence disclosed by the information provided to the territory in respect of that offence; (c) an offence in respect of which consent to the person being dealt with is given on behalf of the territory. (4) The condition is that— (a) the person has returned to the territory from which the person was extradited, or (b) the person has been given an opportunity to leave the United Kingdom. (5) A person is dealt with in the United Kingdom for an offence if— (a) the person is tried there for it; (b) the person is detained with a view to trial there for it.</p>
<p>90 Detention of a person for trial in the Island for other offences (1) Section 88 or section 89 does not prevent a person in relation to whom either section applies from being detained with a view to trial in the Island for an offence if the conditions in subsection (2) are satisfied. (2) The conditions are —</p>		<p>Detention of person for trial in the Bailiwick for other offences. 115. (1) Section 86 or section 114 does not prevent a person in whose case that section applies from being detained with a view to trial in the Bailiwick for an offence if the conditions</p>	<p>[151B Detention of person for trial in England and Wales for other offences (1) Section 150 or 151A does not prevent a person in whose case that section applies from being detained with a view to trial in England and</p>

Isle of Man	Jersey	Guernsey	UK - category 2 and general provisions
<p>(a) the United Kingdom (in respect of the Island) and the territory from which the person was extradited have each made a declaration under Article 14(3) of the Convention on Extradition done at Paris on 13 December 1957, and the declarations are still in force;</p> <p>(b) the Attorney General makes a request for the consent referred to in section 88(3)(c) or 89(3)1(1)(c) in respect of the offence ("the consent request"); and</p> <p>(c) the Attorney General gives notification, which is explicitly acknowledged on behalf of the territory, of the date on which the detention is to begin ("the notified date").</p> <p>(3) This section applies only to detention during the period beginning with the notified date and ending with whichever of the following occurs first —</p> <p>(a) if a notification of opposition to the detention is given on behalf of the territory, the date on which the Attorney General receives it;</p> <p>(b) the date on which the Attorney General receives notification given on behalf of the territory as to whether the consent request is granted or refused;</p> <p>(c) the expiry of the period of 90 days beginning with the date on which the consent request is received.</p>		<p>in subsection (2) are satisfied.</p> <p>(2) The conditions are –</p> <p>(a) the Bailiwick and the territory from which the person was extradited have each made a declaration under Article 14(3) of the Convention on Extradition done at Paris on 13 December 1957, and the declarations are still in force,</p> <p>(b) Her Majesty's Procureur makes a request for the consent referred to in section 86(3)(c) or 114(3)(c) in respect of the offence ("the consent request"), and</p> <p>(c) Her Majesty's Procureur gives notification, which is explicitly acknowledged on behalf of the territory, of the date on which the detention is to begin ("the notified date").</p> <p>(3) This section applies only to detention during the period beginning with the notified date and ending with whichever of the following occurs first –</p> <p>(a) if a notification of opposition to the detention is given on behalf of the territory, the date on which Her Majesty's Procureur receives it,</p> <p>(b) the date on which Her Majesty's Procureur receives notification given on behalf of the territory as to whether the consent request is granted or refused,</p> <p>(c) the expiry of the period of 90 days beginning with the date on which the consent request is received.</p>	<p>Wales for an offence if the conditions in subsection (2) are satisfied.</p> <p>(2) The conditions are that—</p> <p>(a) the United Kingdom and the territory from which the person was extradited have each made a declaration under Article 14(3) of the Extradition Convention, and the declarations are still in force;</p> <p>(b) the Secretary of State makes a request for the consent referred to in section 150(3)(c) or 151A(3)(c) in respect of the offence ("the consent request");</p> <p>(c) the Secretary of State gives notification, which is explicitly acknowledged on behalf of the territory, of the date on which the detention is to begin ("the notified date").</p> <p>(3) The Extradition Convention is the European Convention on Extradition done at Paris on 13 December 1957.</p> <p>(4) This section applies only to detention during the period beginning with the notified date and ending with whichever of the following occurs first—</p> <p>(a) if a notification of opposition to the detention is given on behalf of the territory, the date on which Secretary of State receives it;</p> <p>(b) the date on which the Secretary of State receives notification given on behalf of the territory as to whether the consent request is granted or refused;</p> <p>(c) the expiry of the period of 90 days beginning with the date on which the consent request is received.] 1</p>
<p>91 Remission of punishment for other offences</p> <p>If —</p> <p>(a) a person is extradited to the Island from a</p>	<p>78 Remission of punishment for other offences</p> <p>If —</p> <p>(a) a person is extradited to Jersey</p>	<p>Remission of punishment for other offences.</p> <p>87. If —</p> <p>(a) a person is extradited to the</p>	<p>152 Remission of punishment for other offences</p> <p>(1) This section applies if—</p> <p>(a) a person is extradited to the United</p>

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<p>designated territory under a law of the designated territory corresponding to this Act;</p> <p>(b) before the person's extradition, he or she has been convicted of an offence in the Island; and</p> <p>(c) the person has not been extradited in respect of that offence,</p> <p>the sentence for the offence must be treated as served, but the person's conviction for the offence is to be treated as a conviction for all other purposes.</p>	<p>from a designated territory under a law of the designated territory corresponding to this Law;</p> <p>(b) before the person's extradition, he or she has been convicted of an offence in Jersey; and</p> <p>(c) the person has not been extradited in respect of that offence,</p> <p>the punishment for the offence shall be treated as remitted, but the person's conviction for the offence shall be treated as a conviction for all other purposes.</p>	<p>Bailiwick from a designated territory under a law of the designated territory corresponding to this Law,</p> <p>(b) before the person's extradition, he or she has been convicted of an offence in the Bailiwick, and</p> <p>(c) the person has not been extradited in respect of that offence,</p> <p>the sentence for the offence shall be treated as served, but the person's conviction for the offence shall be treated as a conviction for all other purposes.</p>	<p>Kingdom [from a territory;] 1</p> <p>(i)-(ii) [...] 1</p> <p>(b) before his extradition he has been convicted of an offence in the United Kingdom;</p> <p>(c) he has not been extradited in respect of that offence.</p> <p>(2) The [sentence for the offence must be treated as served] 2 but the person's conviction for the offence must be treated as a conviction for all other purposes.</p>
<p>92 Return of person acquitted or not tried</p> <p>(1) If —</p> <p>(a) a person is accused in the Island of the commission of an offence;</p> <p>(b) the person is extradited to the Island in respect of the offence from a designated territory under law of the designated territory corresponding to this Act; and</p> <p>(c) the condition to which subsection (2) refers or the condition to which subsection (3) refers is satisfied, the Attorney General must, if asked to do so by the person, arrange for the person to be sent back to the designated territory free of charge and with as little delay as possible.</p> <p>(2) The condition to which this subsection refers is that —</p> <p>(a) proceedings against the person for the offence are not begun before the end of the period of 6 months starting with the day on which the person arrives in the Island on his or her extradition; and</p> <p>(b) before the end of the period of 3 months starting immediately after the end of the period in paragraph (a), the person asks the Attorney General to return him or her to the designated territory from which the person was extradited.</p> <p>(3) The condition to which this subsection refers is that —</p> <p>(a) at the person's trial for the offence, he or she is acquitted or discharged; and</p> <p>(b) before the end of the period of 3 months</p>	<p>79 Return of person acquitted or not tried</p> <p>(1) If —</p> <p>(a) a person is accused in Jersey of the commission of an offence;</p> <p>(b) the person is extradited to Jersey in respect of the offence from a designated territory under a law of the designated territory corresponding to this Law; and</p> <p>(c) the condition to which paragraph (2) refers or the condition to which paragraph (3) refers is satisfied, the Attorney General shall, if asked to do so by the person, arrange for the person to be sent back to the designated territory free of charge and with as little delay as possible.</p> <p>(2) The condition to which this paragraph refers is that —</p> <p>(a) proceedings against the person for the offence are not begun before the end of the period of 6 months commencing on the day on which the person arrives in Jersey on his or her extradition; and</p> <p>(b) before the end of the period of 3 months commencing immediately after the end of the period in sub-paragraph</p>	<p>Return of person acquitted or not tried.</p> <p>88. (1) If —</p> <p>(a) a person is accused in the Bailiwick of the commission of an offence,</p> <p>(b) the person is extradited to the Bailiwick in respect of the offence from a designated territory under a law of the designated territory corresponding to this Law, and</p> <p>(c) the condition to which subsection (2) refers or the condition to which subsection (3) refers is satisfied, Her Majesty's Procureur shall, if asked to do so by the person, arrange for the person to be sent back to the designated territory free of charge and with as little delay as possible.</p> <p>(2) The condition to which this section refers is that —</p> <p>(a) proceedings against the person for the offence are not begun before the end of the period of six months commencing on the day on which the person arrives in the Bailiwick on his or her extradition, and</p> <p>(b) before the end of the period of three months commencing immediately after the end of the period in paragraph</p>	<p>153 Return of person acquitted or not tried</p> <p>(1) This section applies if—</p> <p>(a) a person is accused in the United Kingdom of the commission of an offence;</p> <p>(b) the person is extradited to the United Kingdom in respect of the offence [from a territory;] 1</p> <p>(i)-(ii) [...] 1</p> <p>(c) the condition in subsection (2) or the condition in subsection (3) is satisfied.</p> <p>(2) The condition is that—</p> <p>(a) proceedings against the person for the offence are not begun before the end of the required period, which is 6 months starting with the day on which the person arrives in the United Kingdom on his extradition, and</p> <p>(b) before the end of the period of 3 months starting immediately after the end of the required period the person asks the Secretary of State to return him to the territory from which he was extradited.</p>

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<p>starting immediately after the date of his or her acquittal or discharge, the person asks the Attorney General to return him or her to the designated territory from which the person was extradited.</p>	<p>(a), the person asks the Attorney General to return him or her to the designated territory from which the person was extradited. (3) The condition to which this paragraph refers is that – (a) at the person’s trial for the offence, he or she is acquitted or discharged; and (b) before the end of the period of 3 months commencing immediately after the date of his or her acquittal or discharge, the person asks the Attorney General to return him or her to the designated territory from which the person was extradited.</p>	<p>(a), the person asks Her Majesty's Procureur to return him or her to the designated territory from which the person was extradited. (3) The condition to which this section refers is that – (a) at the person's trial for the offence, he or she is acquitted or discharged, and (b) before the end of the period of three months commencing immediately after the date of his or her acquittal or discharge, the person asks Her Majesty's Procureur to return him or her to the designated territory from which the person was extradited.</p>	<p>(3) The condition is that— (a) at his trial for the offence the person is acquitted or is discharged under any of the provisions specified in subsection (4), and and (b) before the end of the period of 3 months starting immediately after the date of his acquittal or discharge the person asks the Secretary of State to return him to the territory from which he was extradited. (4) The provisions are— [(a) section 79 or 80 of the Sentencing Code;] 2 (b) section 246(1), (2) or (3) of the Criminal Procedure (Scotland) Act 1995 (c. 46); (c) Article 4(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)). (5) The Secretary of State must arrange for him to be sent back, free of charge and with as little delay as possible, to the territory from which he was extradited to the United Kingdom in respect of the offence. (6) If the accusation in subsection (1)(a) relates to the commission of an offence in Scotland, subsections (2)(b), (3)(b) and (5) apply as if the references to the Secretary of State were references to the Scottish Ministers.</p>
<p>93 Return to extraditing territory to serve sentence (1) This section applies if — (a) a person is extradited to the Island from a territory for the purposes of being prosecuted for an</p>		<p>Return to extraditing territory to serve sentence. 89. (1) This section applies if- (a) a person is extradited to the Bailiwick from a territory for the</p>	<p>153C Return to extraditing territory to serve sentence (1) This section applies if— (a) a person is extradited to the United Kingdom from a territory for the</p>

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<p>offence; and</p> <p>(b) the person's extradition is made subject to a condition that an undertaking is given by or on behalf of the Island as to the person's return to the territory.</p> <p>(2) The Attorney General may give an undertaking to a person acting on behalf of the territory as to the person's return to the territory.</p> <p>(3) The terms which may be included by the Attorney General in an undertaking given under subsection (2) in relation to a person include terms that if the person is convicted of the offence and a sentence of custody is imposed in respect of it, the person is to be returned to the territory to serve the sentence.</p> <p>(4) A person who is to be returned to a territory by virtue of an undertaking given under subsection (2) must be returned as soon as is reasonably practicable after the sentence is imposed and any other proceedings in respect of the offence are concluded.</p> <p>(5) If subsection (4) is complied with the sentence for the offence is treated as served but the person's conviction for the offence must be treated as a conviction for all other purposes.</p> <p>(6) The sentence for the offence is treated as served under subsection (5) only in so far as it consists of the sentence of custody mentioned in subsection (3).</p> <p>(7) Subsection (8) applies if —</p> <p>(a) subsection (4) is not complied with; and</p> <p>(b) the person applies to the court which imposed the sentence to expedite return to the territory.</p> <p>(8) The court must order return by such date as is specified in the order unless reasonable cause is shown for the delay.</p> <p>(9) If a person is to be returned by virtue of an undertaking given under subsection (2), a constable may —</p> <p>(a) remove the person from any prison or other institution where the person is detained;</p> <p>(b) keep the person in custody until returned; and</p> <p>(c) convey the person to the territory to which the person is to be returned.</p> <p>(10) Nothing in this section requires the return of a person to a territory in a case in which the Attorney</p>		<p>purposes of being prosecuted for an offence, and</p> <p>(b) the person's extradition is made subject to a condition that an undertaking is given by or on behalf of the Bailiwick as to the person's return to the territory.</p> <p>(2) Her Majesty's Procureur may give an undertaking to a person acting on behalf of the territory as to the person's return to the territory.</p> <p>(3) The terms which may be included by Her Majesty's Procureur in an undertaking given under subsection (2) in relation to a person include terms that if the person is convicted of the offence and a sentence of imprisonment or another form of detention is imposed in respect of it, the person is to be returned to the territory to serve the sentence.</p> <p>(4) A person who is to be returned to a territory by virtue of an undertaking given under subsection (2) must be returned as soon as is reasonably practicable after the sentence is imposed and any other proceedings in respect of the offence are concluded.</p> <p>(5) If subsection (4) is complied with the sentence for the offence is treated as served but the person's conviction for the offence must be treated as a conviction for all other purposes.</p> <p>(6) The sentence for the offence is treated as served under subsection (5) only in so far as it consists of the sentence of imprisonment or another form of detention mentioned in subsection (3).</p> <p>(7) Subsection (8) applies if—</p> <p>(a) subsection (4) is not complied with, and</p>	<p>purposes of being prosecuted for an offence;</p> <p>(b) the person's extradition is made subject to a condition that an undertaking is given by or on behalf of the United Kingdom as to the person's return to the territory.</p> <p>(2) The Secretary of State may give an undertaking to a person acting on behalf of the territory as to the person's return to the territory.</p> <p>(3) The terms which may be included by the Secretary of State in an undertaking given under subsection (2) in relation to a person include terms that if the person is convicted of the offence and a sentence of imprisonment or another form of detention is imposed in respect of it, the person is to be returned to the territory to serve the sentence.</p> <p>(4) A person who is to be returned to a territory by virtue of an undertaking given under subsection (2) must be returned as soon as is reasonably practicable after the sentence is imposed and any other proceedings in respect of the offence are concluded.</p> <p>(5) If subsection (4) is complied with the sentence for the offence is treated as served but the person's conviction for the offence must be treated as a conviction for all other purposes.</p> <p>(6) The sentence for the offence is treated as served under subsection (5) only in so far as it consists of the sentence of imprisonment or another form of detention mentioned in subsection (3).</p> <p>(7) Subsection (8) applies if—</p> <p>(a) subsection (4) is not complied with, and</p>

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<p>General is not satisfied that the return is compatible with the Human Rights Convention rights.</p>		<p>(b) the person applies to the court which imposed the sentence to expedite return to the territory. (8) The court must order return by such date as is specified in the order unless reasonable cause is shown for the delay. (9) If a person is to be returned by virtue of an undertaking given under subsection (2), an officer of police may— (a) remove the person from any prison or other institution where the person is detained, (b) keep the person in custody until returned, and (c) convey the person to the territory to which the person is to be returned. (10) Nothing in this section requires the return of a person to a territory in a case in which Her Majesty's Procureur is not satisfied that the return is compatible with the Convention rights within the meaning of the Human Rights Law.</p>	<p>(b) the person applies to the court which imposed the sentence to expedite return to the territory. (8) The court must order return by such date as is specified in the order unless reasonable cause is shown for the delay. (9) If a person is to be returned by virtue of an undertaking given under subsection (2), a constable may— (a) remove the person from any prison or other institution where the person is detained; (b) keep the person in custody until returned; (c) convey the person to the territory to which the person is to be returned.</p>
<p>94 Restriction on bail where undertaking given by Attorney General If the Attorney General has given an undertaking in connection with a person's extradition to the Island that includes terms that the person be kept in custody until the conclusion of any proceedings against the person in the Island for an offence, the High Bailiff or the High Court may grant bail only in exceptional circumstances.</p>		<p>Restriction on bail where undertaking given by Her Majesty's Procureur. 116. (1) This section applies in relation to a person if – (a) Her Majesty's Procureur has given an undertaking in connection with the person's extradition to the Bailiwick, and (b) the undertaking includes terms that the person be kept in custody until the conclusion of any proceedings against him in the Bailiwick for an offence. (2) A court may grant bail to the person in the proceedings only if the court considers that there are exceptional circumstances which justify it.</p>	<p>154 Restriction on bail where undertaking given by Secretary of State (1) This section applies in relation to a person if— (a) the Secretary of State has given an undertaking in connection with the person's extradition to the United Kingdom, and (b) the undertaking includes terms that the person be kept in custody until the conclusion of any proceedings against him in the United Kingdom for an offence. (2) A court, judge or justice of the peace may grant bail to the person in the proceedings only if the court, judge or justice of the peace</p>

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			considers that there are exceptional circumstances which justify it.
<p>95 Search and seizure warrants</p> <p>(1) The High Bailiff may, on an application made by a constable, issue a search and seizure warrant if the High Bailiff is satisfied that the requirements for the issue of a search and seizure warrant are fulfilled.</p> <p>(2) An application for a search and seizure warrant under this section must state —</p> <p>(a) that the extradition of a person specified in the application is sought under Part 2 or Part 3;</p> <p>(b) that the warrant is sought in relation to premises specified in the application;</p> <p>(c) that the warrant is sought in relation to material, or material of a description, specified in the application; and</p> <p>(d) that the material, or material of that description, is believed to be on the premises.</p> <p>(3) The application must also state that the person is accused in a designated territory of the commission of an offence that is specified in the application and is an extradition offence.</p> <p>(4) A search and seizure warrant is a warrant authorising a constable —</p> <p>(a) to enter and search the premises specified in the application for the warrant; and</p> <p>(b) to seize and retain any material to which subsection (5) refers that is found there.</p> <p>(5) This subsection refers to material —</p> <p>(a) that would be likely to be admissible evidence at a trial in the Island for the offence specified in the application for the warrant (on the assumption that conduct constituting that offence would constitute an offence in the Island); and</p> <p>(b) that does not consist of or include items subject to legal privilege, special procedure material or excluded material.</p> <p>(6) The requirements for the issue of a search and seizure warrant are that there are reasonable grounds for believing —</p> <p>(a) that the offence specified in the application has</p>	<p>80 Search and seizure warrants</p> <p>(1) The Bailiff or a Jurat may, on an application made by a police officer, issue a search and seizure warrant if the Bailiff or Jurat is satisfied that the requirements for the issue of a search and seizure warrant are fulfilled.</p> <p>(2) An application for a search and seizure warrant under this Article shall state —</p> <p>(a) that the extradition of a person specified in the application is sought under Part 2 or Part 3;</p> <p>(b) that the warrant is sought in relation to premises specified in the application;</p> <p>(c) that the warrant is sought in relation to material, or material of a description, specified in the application; and</p> <p>(d) that the material, or material of that description, is believed to be on the premises.</p> <p>(3) The application shall also state that the person is accused in a designated territory of the commission of an offence that is specified in the application and is an extradition offence.</p> <p>(4) A search and seizure warrant is a warrant authorizing a police officer —</p> <p>(a) to enter and search the premises specified in the application for the warrant; and</p> <p>(b) to seize and retain any material to which paragraph (5) refers that is found there.</p> <p>(5) This paragraph refers to material that —</p>	<p>Search and seizure warrants.</p> <p>90. (1) The Bailiff may, on an application made by an officer of police, issue a search and seizure warrant if he or she is satisfied that the requirements for the issue of a search and seizure warrant are fulfilled.</p> <p>(2) An application for a search and seizure warrant under this section must state —</p> <p>(a) that the extradition of a person specified in the application is sought under Part II or Part III,</p> <p>(b) that the warrant is sought in relation to premises specified in the application,</p> <p>(c) that the warrant is sought in relation to material, or material of a description, specified in the application, and</p> <p>(d) that the material, or material of that description, is believed to be on the premises.</p> <p>(3) The application must also state that the person is accused in a designated territory of the commission of an offence that is specified in the application and is an extradition offence.</p> <p>(4) A search and seizure warrant is a warrant authorising an officer of police —</p> <p>(a) to enter and search the premises specified in the application for the warrant, and</p> <p>(b) to seize and retain any material found there which falls within subsection (5).</p> <p>(5) Material falls within this subsection</p>	<p>156 Search and seizure warrants</p> <p>(1) A justice of the peace may, on an application made to him by a constable, issue a search and seizure warrant if he is satisfied that the requirements for the issue of a search and seizure warrant are fulfilled.</p> <p>(2) The application for a search and seizure warrant must state that—</p> <p>(a) the extradition of a person specified in the application is sought under Part 1 or Part 2;</p> <p>(b) the warrant is sought in relation to premises specified in the application;</p> <p>(c) the warrant is sought in relation to material, or material of a description, specified in the application;</p> <p>(d) that material, or material of that description, is believed to be on the premises.</p> <p>(3) If the application states that the extradition of the person is sought under Part 1, the application must also state that the person is accused in a category 1 territory specified in the application of the commission of an offence—</p> <p>(a) which is specified in the application, and</p> <p>(b) which is an extradition offence within the meaning given by section 64.</p> <p>(4) If the application states that the extradition of the person is sought under Part 2, the application must also state that the person is accused in a category 2 territory specified in the application of the commission of an offence—</p> <p>(a) which is specified in the application,</p>

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<p>been committed by the person specified in the application;</p> <p>(b) that the person is in the Island, or is on his or her way to the Island;</p> <p>(c) that the offence is an extradition offence;</p> <p>(d) that there is material specified in subsection (5) on premises specified in the application; and</p> <p>(e) that any of the conditions to which subsection (7) refers is satisfied.</p> <p>(7) The conditions to which this subsection refers are —</p> <p>(a) that it is not practicable to communicate with a person entitled to grant entry to the premises;</p> <p>(b) that it is practicable to communicate with a person entitled to grant entry to the premises, but it is not practicable to communicate with a person entitled to grant access to the material to which subsection (6)(d) refers;</p> <p>(c) that entry to the premises will not be granted unless a warrant is produced; or</p> <p>(d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.</p>	<p>(a) would be likely to be admissible evidence at a trial in Jersey for the offence specified in the application for the warrant (on the assumption that conduct constituting that offence would constitute an offence in Jersey); and</p> <p>(b) does not consist of or include items subject to legal privilege, special procedure material or excluded material.</p> <p>(6) The requirements for the issue of a search and seizure warrant are that there are reasonable grounds for believing —</p> <p>(a) that the offence specified in the application has been committed by the person specified in the application;</p> <p>(b) that the person is in Jersey, or is on his or her way to Jersey;</p> <p>(c) that the offence is an extradition offence;</p> <p>(d) that there is material specified in paragraph (5) on premises specified in the application; and</p> <p>(e) that any of the conditions to which paragraph (7) refers is satisfied.</p> <p>(7) The conditions to which this paragraph refers are —</p> <p>(a) that it is not practicable to communicate with a person entitled to grant entry to the premises;</p> <p>(b) that it is practicable to communicate with a person entitled to grant entry to the premises, but it is not practicable to communicate with a person entitled to grant access to the material to which paragraph (6)(d) refers;</p> <p>(c) that entry to the premises will not be granted unless a warrant is produced; or</p> <p>(d) that the purpose of a search may be frustrated or seriously prejudiced</p>	<p>if —</p> <p>(a) it would be likely to be admissible evidence at a trial in the Bailiwick for the offence specified in the application for the warrant (on the assumption that conduct constituting that offence would constitute an offence in the Bailiwick), and</p> <p>(b) it does not consist of or include items subject to legal privilege, or special material.</p> <p>(6) The requirements for the issue of a search and seizure warrant are that there are reasonable grounds for believing —</p> <p>(a) that the offence specified in the application has been committed by the person specified in the application,</p> <p>(b) that the person is in the Bailiwick, or is on his or her way to the Bailiwick,</p> <p>(c) that the offence is an extradition offence,</p> <p>(d) that there is material specified in subsection (5) on premises specified in the application, and</p> <p>(e) that any of the conditions to which subsection (7) refers is satisfied.</p> <p>(7) The conditions to which this section refers are —</p> <p>(a) that it is not practicable to communicate with a person entitled to grant entry to the premises,</p> <p>(b) that it is practicable to communicate with a person entitled to grant entry to the premises, but it is not practicable to communicate with a person entitled to grant access to the material to which subsection (6)(d) refers,</p> <p>(c) that entry to the premises will not be granted unless a warrant is produced, or</p> <p>(d) that the purpose of a search may</p>	<p>and</p> <p>(b) which is an extradition offence within the meaning given by section 137.</p> <p>(5) A search and seizure warrant is a warrant authorising a constable—</p> <p>(a) to enter and search the premises specified in the application for the warrant, and</p> <p>(b) to seize and retain any material found there which falls within subsection (6).</p> <p>(6) Material falls within this subsection if—</p> <p>(a) it would be likely to be admissible evidence at a trial in the relevant part of the United Kingdom for the offence specified in the application for the warrant (on the assumption that conduct constituting that offence would constitute an offence in that part of the United Kingdom), and</p> <p>(b) it does not consist of or include items subject to legal privilege, excluded material or special procedure material.</p> <p>(7) The relevant part of the United Kingdom is the part of the United Kingdom where the justice of the peace exercises jurisdiction.</p> <p>(8) The requirements for the issue of a search and seizure warrant are that there are reasonable grounds for believing that—</p> <p>(a) the offence specified in the application has been committed by the person so specified;</p> <p>(b) the person is in the United Kingdom or is on his way to the United Kingdom;</p> <p>(c) the offence is an extradition offence within the meaning given by section 64 (if subsection (3) applies) or section</p>

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	<p>unless a police officer arriving at the premises can secure immediate entry to them.</p>	<p>be frustrated or seriously prejudiced unless an officer of police arriving at the premises can secure immediate entry to them.</p>	<p>137 (if subsection (4) applies); (d) there is material on premises specified in the application which falls within subsection (6); (e) any of the conditions referred to in subsection (9) is satisfied. (9) The conditions are— (a) that it is not practicable to communicate with a person entitled to grant entry to the premises; (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with a person entitled to grant access to the material referred to in subsection (8)(d); (c) that entry to the premises will not be granted unless a warrant is produced; (d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them. (10) The preceding provisions of this section apply to Scotland with these modifications— (a) in subsections (1) and (7) for "justice of the peace" substitute "sheriff"; (b) in subsection (1) for "constable" substitute "procurator fiscal"; (c) for "search and seizure warrant" substitute "warrant to search"; (d) in subsection (6)(b) omit the words ", excluded material or special procedure material"; (e) subsections (8)(e) and (9) are omitted.</p>
<p>96 Production orders (1) The High Bailiff may, on an application made by a constable, make a production order if satisfied that the</p>	<p>81 Production orders (1) The Bailiff may, on an application made by a police officer, make a</p>	<p>Production orders. 91. (1) The Bailiff may, on an application made by an officer of police,</p>	<p>157 Production orders (1) A judge may, on an application made to him by a constable, make a</p>

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<p>requirements for the making of a production order are fulfilled.</p> <p>(2) An application for a production order under this section must state —</p> <p>(a) that the extradition of a person specified in the application is sought under Part 2 or Part 3;</p> <p>(b) that the order is sought in relation to premises specified in the application;</p> <p>(c) that the order is sought in relation to material, or material of a description, specified in the application;</p> <p>(d) that the material is special procedure material or excluded material; and</p> <p>(e) that a person specified in the application appears to be in possession or control of the material.</p> <p>(3) The application must also state that the person is accused in a designated territory of the commission of an offence that —</p> <p>(a) is specified in the application; and</p> <p>(b) is an extradition offence.</p> <p>(4) A production order is an order either —</p> <p>(a) requiring the person whom the application for the order specifies as appearing to be in possession or control of special material or excluded material to produce it to a constable (within the period stated in the order) for the constable to take away; or</p> <p>(b) requiring that person to give a constable access to the material within the period stated in the order.</p> <p>(5) The period stated in a production order must be a period of 7 days starting with the day on which the order is made, unless it appears to the High Bailiff that a longer period would be appropriate.</p> <p>(6) Production orders have effect as if they were orders of the High Court.</p>	<p>production order if satisfied that the requirements for the making of a production order are fulfilled.</p> <p>(2) An application for a production order under this Article shall state —</p> <p>(a) that the extradition of a person specified in the application is sought under Part 2 or Part 3;</p> <p>(b) that the order is sought in relation to premises specified in the application;</p> <p>(c) that the order is sought in relation to material, or material of a description, specified in the application;</p> <p>(d) that the material is special procedure material or excluded material; and</p> <p>(e) that a person specified in the application appears to be in possession or control of the material.</p> <p>(3) The application shall also state that the person is accused in a designated territory of the commission of an offence that —</p> <p>(a) is specified in the application; and</p> <p>(b) is an extradition offence.</p> <p>(4) A production order is an order either —</p> <p>(a) requiring the person whom the application for the order specifies as appearing to be in possession or control of special material or excluded material to produce it to a police officer (within the period stated in the order) for the police officer to take away; or</p> <p>(b) requiring that person to give a police officer access to the material within the period stated in the order.</p> <p>(5) The period stated in a production order shall be a period of 7 days commencing on the day on which the order is made, unless it appears to the Bailiff that a longer period would be</p>	<p>make a production order if satisfied that the requirements for the making of a production order are fulfilled.</p> <p>(2) An application for a production order under this section must state —</p> <p>(a) that the extradition of a person specified in the application is sought under Part II or Part III,</p> <p>(b) that the order is sought in relation to premises specified in the application,</p> <p>(c) that the order is sought in relation to material, or material of a description, specified in the application,</p> <p>(d) that the material is special material, and</p> <p>(e) that a person specified in the application appears to be in possession or control of the material.</p> <p>(3) The application must also state that a person specified in the application is accused in a designated territory of the commission of an offence that —</p> <p>(a) is specified in the application, and</p> <p>(b) is an extradition offence.</p> <p>(4) A production order is an order either —</p> <p>(a) requiring the person whom the application for the order specifies as appearing to be in possession or control of special material to produce it to an officer of police (within the period stated in the order) for the officer to take away, or</p> <p>(b) requiring that person to give an officer of police access to the material within the period stated in the order.</p> <p>(5) The period stated in a production order shall be a period of 7 days commencing on the day on which the order is made, unless it appears to the Bailiff that a longer period would be appropriate.</p>	<p>production order if he is satisfied that the requirements for the making of a production order are fulfilled.</p> <p>(2) The application for a production order must state that—</p> <p>(a) the extradition of a person specified in the application is sought under Part 1 or Part 2;</p> <p>(b) the order is sought in relation to premises specified in the application;</p> <p>(c) the order is sought in relation to material, or material of a description, specified in the application;</p> <p>(d) the material is special procedure material or excluded material;</p> <p>(e) a person specified in the application appears to be in possession or control of the material.</p> <p>(3) If the application states that the extradition of the person is sought under Part 1, the application must also state that the person is accused in a category 1 territory specified in the application of the commission of an offence—</p> <p>(a) which is specified in the application, and</p> <p>(b) which is an extradition offence within the meaning given by section 64.</p> <p>(4) If the application states that the extradition of the person is sought under Part 2, the application must also state that the person is accused in a category 2 territory specified in the application of the commission of an offence—</p> <p>(a) which is specified in the application, and</p> <p>(b) which is an extradition offence within the meaning given by section 137.</p> <p>(5) A production order is an order</p>

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	<p>appropriate. (6) Production orders shall have effect as if they were orders of the Royal Court.</p>	<p>(6) Production orders shall have effect as if they were orders of the Royal Court.</p>	<p>either— (a) requiring the person the application for the order specifies as appearing to be in possession or control of special procedure material or excluded material to produce it to a constable (within the period stated in the order) for him to take away, or (b) requiring that person to give a constable access to the special procedure material or excluded material within the period stated in the order. (6) The period stated in a production order must be a period of 7 days starting with the day on which the order is made, unless it appears to the judge by whom the order is made that a longer period would be appropriate. (7) Production orders have effect as if they were orders of the court. (8) In this section “judge” — (a) in England and Wales, means a circuit judge; (b) in Northern Ireland, means a Crown Court judge. [(9) Criminal Procedure Rules may make provision about applications under this section to a circuit judge.] 1</p>
<p>97 Requirements for making of production order (1) The requirements for the making of a production order are that there are reasonable grounds for believing — (a) that the offence specified in the application has been committed by the person so specified; (b) that the person is in the Island, or is on his or her way to the Island; (c) that the offence is an extradition offence; (d) that there is material that consists of or includes special procedure material or excluded material on premises specified in the application; and</p>	<p>82 Requirements for making of production order (1) The requirements for the making of a production order are that there are reasonable grounds for believing – (a) that the offence specified in the application has been committed by the person so specified; (b) that the person is in Jersey, or is on his or her way to Jersey; (c) that the offence is an extradition offence; (d) that there is material that consists</p>	<p>Requirements for making of production order. 92. (1) The requirements for the making of a production order are that there are reasonable grounds for believing – (a) that the offence specified in the application has been committed by the person so specified, (b) that the person is in the Bailiwick, or is on his or her way to the Bailiwick, (c) that the offence is an extradition offence,</p>	<p>158 Requirements for making of production order (1) These are the requirements for the making of a production order. (2) There must be reasonable grounds for believing that— (a) the offence specified in the application has been committed by the person so specified; (b) the person is in the United Kingdom or is on his way to the United Kingdom; (c) the offence is an extradition offence within the meaning given by section 64</p>

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<p>(e) that the material would be likely to be admissible evidence at a trial in the Island for the offence specified in the application (on the assumption that conduct constituting that offence would constitute an offence in the Island).</p> <p>(2) It must also appear that other methods of obtaining the material —</p> <p>(a) have been tried without success; or</p> <p>(b) have not been tried because they were bound to fail.</p> <p>(3) It must also be in the public interest that the material should be produced or that access to it should be given.</p>	<p>of or includes special procedure material or excluded material on premises specified in the application; and</p> <p>(e) that the material would be likely to be admissible evidence at a trial in Jersey for the offence specified in the application (on the assumption that conduct constituting that offence would constitute an offence in Jersey).</p> <p>(2) It must also appear that other methods of obtaining the material —</p> <p>(a) have been tried without success; or</p> <p>(b) have not been tried because they were bound to fail.</p> <p>(3) It must also be in the public interest that the material should be produced or that access to it should be given.</p>	<p>(d) that there is material that consists of or includes special material on premises specified in the application, and</p> <p>(e) that the material would be likely to be admissible evidence at a trial in the Bailiwick for the offence specified in the application (on the assumption that conduct constituting that offence would constitute an offence in the Bailiwick).</p> <p>(2) It must also appear that other methods of obtaining the material —</p> <p>(a) have been tried without success, or</p> <p>(b) have not been tried because they were bound to fail.</p> <p>(3) It must also be in the public interest that the material should be produced or that access to it should be given.</p>	<p>(if section 157(3) applies) or section 137 (if section 157(4) applies);</p> <p>(d) there is material which consists of or includes special procedure material or excluded material on premises specified in the application;</p> <p>(e) the material would be likely to be admissible evidence at a trial in the relevant part of the United Kingdom for the offence specified in the application (on the assumption that conduct constituting that offence would constitute an offence in that part of the United Kingdom).</p> <p>(3) The relevant part of the United Kingdom is the part of the United Kingdom where the judge exercises jurisdiction.</p> <p>(4) It must appear that other methods of obtaining the material—</p> <p>(a) have been tried without success, or</p> <p>(b) have not been tried because they were bound to fail.</p> <p>(5) It must be in the public interest that the material should be produced or that access to it should be given.</p>
<p>97 Electronically stored information</p> <p>(1) This section applies if any of the special procedure material or excluded material that is specified in an application for a production order consists of information stored in any electronic form.</p> <p>(2) If the order requires a person to produce the material to a constable to take away, it has effect as an order to produce the material in a form —</p> <p>(a) in which it can be taken away by the constable; and</p> <p>(b) in which it is visible and legible, or from which it can readily be produced in a visible and legible form.</p> <p>(3) If the order requires a person to give a constable access to the material, it has effect as an order to give the constable access to the material —</p> <p>(a) in a form in which it is visible and legible; or</p>	<p>83 Electronically stored information</p> <p>(1) This Article applies if any of the special procedure material or excluded material that is specified in an application for a production order consists of information stored in any electronic form.</p> <p>(2) If the order requires a person to produce the material to a police officer to take away, it has effect as an order to produce the material in a form —</p> <p>(a) in which it can be taken away by the police officer; and</p> <p>(b) in which it is visible and legible, or from which it can readily be produced</p>	<p>Electronically stored information. 93. (1) This section applies if any of the special material that is specified in an application for a production order consists of information stored in any electronic form.</p> <p>(2) If the order requires a person to produce the material to an officer of police to take away, it has effect as an order to produce the material in a form —</p> <p>(a) in which it can be taken away by the officer of police, and</p> <p>(b) in which it is visible and legible, or from which it can readily be produced in a visible and legible form.</p>	<p>159 Computer information</p> <p>(1) This section applies if any of the special procedure material or excluded material specified in an application for a production order consists of information stored in any electronic form.</p> <p>(2) If the order is an order requiring a person to produce the material to a constable for him to take away, it has effect as an order to produce the material in a form—</p> <p>(a) in which it can be taken away by him;</p> <p>(b) in which it is visible and legible or from which it can readily be produced in a visible</p>

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<p>(b) in a form from which it can readily be produced in a visible and legible form.</p>	<p>in a visible and legible form. (3) If the order requires a person to give a police officer access to the material, it has effect as an order to give the police officer access to the material – (a) in a form in which it is visible and legible; or (b) in a form from which it can readily be produced in a visible and legible form.</p>	<p>(3) If the order requires a person to give an officer of police access to the material, it has effect as an order to give the officer of police access to the material – (a) in a form in which it is visible and legible, or (b) in a form from which it can readily be produced in a visible and legible form.</p>	<p>and legible form. (3) If the order is an order requiring a person to give a constable access to the material, it has effect as an order to give him access to the material in a form— (a) in which it is visible and legible, or (b) from which it can readily be produced in a visible and legible form.</p>
<p>99 Warrants: special procedure material and excluded material (1) The High Bailiff may, on an application made by a constable, issue a warrant under this section if satisfied — (a) that the requirements for the making of a production order are fulfilled; and (b) that any of the conditions to which subsection (4) refers is satisfied. (2) An application for a warrant under this section must state — (a) that the extradition of a person specified in the application is sought under Part 2 or Part 3; (b) that the warrant is sought in relation to premises specified in the application; (c) that the warrant is sought in relation to material, or material of a description, specified in the application; and (d) that the material is special procedure material or excluded material. (3) The application must also state that the person is accused in a designated territory of the commission of an offence that is specified in the application and is an extradition offence. (4) The conditions to which this subsection refers are — (a) that it is not practicable to communicate with a person entitled to grant entry to the premises; (b) that it is practicable to communicate with a person entitled to grant entry to the premises, but it is not practicable to communicate with a person entitled to</p>	<p>84 Special procedure material and excluded material (1) The Bailiff may, on an application made by a police officer, issue a warrant under this Article if satisfied – (a) that the requirements for the making of a production order are fulfilled; and (b) that any of the conditions to which paragraph (4) refers is satisfied. (2) An application for a warrant under this Article shall state – (a) that the extradition of a person specified in the application is sought under Part 2 or Part 3; (b) that the warrant is sought in relation to premises specified in the application; (c) that the warrant is sought in relation to material, or material of a description, specified in the application; and (d) that the material is special procedure material or excluded material. (3) The application shall also state that the person is accused in a designated territory of the commission of an offence that is specified in the application and is an extradition offence.</p>	<p>Warrants: special material. 94. (1) The Bailiff may, on an application made by an officer of police, issue a warrant under this section if satisfied – (a) that the requirements for the making of a production order are fulfilled, and (b) that any of the conditions to which subsection (4) refers is satisfied. (2) An application for a warrant under this section must state – (a) that the extradition of a person specified in the application is sought under Part II or Part III, (b) that the warrant is sought in relation to premises specified in the application, (c) that the warrant is sought in relation to material, or material of a description, specified in the application, and (d) that the material is special material. (3) The application must also state that the person is accused in a designated territory of the commission of an offence that is specified in the application and is an extradition offence. (4) The conditions to which this section refers are –</p>	<p>160 Warrants: special procedure material and excluded material (1) A judge may, on an application made to him by a constable, issue a warrant under this section if he is satisfied that— (a) the requirements for the making of a production order are fulfilled, and (b) the further requirement for the issue of a warrant under this section is fulfilled. (2) The application for a warrant under this section must state that— (a) the extradition of a person specified in the application is sought under Part 1 or Part 2; (b) the warrant is sought in relation to premises specified in the application; (c) the warrant is sought in relation to material, or material of a description, specified in the application; (d) the material is special procedure material or excluded material. (3) If the application states that the extradition of the person is sought under Part 1, the application must also state that the person is accused in a category 1 territory specified in the application of the commission of an offence— (a) which is specified in the application,</p>

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<p>grant access to the special procedure material or excluded material to which section 97(1)(d) refers; and</p> <p>(c) that the material contains information that is subject to a restriction on disclosure or to an obligation of secrecy contained in an enactment (whether passed or made before or after the coming into operation of this section) and is likely to be disclosed in breach of the restriction or obligation if a warrant is not issued.</p> <p>(5) A warrant under this section authorises a constable to enter and search the premises specified in the application for the warrant, and —</p> <p>(a) to seize and retain any material found there that is special procedure material to which subsection (6) refers, if the application for the warrant states that the warrant is sought in relation to special procedure material; and</p> <p>(b) to seize and retain any material found there that is excluded material to which subsection (6) refers, if the application for the warrant states that the warrant is sought in relation to excluded material.</p> <p>(6) This subsection refers to material that would be likely to be admissible in evidence at a trial in the Island for the offence specified in the application for the warrant, if conduct constituting the offence would constitute an offence in the Island.</p>	<p>(4) The conditions to which this paragraph refers are —</p> <p>(a) that it is not practicable to communicate with a person entitled to grant entry to the premises;</p> <p>(b) that it is practicable to communicate with a person entitled to grant entry to the premises, but it is not practicable to communicate with a person entitled to grant access to the special procedure material or excluded material to which Article 82(1)(d) refers; and</p> <p>(c) that the material contains information that is subject to a restriction on disclosure or to an obligation of secrecy contained in an enactment (whether passed or made before or after the commencement of this Article) and is likely to be disclosed in breach of the restriction or obligation if a warrant is not issued.</p> <p>(5) A warrant under this Article authorizes a police officer to enter and search the premises specified in the application for the warrant, and —</p> <p>(a) to seize and retain any material found there that is special procedure material to which paragraph (6) refers, if the application for the warrant states that the warrant is sought in relation to special procedure material; and</p> <p>(b) to seize and retain any material found there that is excluded material to which paragraph (6) refers, if the application for the warrant states that the warrant is sought in relation to excluded material.</p> <p>(6) This paragraph refers to material that would be likely to be admissible in evidence at a trial in Jersey for the offence specified in the application for the warrant, if conduct constituting the</p>	<p>(a) that it is not practicable to communicate with a person entitled to grant entry to the premises,</p> <p>(b) that it is practicable to communicate with a person entitled to grant entry to the premises, but it is not practicable to communicate with a person entitled to grant access to the special material to which section 92(1)(d) refers, and</p> <p>(c) that the material contains information that is subject to a restriction on disclosure or to an obligation of secrecy contained in an enactment (whether passed or made before or after the commencement of this section) and is likely to be disclosed in breach of the restriction or obligation if a warrant is not issued.</p> <p>(5) A warrant under this section authorises an officer of police to enter and search the premises specified in the application for the warrant, and to seize and retain any material found there that is special material to which subsection (6) refers.</p> <p>(6) This subsection refers to material that would be likely to be admissible in evidence at a trial in the Bailiwick for the offence specified in the application for the warrant, if conduct constituting the offence would constitute an offence in the Bailiwick.</p>	<p>and</p> <p>(b) which is an extradition offence within the meaning given by section 64.</p> <p>(4) If the application states that the extradition of the person is sought under Part 2, the application must also state that the person is accused in a category 2 territory specified in the application of the commission of an offence—</p> <p>(a) which is specified in the application, and</p> <p>(b) which is an extradition offence within the meaning given by section 137.</p> <p>(5) A warrant under this section authorises a constable to enter and search the premises specified in the application for the warrant and—</p> <p>(a) to seize and retain any material found there which falls within subsection (6) and which is special procedure material, if the application for the warrant states that the warrant is sought in relation to special procedure material;</p> <p>(b) to seize and retain any material found there which falls within subsection (6) and which is excluded material, if the application for the warrant states that the warrant is sought in relation to excluded material.</p> <p>(6) Material falls within this subsection if it would be likely to be admissible evidence at a trial in the relevant part of the United Kingdom for the offence specified in the application for the warrant (on the assumption that conduct constituting that offence would constitute an offence in that part of the United Kingdom).</p> <p>(7) The relevant part of the United</p>

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	<p>offence would constitute an offence in Jersey.</p>		<p>Kingdom is the part of the United Kingdom where the judge exercises jurisdiction.</p> <p>(8) The further requirement for the issue of a warrant under this section is that any of these conditions is satisfied—</p> <p>(a) it is not practicable to communicate with a person entitled to grant entry to the premises;</p> <p>(b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with a person entitled to grant access to the material referred to in section 158(2)(d);</p> <p>(c) the material contains information which is subject to a restriction on disclosure or an obligation of secrecy contained in an enactment (including one passed after this Act) and is likely to be disclosed in breach of the restriction or obligation if a warrant is not issued.</p> <p>(9) In this section “judge” —</p> <p>(a) in England and Wales, means a circuit judge;</p> <p>(b) in Northern Ireland, means a Crown Court judge.</p> <p>[(10) Criminal Procedure Rules may make provision about applications under this section to a circuit judge.] 1</p>
<p>100 Entry and search to effect arrest</p> <p>(1) If a constable has power to arrest a person under an extradition arrest warrant, and has reasonable grounds for believing that the person is on any premises, the constable may enter and search those premises for the purpose of exercising the power of arrest.</p> <p>(2) The power to search conferred by subsection (1) is exercisable only to the extent reasonably required for the purpose of exercising the power of arrest.</p> <p>(3) A constable who has entered premises in</p>	<p>85 Entry and search to effect arrest</p> <p>(1) If a police officer has power to arrest a person under an extradition arrest warrant, and has reasonable grounds for believing that the person is on any premises, the police officer may enter and search those premises for the purpose of exercising the power of arrest.</p>	<p>Entry and search to effect arrest.</p> <p>95. (1) If an officer of police has power to arrest a person under an extradition arrest warrant, and has reasonable grounds for believing that the person is on any premises, he or she may enter and search those premises for the purpose of exercising the power of arrest.</p> <p>(2) The power to search that is</p>	<p>161 Entry and search of premises for purposes of arrest</p> <p>(1) This section applies if a constable has power to arrest a person under an extradition arrest power.</p> <p>(2) A constable may enter and search any premises for the purpose of exercising the power of arrest if he has reasonable grounds for believing that the person is on the premises.</p>

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<p>exercise of the power conferred by subsection (1) may seize and retain anything that is on the premises, if he or she has reasonable grounds for believing —</p> <p>(a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence; and</p> <p>(b) that it is necessary to seize it in order to prevent its being concealed, lost, damaged, altered or destroyed.</p> <p>(4) An offence includes an offence committed outside the Island.</p> <p>(5) If the premises contain 2 or more separate dwellings, the power to enter and search that is conferred by subsection (1) is exercisable only in respect of —</p> <p>(a) parts of the premises that the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other dwelling comprised in the premises; and</p> <p>(b) any dwelling that is comprised in the premises, if the constable has reasonable grounds for believing that the person to whom the search relates may be in that dwelling.</p>	<p>(2) The power to search that is conferred by paragraph (1) is exercisable only to the extent reasonably required for the purpose of exercising the power of arrest.</p> <p>(3) A police officer who has entered premises in exercise of the power conferred by paragraph (1) may seize and retain anything that is on the premises, if he or she has reasonable grounds for believing —</p> <p>(a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence; and</p> <p>(b) that it is necessary to seize it in order to prevent its being concealed, lost, damaged, altered or destroyed.</p> <p>(4) An offence includes an offence committed outside Jersey.</p> <p>(5) Where the premises contain 2 or more separate dwellings, the power to enter and search that is conferred by paragraph (1) is exercisable only in respect of —</p> <p>(a) parts of the premises that the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other dwelling comprised in the premises; and</p> <p>(b) any dwelling that is comprised in the premises, if the police officer has reasonable grounds for believing that the person to whom the search relates may be in that dwelling.</p>	<p>conferred by subsection (1) is exercisable only to the extent reasonably required for the purpose of exercising the power of arrest.</p> <p>(3) An officer of police who has entered premises in exercise of the power conferred by subsection (1) may seize and retain anything that is on the premises, if he or she has reasonable grounds for believing —</p> <p>(a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence, and</p> <p>(b) that it is necessary to seize it in order to prevent its being concealed, lost, damaged, altered or destroyed.</p> <p>(4) An offence includes an offence committed outside the Bailiwick.</p> <p>(5) Where the premises contain two or more separate dwellings, the power to enter and search that is conferred by subsection (1) is exercisable only in respect of —</p> <p>(a) parts of the premises that the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other dwelling comprised in the premises, and</p> <p>(b) any dwelling that is comprised in the premises, if the officer of police has reasonable grounds for believing that the person to whom the search relates may be in that dwelling.</p>	<p>(3) The power to search conferred by subsection (2) is exercisable only to the extent that is reasonably required for the purpose of exercising the power of arrest.</p> <p>(4) A constable who has entered premises in exercise of the power conferred by subsection (2) may seize and retain anything which is on the premises if he has reasonable grounds for believing—</p> <p>(a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence, and</p> <p>(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.</p> <p>(5) An offence includes an offence committed outside the United Kingdom.</p> <p>(6) If the premises contain 2 or more separate dwellings, the power conferred by subsection (2) is a power to enter and search only—</p> <p>(a) any parts of the premises which the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other dwelling comprised in the premises, and</p> <p>(b) any dwelling comprised in the premises in which the constable has reasonable grounds for believing that the person may be.</p>
<p>101 Entry and search of premises on arrest</p> <p>(1) This section applies if a person has been arrested under an extradition arrest warrant at a place other than a police station.</p> <p>(2) A constable may enter and search any premises in which the person was present at the time of the arrest; or immediately before the arrest, if the constable</p>	<p>86 Entry and search of premises on arrest</p> <p>(1) This Article applies if a person has been arrested under an extradition arrest warrant at a place other than a police station.</p> <p>(2) A police officer may enter and</p>	<p>Entry and search of premises on arrest.</p> <p>96. (1) This section applies if a person has been arrested under an extradition arrest warrant at a place other than a police station.</p> <p>(2) An officer of police may enter and</p>	<p>162 Entry and search of premises on arrest</p> <p>(1) This section applies if a person has been arrested under an extradition arrest power at a place other than a police station.</p> <p>(2) A constable may enter and search</p>

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<p>has reasonable grounds for believing —</p> <p>(a) where the person has not been convicted of the offence to which subsection (3) refers, that there is on the premises evidence (other than items subject to legal privilege) relating to the offence; or</p> <p>(b) where in any case, there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(3) The offence to which this subsection refers is —</p> <p>(a) the offence in respect of which extradition is requested, if the arrest was under a warrant issued under section 14; or</p> <p>(b) the offence of which the person is accused, if the arrest was under a provisional warrant.</p> <p>(4) The power to search that is conferred by subsection (2) —</p> <p>(a) is, if the person has not been convicted of the offence, a power to search for evidence (other than items subject to legal privilege) relating to the offence; and</p> <p>(b) is, in any case, a power to search for evidence (other than items relating to legal privilege) relating to the identity of the person.</p> <p>(5) The power to search that is conferred by subsection (2) is exercisable only to the extent that is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of subsection (4).</p> <p>(6) A constable may seize and retain anything for which he or she may search by virtue of subsection (4).</p> <p>(7) A constable who has entered premises in exercise of the power that is conferred by subsection (2) may seize and retain anything that is on the premises if he or she has reasonable grounds for believing —</p> <p>(a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence; and</p> <p>(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.</p> <p>(8) An offence includes an offence committed outside the Island.</p>	<p>search any premises in which the person was present at the time of the arrest; or immediately before the arrest, if the police officer has reasonable grounds for believing —</p> <p>(a) where the person has not been convicted of the offence to which paragraph (3) refers, that there is on the premises evidence (other than items subject to legal privilege) relating to the offence; or</p> <p>(b) where in any case, there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(3) The offence to which this paragraph refers is —</p> <p>(a) the offence in respect of which extradition is requested, if the arrest was under a warrant issued under Article 8; or</p> <p>(b) the offence of which the person is accused, if the arrest was under a provisional warrant.</p> <p>(4) The power to search that is conferred by paragraph (2) —</p> <p>(a) is, if the person has not been convicted of the offence, a power to search for evidence (other than items subject to legal privilege) relating to the offence; and</p> <p>(b) is, in any case, a power to search for evidence (other than items relating to legal privilege) relating to the identity of the person.</p> <p>(5) The power to search that is conferred by paragraph (2) is exercisable only to the extent that is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of paragraph (4).</p>	<p>search any premises in which the person was present at the time of the arrest, or immediately before the arrest, if the officer of police has reasonable grounds for believing —</p> <p>(a) where the person has not been convicted of the offence to which subsection (3) refers, that there is on the premises evidence (other than items subject to legal privilege) relating to the offence, or</p> <p>(b) where in any case, there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(3) The offence to which this section refers is —</p> <p>(a) the offence in respect of which extradition is requested, if the arrest was under a warrant issued under section 7, or</p> <p>(b) the offence of which the person is accused, if the arrest was under a provisional warrant.</p> <p>(4) The power to search that is conferred by subsection (2) —</p> <p>(a) is, if the person has not been convicted of the offence, a power to search for evidence (other than items subject to legal privilege) relating to the offence, and</p> <p>(b) is, in any case, a power to search for evidence (other than items relating to legal privilege) relating to the identity of the person.</p> <p>(5) The power to search that is conferred by subsection (2) is exercisable only to the extent that is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of subsection (4).</p>	<p>any premises in which the person was at the time of his arrest or immediately before his arrest if he has reasonable grounds for believing—</p> <p>(a) if the person has not been convicted of the relevant offence, that there is on the premises evidence (other than items subject to legal privilege) relating to the relevant offence;</p> <p>(b) in any case, that there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(3) The relevant offence is the offence—</p> <p>(a) referred to in the Part 1 warrant, if the arrest was under a Part 1 warrant;</p> <p>(b) in respect of which the constable has reasonable grounds for believing that a Part 1 warrant has been or will be issued, if the arrest was under section 5;</p> <p>(c) in respect of which extradition is requested, if the arrest was under a warrant issued under section 71;</p> <p>(d) of which the person is accused, if the arrest was under a provisional warrant [or under section 74A] 1 .</p> <p>(4) The power to search conferred by subsection (2)—</p> <p>(a) if the person has not been convicted of the relevant offence, is a power to search for evidence (other than items subject to legal privilege) relating to the relevant offence;</p> <p>(b) in any case, is a power to search for evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(5) The power to search conferred by subsection (2) is exercisable only to the</p>

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<p>(9) If the premises contain 2 or more separate dwellings, the power that is conferred by subsection (2) is exercisable only in respect of —</p> <p>(a) any dwelling that is comprised in the premises and is a dwelling in which the arrest took place or the person was present immediately before his or her arrest; and</p> <p>(b) parts of the premises which the occupier of any such dwelling uses in common with the occupier of any other dwelling comprised in the premises.</p>	<p>(6) A police officer may seize and retain anything for which he or she may search by virtue of paragraph (4).</p> <p>(7) A police officer who has entered premises in exercise of the power that is conferred by paragraph (2) may seize and retain anything that is on the premises if he or she has reasonable grounds for believing —</p> <p>(a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence; and</p> <p>(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.</p> <p>(8) An offence includes an offence committed outside Jersey.</p> <p>(9) If the premises contain 2 or more separate dwellings, the power that is conferred by paragraph (2) is exercisable only in respect of —</p> <p>(a) any dwelling that is comprised in the premises and is a dwelling in which the arrest took place or the person was present immediately before his arrest; and</p> <p>(b) parts of the premises which the occupier of any such dwelling uses in common with the occupier of any other dwelling comprised in the premises.</p>	<p>(6) An officer of police may seize and retain anything for which he or she may search by virtue of subsection (4).</p> <p>(7) An officer of police who has entered premises in exercise of the power that is conferred by subsection (2) may seize and retain anything that is on the premises if he or she has reasonable grounds for believing —</p> <p>(a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence, and</p> <p>(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.</p> <p>(8) An offence includes an offence committed outside the Bailiwick.</p> <p>(9) If the premises contain two or more separate dwellings, the power that is conferred by subsection (2) is exercisable only in respect —</p> <p>(a) any dwelling that is comprised in the premises and is a dwelling in which the arrest took place or the person was present immediately before his or her arrest, and</p> <p>(b) parts of the premises which the occupier of any such dwelling uses in common with the occupier of any other dwelling comprised in the premises.</p>	<p>extent that it is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of subsection (4).</p> <p>(6) A constable may seize and retain anything for which he may search by virtue of subsections (4) and (5).</p> <p>(7) A constable who has entered premises in exercise of the power conferred by subsection (2) may seize and retain anything which is on the premises if he has reasonable grounds for believing—</p> <p>(a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence, and</p> <p>(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.</p> <p>(8) An offence includes an offence committed outside the United Kingdom.</p> <p>(9) If the premises contain 2 or more separate dwellings, the power conferred by subsection (2) is a power to enter and search only—</p> <p>(a) any dwelling in which the arrest took place or in which the person was immediately before his arrest, and</p> <p>(b) any parts of the premises which the occupier of any such dwelling uses in common with the occupiers of any other dwelling comprised in the premises.</p>
<p>102 Search of person on arrest</p> <p>(1) This section applies if a person has been arrested under an extradition arrest warrant at a place other than a police station.</p> <p>(2) A constable may search the person if the constable has reasonable grounds for believing that the person may present a danger to himself or herself or others.</p>	<p>87 Search of person on arrest</p> <p>(1) This Article applies if a person has been arrested under an extradition arrest warrant at a place other than a police station.</p> <p>(2) A police officer may search the person if the police officer has reasonable grounds for believing that</p>	<p>Search of person on arrest.</p> <p>97. (1) This section applies if a person has been arrested under an extradition arrest warrant at a place other than a police station.</p> <p>(2) An officer of police may search the person if the officer of police has reasonable grounds for believing that</p>	<p>163 Search of person on arrest</p> <p>(1) This section applies if a person has been arrested under an extradition arrest power at a place other than a police station.</p> <p>(2) A constable may search the person if he has reasonable grounds for believing that the person may present a</p>

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<p>(3) A constable may search the person if the constable has reasonable grounds for believing that the person may have concealed on him or her anything —</p> <p>(a) that the person might use to assist him or her to escape from lawful custody; or</p> <p>(b) that might be evidence relating to an offence or the identity of the person.</p> <p>(4) The power to search conferred by subsection (3) —</p> <p>(a) is a power to search for anything falling within either of paragraphs (a) and (b) of that subsection; and</p> <p>(b) is exercisable only to the extent that is reasonably required for the purpose of discovering such a thing.</p> <p>(5) The powers conferred by subsections (2) and (3) do not authorize a constable to require a person to remove any clothing in public, other than an outer coat, jacket or gloves.</p> <p>(6) The powers conferred by subsections (2) and (3) authorise a search of a person's mouth.</p> <p>(7) A constable who is searching a person in exercise of the power that is conferred by subsection (2) may seize and retain anything that the constable finds, if he or she has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or herself or any other person.</p> <p>(8) A constable searching a person in exercise of the power conferred by subsection (3) may seize and retain anything the constable finds, if the constable has reasonable grounds for believing —</p> <p>(a) that the person might use it to assist him or her to escape from lawful custody; or</p> <p>(b) that it is evidence of an offence or of the identity of the person or has been obtained in consequence of the commission of an offence.</p> <p>(9) An offence includes an offence committed outside the Island.</p> <p>(10) Nothing in this section affects the powers conferred by section 32 of the Anti-Terrorism and Crime Act 2003 (stopping and searching of suspected terrorists and seizure and retention of suspected evidence).</p>	<p>the person may present a danger to himself or herself or others.</p> <p>(3) A police officer may search the person if the police officer has reasonable grounds for believing that the person may have concealed on him or her anything —</p> <p>(a) that the person might use to assist him or her to escape from lawful custody; or</p> <p>(b) that might be evidence relating to an offence or the identity of the person.</p> <p>(4) The power to search that is conferred by paragraph (3) —</p> <p>(a) is a power to search for anything falling within either of sub-paragraphs (a) and (b) of that paragraph; and</p> <p>(b) is exercisable only to the extent that is reasonably required for the purpose of discovering such a thing.</p> <p>(5) The powers conferred by paragraphs (2) and (3) do not authorize a police officer to require a person to remove any clothing in public, other than an outer coat, jacket or gloves.</p> <p>(6) The powers conferred by paragraphs (2) and (3) authorize a search of a person's mouth.</p> <p>(7) A police officer who is searching a person in exercise of the power that is conferred by paragraph (2) may seize and retain anything that the police officer finds, if he or she has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or herself or any other person.</p> <p>(8) A police officer searching a person in exercise of the power conferred by paragraph (3) may seize and retain anything the police officer finds, if the police officer has reasonable grounds</p>	<p>the person may present a danger to himself or herself or others.</p> <p>(3) An officer of police may search the person if the officer of police has reasonable grounds for believing that the person may have concealed on his or her person anything —</p> <p>(a) that the person might use to assist the person to escape from lawful custody, or</p> <p>(b) that might be evidence relating to an offence or the identity of the person.</p> <p>(4) The power to search that is conferred by subsection (3) —</p> <p>(a) is a power to search for anything falling within either of paragraphs (a) and (b) of that subsection, and</p> <p>(b) is exercisable only to the extent that is reasonably required for the purpose of discovering such a thing.</p> <p>(5) The powers conferred by subsections (2) and (3) do not authorise an officer of police to require a person to remove any clothing in public, other than an outer coat, jacket or gloves.</p> <p>(6) The powers conferred by subsections (2) and (3) authorise a search of a person's mouth.</p> <p>(7) An officer of police who is searching a person in exercise of the power that is conferred by subsection (2) may seize and retain anything that the officer of police finds, if he or she has reasonable grounds for believing that the person searched ("P") might use it to cause physical injury to P or to any other person.</p> <p>(8) An officer of police searching a person in exercise of the power conferred by subsection (3) may seize and retain anything the officer of police</p>	<p>danger to himself or others.</p> <p>(3) A constable may search the person if he has reasonable grounds for believing that the person may have concealed on him anything—</p> <p>(a) which he might use to assist him to escape from lawful custody;</p> <p>(b) which might be evidence relating to an offence or to the identity of the person.</p> <p>(4) The power to search conferred by subsection (3)—</p> <p>(a) is a power to search for anything falling within paragraph (a) or (b) of that subsection;</p> <p>(b) is exercisable only to the extent that is reasonably required for the purpose of discovering such a thing.</p> <p>(5) The powers conferred by subsections (2) and (3)—</p> <p>(a) do not authorise a constable to require a person to remove any of his clothing in public, other than an outer coat, jacket or gloves;</p> <p>(b) authorise a search of a person's mouth.</p> <p>(6) A constable searching a person in exercise of the power conferred by subsection (2) may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person.</p> <p>(7) A constable searching a person in exercise of the power conferred by subsection (3) may seize and retain anything he finds if he has reasonable grounds for believing—</p> <p>(a) that the person might use it to assist him to escape from lawful custody;</p> <p>(b) that it is evidence of an offence or</p>

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	<p>for believing –</p> <p>(a) that the person might use it to assist him or her to escape from lawful custody; or</p> <p>(b) that it is evidence of an offence or of the identity of the person or has been obtained in consequence of the commission of an offence.</p> <p>(9) An offence includes an offence committed outside Jersey.</p> <p>(10) Nothing in this Article affects the powers conferred by Article 39 of the Terrorism (Jersey) Law 2002 (relating to the stopping and searching of suspected terrorists and the seizure and retention of suspected evidence).</p>	<p>finds, if the officer of police has reasonable grounds for believing –</p> <p>(a) that the person might use it to assist him or her to escape from lawful custody, or</p> <p>(b) that it is evidence of an offence or of the identity of the person or has been obtained in consequence of the commission of an offence.</p> <p>(9) An offence includes an offence committed outside the Bailiwick.</p> <p>(10) Nothing in this section affects the powers conferred by section 44 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 (relating to the stopping and searching of suspected terrorists and the seizure and retention of suspected evidence).</p>	<p>of the identity of the person or has been obtained in consequence of the commission of an offence.</p> <p>(8) An offence includes an offence committed outside the United Kingdom.</p> <p>(9) Nothing in this section affects the power conferred by section 43 of the Terrorism Act 2000 (c. 11).</p>
<p>103 Entry and search of premises after arrest</p> <p>(1) This section applies if a person has been arrested under an extradition arrest warrant.</p> <p>(2) A constable may enter and search any premises occupied or controlled by the person, if the constable has reasonable grounds for believing –</p> <p>(a) where the person has not been convicted of the offence to which subsection (3) refers, that there is on the premises evidence (other than items subject to legal privilege) relating to the offence; or</p> <p>(b) where in any case, there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(3) The offence to which this subsection refers is –</p> <p>(a) the offence in respect of which extradition is requested, if the arrest was under a warrant issued under section 14; and</p> <p>(b) the offence of which the person is accused, if the arrest was under a provisional warrant.</p> <p>(4) The power to search that is conferred by subsection (2) –</p> <p>(a) is, if the person has not been convicted of the offence, a power to search for evidence (other than items subject to legal privilege) relating to the offence;</p>	<p>88 Entry and search of premises after arrest</p> <p>(1) This Article applies if a person has been arrested under an extradition arrest warrant.</p> <p>(2) A police officer may enter and search any premises occupied or controlled by the person, if the police officer has reasonable grounds for believing –</p> <p>(a) where the person has not been convicted of the offence to which paragraph (3) refers, that there is on the premises evidence (other than items subject to legal privilege) relating to the offence; or</p> <p>(b) where in any case, there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(3) The offence to which this paragraph refers is –</p> <p>(a) the offence in respect of which extradition is requested, if the arrest</p>	<p>Entry and search of premises after arrest.</p> <p>98. (1) This section applies if a person has been arrested under an extradition arrest warrant.</p> <p>(2) An officer of police may enter and search any premises occupied or controlled by the person, if the officer of police has reasonable grounds for believing –</p> <p>(a) if the person has not been convicted of the offence to which subsection (3) refers, that there is on the premises evidence (other than items subject to legal privilege) relating to the offence, or</p> <p>(b) in any case, there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(3) The offence to which this subsection refers is –</p> <p>(a) the offence in respect of which extradition is requested, if the arrest</p>	<p>164 Entry and search of premises after arrest</p> <p>(1) This section applies if a person has been arrested under an extradition arrest power.</p> <p>(2) A constable may enter and search any premises occupied or controlled by the person if the constable has reasonable grounds for suspecting—</p> <p>(a) if the person has not been convicted of the relevant offence, that there is on the premises evidence (other than items subject to legal privilege) relating to the relevant offence;</p> <p>(b) in any case, that there is on the premises evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(3) The relevant offence is the offence—</p> <p>(a) referred to in the Part 1 warrant, if the arrest was under a Part 1 warrant;</p> <p>(b) in respect of which the constable</p>

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<p>and</p> <p>(b) is, in any case, a power to search for evidence (other than items relating to legal privilege) relating to the identity of the person.</p> <p>(5) The power to search that is conferred by subsection (2) is exercisable only to the extent that is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of subsection (4).</p> <p>(6) A constable may seize and retain anything for which the constable may search by virtue of subsections (4) and (5).</p> <p>(7) A constable who has entered premises in exercise of the power conferred by subsection (2) may seize and retain anything that is on the premises if the constable has reasonable grounds for believing —</p> <p>(a) that it has been obtained in consequence of the commission of an offence, or it is evidence in relation to an offence; and</p> <p>(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.</p> <p>(8) An offence includes an offence committed outside the Island.</p> <p>(9) The powers conferred by subsections (2) and (6) may be exercised only if a police officer of a rank not lower than that of inspector has given written authorisation for its exercise.</p> <p>(10) However, the power conferred by subsection (2) may be exercised without the authorisation under subsection (9) if —</p> <p>(a) the power is exercised before the person arrested is taken to a police station; and</p> <p>(b) the presence of the person at a place other than a police station is necessary for the effective exercise of the power to search.</p>	<p>was under a warrant issued under Article 8; and</p> <p>(b) the offence of which the person is accused, if the arrest was under a provisional warrant.</p> <p>(4) The power to search that is conferred by paragraph (2) –</p> <p>(a) is, if the person has not been convicted of the offence, a power to search for evidence (other than items subject to legal privilege) relating to the offence; and</p> <p>(b) is, in any case, a power to search for evidence (other than items relating to legal privilege) relating to the identity of the person.</p> <p>(5) The power to search that is conferred by paragraph (2) is exercisable only to the extent that is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of paragraph (4).</p> <p>(6) A police officer may seize and retain anything for which the police officer may search by virtue of paragraphs (4) and (5).</p> <p>(7) A police officer who has entered premises in exercise of the power that is conferred by paragraph (2) may seize and retain anything that is on the premises if the police officer has reasonable grounds for believing –</p> <p>(a) that it has been obtained in consequence of the commission of an offence, or it is evidence in relation to an offence; and</p> <p>(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.</p> <p>(8) An offence includes an offence committed outside Jersey.</p>	<p>was under a warrant issued under section 7, and</p> <p>(b) the offence of which the person is accused, if the arrest was under a provisional warrant.</p> <p>(4) The power to search that is conferred by subsection (2) –</p> <p>(a) is, if the person has not been convicted of the offence, a power to search for evidence (other than items subject to legal privilege) relating to the offence, and</p> <p>(b) is, in any case, a power to search for evidence (other than items relating to legal privilege) relating to the identity of the person.</p> <p>(5) The power to search that is conferred by subsection (2) is exercisable only to the extent that is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of subsection (4).</p> <p>(6) An officer of police may seize and retain anything for which the officer of police may search by virtue of subsections (4) and (5).</p> <p>(7) An officer of police who has entered premises in exercise of the power that is conferred by subsection (2) may seize and retain anything that is on the premises if the officer of police has reasonable grounds for believing –</p> <p>(a) that it has been obtained in consequence of the commission of an offence, or it is evidence in relation to an offence, and</p> <p>(b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.</p> <p>(8) An offence includes an offence committed outside the Bailiwick.</p>	<p>has reasonable grounds for believing that a Part 1 warrant has been or will be issued, if the arrest was under section 5;</p> <p>(c) in respect of which extradition is requested, if the arrest was under a warrant issued under section 71;</p> <p>(d) of which the person is accused, if the arrest was under a provisional warrant [or under section 74A] 1 .</p> <p>(4) The power to search conferred by subsection (2)—</p> <p>(a) if the person has not been convicted of the relevant offence, is a power to search for evidence (other than items subject to legal privilege) relating to the relevant offence;</p> <p>(b) in any case, is a power to search for evidence (other than items subject to legal privilege) relating to the identity of the person.</p> <p>(5) The power to search conferred by subsection (2) is exercisable only to the extent that it is reasonably required for the purpose of discovering evidence in respect of which the power is available by virtue of subsection (4).</p> <p>(6) A constable may seize and retain anything for which he may search by virtue of subsections (4) and (5).</p> <p>(7) A constable who has entered premises in exercise of the power conferred by subsection (2) may seize and retain anything which is on the premises if he has reasonable grounds for believing—</p> <p>(a) that it has been obtained in consequence of the commission of an offence or it is evidence in relation to an offence, and</p> <p>(b) that it is necessary to seize it in order to prevent it being concealed,</p>

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	<p>(9) The power to enter and search that is conferred by paragraph (2) may be exercised only if a police officer of a rank not lower than that of inspector, or a Centenier of the parish, has given written authorization for its exercise, or –</p> <p>(a) the power is exercised before the person arrested is taken to a police station; and</p> <p>(b) the presence of the person at a place other than a police station is necessary for the effective exercise of the power to search.</p> <p>(10) A Centenier who gives written authorization for the exercise of the power that is conferred by paragraph (2) shall send a copy of the authorization to the Chief Officer of Police.⁴⁴</p> <p>(11) The power that is conferred by paragraph (6) may be exercised only if a police officer of a rank not lower than that of inspector has given written authorization for its exercise.</p>	<p>(9) The powers to enter, search and seize that are conferred by subsection (2) and (6) may be exercised only if a relevant officer has given written authorisation for its exercise, or –</p> <p>(a) the power is exercised before the person arrested is taken to a police station, and</p> <p>(b) the presence of the person at a place other than a police station is necessary for the effective exercise of the power to search.</p> <p>(10) For the purposes of this section "a relevant officer" means –</p> <p>(a) a member of the Island Police Force who holds the rank of inspector or above,</p> <p>(b) a member of any police force which may be established by the States of Alderney who holds the rank of inspector or above, or</p> <p>(c) a customs officer of the grade of senior investigation officer or above.</p>	<p>lost, damaged, altered or destroyed.</p> <p>(8) An offence includes an offence committed outside the United Kingdom.</p> <p>(9) The powers conferred by subsections (2) and (6) may be exercised only if a police officer of the rank of inspector or above has given written authorisation for their exercise.</p> <p>(10) But the power conferred by subsection (2) may be exercised without authorisation under subsection (9) if—</p> <p>(a) it is exercised before the person arrested is taken to a police station, and</p> <p>(b) the presence of the person at a place other than a police station is necessary for the effective exercise of the power to search.</p> <p>(11) Subsections (9) and (10) do not apply to Scotland.</p>
<p>104 Fingerprints and samples</p> <p>If a person has been arrested under an extradition arrest warrant and is detained at a police station, fingerprints or a non-intimate sample may be taken from the person only if taken by a constable and —</p> <p>(a) the appropriate consent is given in writing; or</p> <p>(b) a police officer of a rank not lower than that of inspector authorises the fingerprints or sample to be taken.</p>	<p>89 Fingerprints and samples</p> <p>(1) If a person has been arrested under an extradition arrest warrant and is detained at a police station, fingerprints may be taken from the person only if they are taken by a police officer –</p> <p>(a) with the appropriate consent given in writing; or</p> <p>(b) under paragraph (3).</p> <p>(2) If a person has been arrested under an extradition arrest warrant and is detained at a police station, a non-intimate sample may be taken from the person only if it is taken by a police officer –</p> <p>(a) with the appropriate consent given in writing; or</p>	<p>Fingerprints and samples.</p> <p>99. (1) If a person has been arrested under an extradition arrest warrant and is detained at a police station, fingerprints may be taken from the person only if they are taken by an officer of police –</p> <p>(a) with the appropriate consent given in writing, or</p> <p>(b) under subsection (3).</p> <p>(2) If a person has been arrested under an extradition arrest warrant and is detained at a police station, a non-intimate sample may be taken from the person only if it is taken by an officer of police –</p> <p>(a) with the appropriate consent given</p>	<p>166 Fingerprints and samples</p> <p>(1) This section applies if a person has been arrested under an extradition arrest power and is detained at a police station.</p> <p>(2) Fingerprints may be taken from the person only if they are taken by a constable—</p> <p>(a) with the appropriate consent given in writing, or</p> <p>(b) without that consent, under subsection (4).</p> <p>(3) A non-intimate sample may be taken from the person only if it is taken by a constable—</p> <p>(a) with the appropriate consent given in writing, or</p>

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	<p>(b) under paragraph (3). (3) Fingerprints or a non-intimate sample may be taken from the person without the appropriate consent only if a police officer of a rank not lower than that of inspector authorizes the fingerprints or sample to be taken.</p>	<p>in writing, or (b) under subsection (3). (3) Fingerprints or a non-intimate sample may be taken from the person without the appropriate consent only if a relevant officer authorises the fingerprints or sample to be taken. (4) For the purposes of this section, "relevant officer" has the meaning given in section 98.</p>	<p>(b) without that consent, under subsection (4). (4) Fingerprints or a non-intimate sample may be taken from the person without the appropriate consent only if a police officer of at least the rank of inspector authorises the fingerprints or sample to be taken.</p>
<p>105 Searches and examinations (1) If a person — (a) has been arrested under an extradition arrest warrant; and (b) is detained at a police station, the person may on the authorisation of a police officer of a rank not lower than that of inspector be searched or examined, or both, for the purpose of facilitating the ascertainment of the person's identity. (2) An identifying mark found on a search or examination under this section may be photographed — (a) with the appropriate consent; or (b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it. (3) The only persons who may carry out searches or examinations, or take photographs, under this section are — (a) constables; and (b) persons designated for the purposes of this section by the Chief Constable. (4) A person may not under this section — (a) carry out a search or examination of a person of the opposite sex; or (b) take a photograph of any part of the body of a person of the opposite sex. (5) An intimate search may not be carried out under this section. (6) For the purposes of this section — (a) ascertaining a person's identity includes ascertaining that he or she is not a particular person; (b) taking a photograph includes using a process by means of which a visual image may be produced, and</p>	<p>90 Searches and examinations (1) If a person — (a) has been arrested under an extradition arrest warrant; and (b) is detained at a police station, the person may on the authorization of a police officer of a rank not lower than that of inspector be searched or examined, or both, for the purpose of facilitating the ascertainment of the person's identity. (2) An identifying mark found on a search or examination under this Article may be photographed — (a) with the appropriate consent; or (b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it. (3) The only persons who may carry out searches or examinations, or take photographs, under this Article are — (a) police officers; and (b) persons designated for the purposes of this Article by the Chief Officer of Police. (4) A person may not under this Article — (a) carry out a search or examination of a person of the opposite sex; or (b) take a photograph of any part of the body of a person of the opposite sex.</p>	<p>Searches and examinations. 100. (1) If a person — (a) has been arrested under an extradition arrest warrant, and (b) is detained at a police station, the person may, on the authorisation of an officer of police of a rank not lower than that of inspector, be searched or examined, or both, for the purpose of facilitating the ascertainment of the person's identity. (2) An identifying mark found on a search or examination under this section may be photographed — (a) with the appropriate consent, or (b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it. (3) The only persons who may carry out searches or examinations, or take photographs, under this section are — (a) officers of police, and (b) persons designated for the purposes of this section by the Chief Officer of Police or the Chief Officer of Customs and Excise. (4) A person may not under this section — (a) carry out a search or examination of a person of the opposite sex, or (b) take a photograph of any part of the body of a person of the opposite</p>	<p>167 Searches and examination (1) This section applies if a person has been arrested under an extradition arrest power and is detained at a police station. (2) If a police officer of at least the rank of inspector authorises it, the person may be searched or examined, or both, for the purpose of facilitating the ascertainment of his identity. (3) An identifying mark found on a search or examination under this section may be photographed— (a) with the appropriate consent, or (b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it. (4) The only persons entitled to carry out a search or examination, or take a photograph, under this section are— (a) constables; (b) persons designated for the purposes of this section by the appropriate police officer. (5) A person may not under this section— (a) carry out a search or examination of a person of the opposite sex; (b) take a photograph of any part of the body (other than the face) of a person of the opposite sex. (6) An intimate search may not be</p>

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<p>photographing a person is to be construed accordingly; and</p> <p>(c) marks include features and injuries, and a mark is an identifying mark if its existence in a person's case facilitates the ascertainment of the person's identity.</p>	<p>(5) An intimate search may not be carried out under this Article.</p> <p>(6) Ascertaining a person's identity includes ascertaining that he or she is not a particular person.</p> <p>(7) Marks include features and injuries, and a mark is an identifying mark if its existence in a person's case facilitates the ascertainment of the person's identity.</p>	<p>sex.</p> <p>(5) An intimate search may not be carried out under this section.</p> <p>(6) For the purposes of this section –</p> <p>(a) ascertaining a person's identity includes ascertaining that he or she is not a particular person,</p> <p>(b) taking a photograph includes using a process by means of which a visual image may be produced, and photographing a person shall be construed accordingly, and</p> <p>(c) marks include features and injuries, and a mark is an identifying mark if its existence in a person's case facilitates the ascertainment of the person's identity.</p>	<p>carried out under this section.</p> <p>(7) Ascertaining a person's identity includes showing that he is not a particular person.</p> <p>(8) Taking a photograph includes using a process by means of which a visual image may be produced; and photographing a person must be construed accordingly.</p> <p>(9) Mark includes features and injuries and a mark is an identifying mark if its existence in a person's case facilitates the ascertainment of his identity.</p> <p>(10) The appropriate police officer is—</p> <p>(a) in England and Wales, the chief officer of police for the police area in which the police station in question is situated;</p> <p>(b) in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland.</p>
<p>106 Photographs</p> <p>(1) If a person has been arrested under an extradition arrest warrant and is detained at a police station, the person may be photographed –</p> <p>(a) with the appropriate consent; or</p> <p>(b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it.</p> <p>(2) A person proposing to take a photograph of a person under this section –</p> <p>(a) may, for the purpose of doing so, require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed; and</p> <p>(b) may, if the requirement is not complied with, remove the item or substance.</p> <p>(3) The only persons who may take photographs under this section are –</p> <p>(a) constables; and</p> <p>(b) persons designated for the purposes of this section by the Chief Constable.</p> <p>(4) Taking a photograph includes using a process</p>	<p>91 Photographs</p> <p>(1) If a person has been arrested under an extradition arrest warrant and is detained at a police station, the person may be photographed –</p> <p>(a) with the appropriate consent; or</p> <p>(b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it.</p> <p>(2) A person proposing to take a photograph of a person under this Article –</p> <p>(a) may, for the purpose of doing so, require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed; and</p> <p>(b) may, if the requirement is not complied with, remove the item or substance.</p> <p>(3) The only persons who may take</p>	<p>Photographs.</p> <p>101. (1) If a person has been arrested under an extradition arrest warrant and is detained at a police station, the person may be photographed –</p> <p>(a) with the appropriate consent, or</p> <p>(b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it.</p> <p>(2) A person proposing to take a photograph of a person under this section –</p> <p>(a) may, for the purpose of doing so, require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed, and</p> <p>(b) may, if the requirement is not complied with, remove the item or substance.</p> <p>(3) The only persons who may take</p>	<p>168 Photographs</p> <p>(1) This section applies if a person has been arrested under an extradition arrest power and is detained at a police station.</p> <p>(2) The person may be photographed—</p> <p>(a) with the appropriate consent, or</p> <p>(b) without the appropriate consent, if that consent is withheld or it is not practicable to obtain it.</p> <p>(3) A person proposing to take a photograph of a person under this section—</p> <p>(a) may for the purpose of doing so require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed, and</p> <p>(b) if the requirement is not complied with may remove the item or substance himself.</p>

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<p>by means of which a visual image may be produced; and photographing a person is to be construed accordingly.</p>	<p>photographs under this Article are – (a) police officers; and (b) persons designated for the purposes of this Article by the Chief Officer of Police.</p>	<p>photographs under this section are – (a) officers of police, and (b) persons designated for the purposes of this section by the Chief Officer of Police.</p>	<p>(4) The only persons entitled to take a photograph under this section are— (a) constables; (b) persons designated for the purposes of this section by the appropriate police officer. (5) Taking a photograph includes using a process by means of which a visual image may be produced; and photographing a person must be construed accordingly. (6) The appropriate police officer is— (a) in England and Wales, the chief officer of police for the police area in which the police station in question is situated; (b) in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland.</p>
<p>107 Other treatment and rights (1) The Department may by order apply the provisions to which subsection (2) refers to persons to whom subsection (3) refers, with such modifications as are specified in the order. Tynwald procedure – approval required. (2) This subsection refers to the following provisions of PPPA — (a) section 57 (searches of detained persons); (b) section 58 (intimate searches); (c) section 59 (right, when arrested, to have someone informed); and (d) section 61 (access to legal advice). (3) This subsection refers to any persons who — (a) are arrested under extradition arrest warrants at police stations; (b) are taken to police stations after being arrested elsewhere under extradition arrest warrants; or (c) are detained at police stations after being arrested under extradition arrest warrants.</p>	<p>92 Other treatment and rights (1) The Minister may by Order apply the provisions to which paragraph (2) refers to persons to whom paragraph (3) refers, with such modifications as are specified in the Order.⁴⁵ (2) This paragraph refers to the following provisions of PPCEL – (a) Article 50 (relating to searches of detained persons); (b) Article 51 (relating to intimate searches); (c) Article 52 (relating to the right, when arrested, to have someone informed); and (d) Article 54 (relating to access to legal advice). (3) This paragraph refers to any persons who – (a) are arrested under extradition arrest warrants at police stations; (b) are taken to police stations after</p>	<p>Other treatment and rights. 102. (1) The Committee may by regulations apply the provisions to which subsection (2) refers to persons to whom subsection (3) refers, with such modifications as are specified in the regulations. (2) This section refers to the following provisions of PPACE – (a) section 62 (searches of detained persons), (b) section 63 (intimate searches), (c) section 64 (right to have someone informed when arrested), and (d) section 66 (access to legal advice). (3) This section refers to any persons who – (a) are arrested under extradition arrest warrants at police stations, (b) are taken to police stations after being arrested elsewhere under extradition arrest warrants, or</p>	<p>171 Other treatment and rights (1) This section applies in relation to cases where a person— (a) is arrested under an extradition arrest power at a police station; (b) is taken to a police station after being arrested elsewhere under an extradition arrest power; (c) is detained at a police station after being arrested under an extradition arrest power. (2) In relation to those cases the Secretary of State may by order apply the provisions mentioned in subsections (3) and (4) with specified modifications. (3) The provisions are these provisions of the Police and Criminal Evidence Act 1984 (c. 60)— (a) section 54 (searches of detained persons); (b) section 55 (intimate searches); (c) section 56 (right to have someone</p>

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	being arrested elsewhere under extradition arrest warrants; or (c) are detained at police stations after being arrested under extradition arrest warrants.	(c) are detained at police stations after being arrested under extradition arrest warrants.	informed when arrested); (d) section 58 (access to legal advice). (4) The provisions are these provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))— (a) Article 55 (searches of detained persons); (b) Article 56 (intimate searches); (c) Article 57 (right to have someone informed when arrested); (d) Article 59 (access to legal advice).
<p>108 Delivery of seized property</p> <p>(1) This section applies to anything that has been seized or produced under this Part.</p> <p>(2) A constable may deliver any such thing to a person who is or is acting on behalf of an authority if the constable has reasonable grounds for believing that the authority —</p> <p>(a) is an authority of the designated territory concerned; and</p> <p>(b) has functions such that it is appropriate for the thing to be delivered to it.</p> <p>(3) If the seizure power was a warrant issued under this Part or the thing was produced under an order made under this Part, the designated territory concerned is the one specified in the application for the warrant or the order.</p> <p>(4) If the seizure power was section 100(3), section 101(6) or (7), section 102(7) or (8) or section 103(6) or (7), the designated territory concerned is —</p> <p>(a) the designated territory to which a person's extradition is requested, where the applicable arrest power is a warrant issued under section 14; or</p> <p>(b) the designated territory in which a person is accused of the commission of an offence or has been convicted of an offence, where the applicable arrest power is a provisional warrant.</p> <p>(5) The applicable extradition arrest power is —</p> <p>(a) the extradition arrest power under which a constable had power of arrest, where the seizure power was section 100(3); or</p>	<p>93 Delivery of seized property</p> <p>(1) This Article applies to anything that has been seized or produced under this Part.</p> <p>(2) A police officer may deliver any such thing to a person who is or is acting on behalf of an authority if the police officer has reasonable grounds for believing that the authority —</p> <p>(a) is an authority of the designated territory concerned; and</p> <p>(b) has functions such that it is appropriate for the thing to be delivered to it.</p> <p>(3) If the seizure power was a warrant issued under this Part or the thing was produced under an order made under this Part, the designated territory concerned is the one specified in the application for the warrant or the order.</p> <p>(4) If the seizure power was Article 85(3), paragraph (6) or paragraph (7) of Article 86, paragraph (7) or paragraph (8) of Article 87 or paragraph (6) or paragraph (7) of Article 88, the designated territory concerned is —</p> <p>(a) the designated territory to which a person's extradition is requested, where the applicable arrest power is a warrant</p>	<p>Delivery of seized property.</p> <p>103. (1) This section applies to anything that has been seized or produced under this Part.</p> <p>(2) An officer of police may deliver any such thing to a person who is or is acting on behalf of an authority if the officer of police has reasonable grounds for believing that the authority —</p> <p>(a) is an authority of the designated territory concerned, and</p> <p>(b) has functions such that it is appropriate for the thing to be delivered to it.</p> <p>(3) If the seizure power was a warrant issued under this Part or the thing was produced under an order made under this Part, the designated territory concerned is the one specified in the application for the warrant or the order.</p> <p>(4) If the seizure power was conferred by section 95(3), section 96(6) or (7), section 97(7) or (8), or section 98(6) or (7), the designated territory concerned is —</p> <p>(a) the designated territory to which a person's extradition is requested, where the applicable arrest power is a warrant issued under section 7, or</p> <p>(b) the designated territory in which a</p>	<p>172 Delivery of seized property</p> <p>(1) This section applies to—</p> <p>(a) anything which has been seized or produced under this Part, or</p> <p>(b) anything which has been seized under section 50 or 51 of the Criminal Justice and Police Act 2001 (c. 16) in reliance on a power of seizure conferred by this Part.</p> <p>(2) A constable may deliver any such thing to a person who is or is acting on behalf of an authority if the constable has reasonable grounds for believing that the authority—</p> <p>(a) is an authority of the relevant territory, and</p> <p>(b) has functions such that it is appropriate for the thing to be delivered to it.</p> <p>(3) If the relevant seizure power was a warrant issued under this Part, or the thing was produced under an order made under this Part, the relevant territory is the category 1 or category 2 territory specified in the application for the warrant or order.</p> <p>(4) If the relevant seizure power was section 161(4), 162(6) or (7), 163(6) or (7) or 164(6) or (7), the relevant territory is—</p>

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<p>(b) the extradition arrest power under which a person was arrested, where the seizure power was section 101(6) or (7), section 102(7) or (8) or section 103(6) or (7).</p>	<p>issued under Article 8; or (b) the designated territory in which a person is accused of the commission of an offence or has been convicted of an offence, where the applicable arrest power is a provisional warrant. (5) The applicable extradition arrest power is – (a) the extradition arrest power under which a police officer had power of arrest, where the seizure power was Article 85(3); or (b) the extradition arrest power under which a person was arrested, where the seizure power was paragraph (6) or paragraph (7) of Article 86, paragraph (7) or paragraph (8) of Article 87 or paragraph (6) or paragraph (7) of Article 88.</p>	<p>person is accused of the commission of an offence or has been convicted of an offence, where the applicable arrest power is a provisional warrant. (5) The applicable extradition arrest power is – (a) the extradition arrest power under which an officer of police had power of arrest, where the seizure power was conferred by section 95(3), or (b) the extradition arrest power under which a person was arrested, where the seizure power was conferred by section 96(6) or (7), section 97(7) or (8) or section 98(6) or (7).</p>	<p>(a) the territory in which the Part 1 warrant was issued, in a case where the applicable extradition arrest power is a Part 1 warrant in respect of which a certificate under section 2 has been issued; (b) the territory in which a constable has reasonable grounds for believing that a Part 1 warrant has been or will be issued, in a case where the applicable extradition arrest power is section 5; (c) the territory to which a person's extradition is requested, in a case where the applicable extradition arrest power is a warrant issued under section 71; (d) the territory in which a person is accused of the commission of an offence or has been convicted of an offence, in a case where the applicable extradition arrest power is a provisional warrant [or section 74A] 1 . (5) The applicable extradition arrest power is— (a) the extradition arrest power under which a constable had a power of arrest, if the relevant seizure power was section 161(4); (b) the extradition arrest power under which a person was arrested, if the relevant seizure power was section 162(6) or (7), 163(6) or (7) or 164(6) or (7). (6) The relevant seizure power is— (a) the power under which the thing was seized, or (b) the power in reliance on which the thing was seized under section 50 or 51 of the Criminal Justice and Police Act 2001 (c. 16).</p>

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			<p>(7) Subsection (1)(a) applies to Scotland with the insertio after “Part” of “(so far as it applies to Scotland) or for the purposes of this Act (as it so applies) by virtue of any enactment or rule of law”.</p> <p>(8) Subsection (2) applies to Scotland with the substitution of “procurator fiscal” for “constable”.</p> <p>(9) In subsection (7) “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.</p>
<p>109 Codes of practice</p> <p>(1) The Department may make codes of practice in connection with —</p> <p>(a) the exercise of the powers that are conferred by this Part;</p> <p>(b) the retention, use and return of anything seized or produced under a power that is conferred by this Part;</p> <p>(c) access to anything so seized or produced;</p> <p>(d) the taking of photographs and copies of anything so seized or produced; and</p> <p>(e) the retention, use, disclosure and destruction of any fingerprint, sample or photograph taken under a power conferred by this Part.</p> <p>Tynwald procedure – negative.</p> <p>(2) When proposing to make a code of practice under this section, the Department must —</p> <p>(a) publish a draft of the code;</p> <p>(b) consider any representations made to the Department about the draft within a reasonable time after it is published; and</p> <p>(c) if the Department thinks it appropriate, modify the draft in the light of any such representations.</p> <p>(3) A failure by a constable to comply with a provision of a code issued under this section does not of itself make the constable liable to criminal or civil proceedings.</p> <p>(4) A code issued under this section is admissible in evidence in proceedings under this Act, and must be taken into account by a court in determining any</p>	<p>94 Codes of practice</p> <p>(1) The Minister may by Order make codes of practice in connection with —</p> <p>(a) the exercise of the powers that are conferred by this Part;</p> <p>(b) the retention, use and return of anything seized or produced under a power that is conferred by this Part;</p> <p>(c) access to anything so seized or produced;</p> <p>(d) the taking of photographs and copies of anything so seized or produced; and</p> <p>(e) the retention, use, disclosure and destruction of any fingerprint, sample or photograph taken under a power conferred by this Part.⁴⁶</p> <p>(2) If proposing to make a code of practice under this Article, the Minister shall —</p> <p>(a) publish a draft of the code;</p> <p>(b) consider any representations made to the Minister about the draft within a reasonable time after it is published; and</p> <p>(c) if the Minister thinks it appropriate, modify the draft in the light of any such representations.⁴⁷</p> <p>(3) A code of practice shall not come</p>	<p>Codes of practice.</p> <p>104. (1) The Committee may by regulations make codes of practice in connection with —</p> <p>(a) the exercise of the powers that are conferred by this Part,</p> <p>(b) the retention, use and return of anything seized or produced under a power that is conferred by this Part,</p> <p>(c) access to anything so seized or produced,</p> <p>(d) the taking of photographs and copies of anything so seized or produced, and</p> <p>(e) the retention, use, disclosure and destruction of any fingerprint, sample or photograph taken under a power conferred by this Part.</p> <p>(2) When the Committee proposes to make a code of practice under this section, it shall publish a draft of that code, shall consider any representations made to it about the draft and may modify the draft accordingly.</p> <p>(3) A failure by an officer of police to comply with a provision of a code issued under this section does not of itself make the officer of police liable to</p>	<p>173 Codes of practice</p> <p>(1) The Secretary of State must issue codes of practice in connection with—</p> <p>(a) the exercise of the powers conferred by this Part;</p> <p>(b) the retention, use and return of anything seized or produced under this Part;</p> <p>(c) access to and the taking of photographs and copies of anything so seized or produced;</p> <p>(d) the retention, use, disclosure and destruction of fingerprints, a sample or a photograph taken under this Part.</p> <p>(2) If the Secretary of State proposes to issue a code of practice under this section he must—</p> <p>(a) publish a draft of the code;</p> <p>(b) consider any representations made to him about the draft;</p> <p>(c) if he thinks it appropriate, modify the draft in the light of any such representations.</p> <p>(3) The Secretary of State must lay the code before Parliament.</p> <p>(4) When he has done so he may bring the code into operation by order.</p> <p>(5) The Secretary of State may revise the whole or any part of a code issued</p>

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question to which it appears to the court to be relevant.	<p>into force before it has been laid before the States.</p> <p>(4) A failure by a police officer to comply with a provision of a code issued under this Article does not of itself make the police officer liable to criminal or civil proceedings.</p> <p>(5) A code issued under this Article is admissible in evidence in proceedings under this Law, and shall be taken into account by a court in determining any question to which it appears to the court to be relevant.</p>	<p>criminal or civil proceedings.</p> <p>(4) A code issued under this section is admissible in evidence in proceedings under this Law, and shall be taken into account by a court in determining any question to which it appears to the court to be relevant.</p>	<p>under this section and issue the code as revised; and subsections (2) to (4) apply to such a revised code as they apply to the original code.</p> <p>(6) A failure by a constable to comply with a provision of a code issued under this section does not of itself make him liable to criminal or civil proceedings.</p> <p>(7) A code issued under this section is admissible in evidence in proceedings under this Act and must be taken into account by a judge or court in determining any question to which it appears to the judge or the court to be relevant.</p> <p>(8) If the Secretary of State publishes a draft code of practice in connection with a matter specified in subsection (1) before the date on which this section comes into force—</p> <p>(a) the draft is as effective as one published under subsection (2) on or after that date;</p> <p>(b) representations made to the Secretary of State about the draft before that date are as effective as representations made to him about it after that date;</p> <p>(c) modifications made by the Secretary of State to the draft in the light of any such representations before that date are as effective as any such modifications made by him on or after that date.</p>
<p>110 Reasonable force</p> <p>A person may use reasonable force, if necessary, in the exercise of a power conferred by this Part.</p>	<p>95 Reasonable force</p> <p>A person may use reasonable force, if necessary, in the exercise of a power conferred by this Part.</p>	<p>Reasonable force.</p> <p>105. A person may use reasonable force, if necessary, in the exercise of a power conferred by this Part.</p>	<p>209 Reasonable force</p> <p>A person may use reasonable force, if necessary, in the exercise of a power conferred by this Act.</p>
<p>111 Facilitating transit through the Island</p> <p>(1) The Attorney General may issue a transit certificate in relation to the non-Island extradition of a person if the Attorney General has been requested to</p>			<p>189A Facilitating transit through the United Kingdom</p> <p>(1) The relevant UK authority may issue a transit certificate in relation to the</p>

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<p>facilitate the transit of the person through the Island for the purposes of the extradition.</p> <p>(2) If the Attorney General issues a transit certificate in relation to the non-Island extradition of a person, an authorised officer may do any or all of the following —</p> <p>(a) escort the person from, or to, any means of transport used for the purposes of the extradition;</p> <p>(b) take the person into custody to facilitate the transit of the person through the Island for the purposes of the extradition;</p> <p>(c) search the person, and any item in the possession of the person, for any item which the person might use to cause physical injury to that person or any other person;</p> <p>(d) in a case where the person has been taken into custody under paragraph (b), search the person, and any item in the possession of the person, for any item which the person might use to escape from custody.</p> <p>(3) An authorised officer searching a person in the exercise of a power conferred by subsection (2)(c) or (d) may seize any item found if the officer has reasonable grounds for believing that the person searched might use the item —</p> <p>(a) to cause physical injury to that person or any other person; or</p> <p>(b) in a case where the person has been taken into custody, to escape from custody.</p> <p>(4) If no request is made under subsection (1) in relation to the non-Island extradition of a person, or if such a request is made but a transit certificate is not issued, that does not —</p> <p>(a) prevent the transit of the person through the Island for the purposes of the extradition; or</p> <p>(b) affect the powers which an authorised officer has (otherwise than under this section) in relation to the person while in the Island.</p>			<p>non-UK extradition of a person if that authority has been requested to facilitate the transit of the person through the United Kingdom for the purposes of the extradition.</p> <p>(2) If the relevant UK authority issues a transit certificate in relation to the non-UK extradition of a person, an authorised officer may do any or all of the following—</p> <p>(a) escort the person from, or to, any means of transport used for the purposes of the extradition;</p> <p>(b) take the person into custody to facilitate the transit of the person through the United Kingdom for the purposes of the extradition;</p> <p>(c) search the person, and any item in the possession of the person, for any item which the person might use to cause physical injury to that person or any other person;</p> <p>(d) in a case where the person has been taken into custody under paragraph (b), search the person, and any item in the possession of the person, for any item which the person might use to escape from custody.</p> <p>(3) An authorised officer searching a person in the exercise of a power conferred by subsection (2)(c) or (d) may seize any item found if the officer has reasonable grounds for believing that the person searched might use the item—</p> <p>(a) to cause physical injury to that person or any other person; or</p> <p>(b) in a case where the person has been taken into custody, to escape from custody.</p> <p>(4) If no request is made under subsection (1) in relation to the non-UK</p>

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			extradition of a person, or if such a request is made but a transit certificate is not issued, that does not— (a) prevent the transit of the person through the United Kingdom for the purposes of the extradition; or (b) affect the powers which an authorised officer has (otherwise than under this section) in relation to the person while in the United Kingdom.] 1
<p>112 Unscheduled arrival in the Island</p> <p>(1) This section applies in a case where —</p> <p>(a) a person is being extradited;</p> <p>(b) the extradition is a non-Island extradition; and</p> <p>(c) the person makes an unscheduled arrival in the Island.</p> <p>(2) An authorised officer may do any or all of the following —</p> <p>(a) take the person into custody to facilitate the transit of the person through the Island for the purposes of the extradition;</p> <p>(b) search the person, and any item in the possession of the person, for any item which the person might use to cause physical injury to that person or any other person;</p> <p>(c) in a case where the person has been taken into custody under paragraph (a), search the person, and any item in the possession of the person, for any item which the person might use to escape from custody.</p> <p>(3) Any power conferred by subsection (2) may be exercised —</p> <p>(a) upon the unscheduled arrival; or</p> <p>(b) at any later time when the person is still in the Island after the unscheduled arrival.</p> <p>(4) A person taken into custody under this section may be kept in custody until the expiry of the period of 72 hours beginning with the time when the person is taken (or first taken) into custody under this section.</p> <p>(5) But if a transit certificate is issued under section 110 in respect of the non-Island extradition of the person, the person must not be kept in custody under</p>			<p>[189B Unscheduled arrival in the United Kingdom</p> <p>(1) This section applies in a case where—</p> <p>(a) a person is being extradited,</p> <p>(b) the extradition is a non-UK extradition, and</p> <p>(c) the person makes an unscheduled arrival in the United Kingdom.</p> <p>(2) An authorised officer may do any or all of the following—</p> <p>(a) take the person into custody to facilitate the transit of the person through the United Kingdom for the purposes of the extradition;</p> <p>(b) search the person, and any item in the possession of the person, for any item which the person might use to cause physical injury to that person or any other person;</p> <p>(c) in a case where the person has been taken into custody under paragraph (a), search the person, and any item in the possession of the person, for any item which the person might use to escape from custody.</p> <p>(3) Any power conferred by subsection (2) may be exercised—</p> <p>(a) upon the unscheduled arrival, or</p> <p>(b) at any later time when the person is still in the United Kingdom after the</p>

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<p>this section after the issue of the certificate.</p> <p>(6) Subsection (5) does not prevent the person from being taken into custody under section 111.</p> <p>(7) An authorised officer searching a person in the exercise of a power conferred by subsection (2)(b) or (c) may seize any item found if the officer has reasonable grounds for believing that the person searched might use the item —</p> <p>(a) to cause physical injury to that person or any other person; or</p> <p>(b) in a case where the person has been taken into custody, to escape from custody.</p>			<p>unscheduled arrival.</p> <p>(4) A person taken into custody under this section may be kept in custody until the expiry of the period of 72 hours beginning with the time when the person is taken (or first taken) into custody under this section.</p> <p>(5) But if a transit certificate is issued under section 189A in respect of the non-UK extradition of the person, the person must not be kept in custody under this section after the issue of the certificate.</p> <p>(6) Subsection (5) does not prevent the person from being taken into custody under section 189A.</p> <p>(7) An authorised officer searching a person in the exercise of a power conferred by subsection (2)(b) or (c) may seize any item found if the officer has reasonable grounds for believing that the person searched might use the item—</p> <p>(a) to cause physical injury to that person or any other person; or</p> <p>(b) in a case where the person has been taken into custody, to escape from custody.] 1</p>
<p>113 Exercise of the extradition transit powers</p> <p>(1) The extradition transit powers include power to use reasonable force when necessary.</p> <p>(2) An authorised officer may not, when exercising a relevant search power, require a person to remove any clothing other than an outer coat, jacket, headgear or gloves.</p> <p>(3) Any item seized from a person in the exercise of a relevant search power may be retained while the person is in transit through the Island.</p>			<p>[189C Exercise of the extradition transit powers</p> <p>(1) The extradition transit powers include power to use reasonable force when necessary.</p> <p>(2) An authorised officer may not, when exercising a relevant search power, require a person to remove any clothing other than an outer coat, jacket, headgear or gloves.</p> <p>(3) Any item seized from a person in the exercise of a relevant search power may be retained while the person is in transit through the</p>

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<p>114 Codes of practice</p> <p>(1) The Department may issue a code of practice in connection with —</p> <p>(a) the exercise of extradition transit powers;</p> <p>(b) the retention, use and return of anything seized under a relevant search power.</p> <p>Tynwald procedure – laying only.</p> <p>(2) A failure by an authorised officer to comply with a provision of a code issued under this section does not of itself make the authorised officer liable to criminal or civil proceedings.</p> <p>(3) A code issued under this section is admissible in evidence in any proceedings and must be taken into account by a court in determining any question to which it appears to the court to be relevant.</p>			<p>United Kingdom.] 1</p> <p>[189D Codes of practice</p> <p>(1) The Secretary of State must issue a code of practice in connection with—</p> <p>(a) the exercise of extradition transit powers;</p> <p>(b) the retention, use and return of anything seized under a relevant search power.</p> <p>(2) If the Secretary of State proposes to issue a code of practice under this section the Secretary of State must—</p> <p>(a) publish a draft of the code;</p> <p>(b) consider any representations made to the Secretary of State about the draft;</p> <p>(c) if the Secretary of State thinks it appropriate, modify the draft in the light of any such representations.</p> <p>(3) The Secretary of State must lay the code before Parliament.</p> <p>(4) After doing so the Secretary of State may bring the code into operation by order.</p> <p>(5) The Secretary of State may revise the whole or any part of a code issued under this section and issue the code as revised; and subsections (2) to (4) apply to such a revised code as they apply to the original code.</p> <p>(6) A failure by an authorised officer to comply with a provision of a code issued under this section does not of itself make the authorised officer liable to criminal or civil proceedings.</p> <p>(7) A code issued under this section is admissible in evidence in any proceedings and must be taken into account by a court in determining any question to which it appears to the court to be relevant.</p> <p>(8) If the Secretary of State publishes a</p>

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			<p>draft code of practice in connection with a matter specified in subsection (1) before the date on which this section comes into force—</p> <p>(a) the draft is as effective as one published under subsection (2) on or after that date;</p> <p>(b) representations made to the Secretary of State about the draft before that date are as effective as such representations made after that date;</p> <p>(c) modifications made by the Secretary of State to the draft in the light of any such representations before that date are as effective as any such modifications made on or after that date.] 1</p>
<p>115 Sections 111 to 114: interpretation</p> <p>(1) An “authorised officer” is —</p> <p>(a) a constable; or</p> <p>(b) a prescribed person.</p> <p>(2) These expressions have the meanings given —</p> <p>“extradition transit powers” means the powers under —</p> <p>(a) section 111 (except the power to issue transit certificates), and</p> <p>(b) section 112;</p> <p>“foreign territory” means a territory outside the Island;</p> <p>“non-Island extradition” means extradition from one foreign territory to another foreign territory;</p> <p>“relevant search power” means a power of search under —</p> <p>(a) section 111(2)(c) or (d), or</p> <p>(b) section 112(2)(b) or (c).</p> <p>(3) A reference to the transit of a person through the Island is a reference to the person arriving in, being in, and departing from the Island.</p> <p>(4) This section applies for the purposes of section 111 to 114 (and this section).</p>			<p>[189E Sections 189A to 189D: interpretation</p> <p>(1) An “authorised officer” is—</p> <p>(a) a constable, or</p> <p>(b) a person who is of a description specified by the Secretary of State by order.</p> <p>(2) A National Crime Agency officer, prison officer, or any other person who has the powers of a constable (but is not a constable)—</p> <p>(a) does not have the extradition transit powers by virtue of having the powers of a constable; and</p> <p>(b) accordingly, has the extradition transit powers only if the person is of a description specified under subsection (1)(b).</p> <p>(3) These expressions have the meanings given—</p> <p>“extradition transit powers” means the powers under—</p> <p>(a) section 189A (except the power to issue transit certificates), and</p>

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			<p>(b) section 189B; "foreign territory" means a territory outside the United Kingdom; "non-UK extradition" means extradition from one foreign territory to another foreign territory; "relevant search power" means a power of search under— (a) section 189A(2)(c) or (d), or (b) section 189B(2)(b) or (c); "relevant UK authority" means— (a) the National Crime Agency (in the case of a non-UK extradition to a category 1 territory), or (b) the Secretary of State (in any other case). (4) A reference to the transit of a person through the United Kingdom is a reference to the person arriving in, being in, and departing from the United Kingdom (whether or not the person travels within the United Kingdom between arrival and departure). (5) This section applies for the purposes of section 189A to 189D (and this section).] 1</p>
<p>116 Time limit for extradition following deferral for competing claim (1) This section applies if — (a) an order is made under this Act for a person to be extradited to a designated territory in pursuance of a request for the person's extradition; (b) before the person is extradited to the designated territory, an order is made under section 76(3) for the person's extradition in pursuance of the request to be deferred; and (c) the High Bailiff makes an order under section 118 for the person's extradition in pursuance of the request to cease to be deferred. (2) In a case where section 65 applies, the period of 28 days to which section 65(2) refers starts with the</p>	<p>104 Time limit for extradition following deferral for competing claim (1) This Article applies if – (a) an order is made under this Law for a person to be extradited to a designated territory in pursuance of a request for the person's extradition; (b) before the person is extradited to the designated territory, an order is made under Article 65(3) for the person's extradition in pursuance of the request to be deferred; and (c) the Magistrate makes an order under Article 106 for the person's</p>	<p>Extradition following deferral for competing claim. 64. (1) This section applies if – (a) an order is made under this Part for a person to be extradited to a designated territory in pursuance of a request for his or her extradition, (b) before the person is extradited to the territory an order is made under section 75(2) for the person's extradition in pursuance of the request to be deferred, and (c) the Magistrate's Court makes an order under section 107(1) for the person's extradition in pursuance of the</p>	<p>120 Extradition following deferral for competing claim (1) This section applies if— (a) an order is made under this Part for a person to be extradited to a category 2 territory in pursuance of a request for his extradition; (b) before the person is extradited to the territory an order is made under section 126(2) or 179(2) for the person's extradition in pursuance of the request to be deferred; (c) the appropriate judge makes an order under section 181(2) for the person's extradition in pursuance of the</p>

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<p>day on which the order under section 118(1) is made.</p> <p>(3) In a case where section 66 applies, the period of 28 days to which section 66(2) refers starts with the day on which the decision on the appeal becomes final (within the meaning of that section) or (if later) the day on which the order under section 118(1) is made.</p>	<p>extradition in pursuance of the request to cease to be deferred.</p> <p>(2) In a case where Article 55 applies, the period of 28 days to which Article 55(1) refers shall commence on the day on which the order under Article 106(1) is made.</p> <p>(3) In a case where Article 56 applies, the period of 28 days to which Article 56(2) refers shall commence on the day on which the decision on the appeal becomes final (within the meaning of that Article) or (if later) the day on which the order under Article 106(1) is made.</p>	<p>request to cease to be deferred.</p> <p>(2) In a case where section 61 applies, the required period for the purposes of section 61(2) is 28 days starting with the day on which the order under section 107(1) is made.</p> <p>(3) In a case where section 62 applies, the required period for the purposes of section 62(2) is 28 days starting with the day on which the decision of the relevant court on the appeal becomes final (within the meaning of that section) or (if later) the day on which the order under section 107(1) is made.</p>	<p>request to cease to be deferred.</p> <p>(2) In a case where section 117 applies, the required period for the purposes of section 117(2) is 28 days starting with the day on which the order under section 181(2) is made.</p> <p>(3) In a case where section 118 applies, the required period for the purposes of section 118(2) is 28 days starting with the day on which the decision of the relevant court on the appeal becomes final (within the meaning of that section) or (if later) the day on which the order under section 181(2) is made.</p>
<p>117 Proceedings on deferred extradition request</p> <p>(1) If —</p> <p>(a) an order is made under this Act deferring proceedings on an extradition request (“the deferred request”) until another extradition request in respect of the person has been disposed of; and</p> <p>(b) the other extradition request is disposed of, the High Bailiff may make an order for proceedings on the deferred request to be resumed.</p> <p>(2) No order under subsection (1) may be made after the end of the period of 21 days starting with the day on which the other extradition request is disposed of.</p> <p>(3) If the person applies to the High Bailiff to be discharged, the High Bailiff may order his or her discharge and must do so if —</p> <p>(a) the period of 21 days to which subsection (2) refers has ended; and</p> <p>(b) the High Bailiff has not made an order under subsection (1) and has not ordered that the person be discharged.</p>	<p>105 Proceedings where proceedings on warrant or request deferred</p> <p>(1) If —</p> <p>(a) an order is made under this Law deferring proceedings on an extradition claim (the deferred claim) until another extradition claim in respect of the person has been disposed of; and</p> <p>(b) the other extradition claim is disposed of, the Magistrate may make an order for proceedings on the deferred claim to be resumed.</p> <p>(2) No order under paragraph (1) may be made after the end of the period of 21 days commencing on the day on which the other extradition claim is disposed of.</p> <p>(3) If the person applies to the Magistrate to be discharged, the Magistrate may order that the person be discharged.</p> <p>(4) If the person applies to the Magistrate to be discharged, the Magistrate shall order the person’s discharge if —</p>	<p>Proceedings on deferred request.</p> <p>106. (1) If —</p> <p>(a) an order is made under this Law deferring proceedings on an extradition claim (the deferred claim) until another extradition claim in respect of the person has been disposed of, and</p> <p>(b) the other extradition claim is disposed of in the person's favour, the Magistrate's Court may make an order for proceedings on the deferred claim to be cease to be deferred.</p> <p>(2) No order under subsection (1) may be made after the end of the period of 21 days commencing on the day on which the other extradition claim is disposed of.</p> <p>(3) If the person applies to the Magistrate's Court to be discharged, the Magistrate's Court may order that the person be discharged.</p> <p>(4) If the person applies to the Magistrate's Court to be discharged, the Magistrate's Court must order the person's discharge if —</p> <p>(a) the period of 21 days to which subsection (2) refers has ended, and</p>	<p>180 Proceedings on deferred warrant or request</p> <p>(1) This section applies if—</p> <p>(a) an order is made under this Act deferring proceedings on an extradition claim in respect of a person (the deferred claim) until another extradition claim in respect of the person has been disposed of, and</p> <p>(b) the other extradition claim is disposed of [in the person's favour].</p> <p>(2) The judge may make an order for proceedings on the deferred claim to be resumed.</p> <p>(3) No order under subsection (2) may be made after the end of the required period.</p> <p>(4) If the person applies to the appropriate judge to be discharged, the judge may order his discharge.</p> <p>(5) If the person applies to the appropriate judge to be discharged, the judge must order his discharge if—</p> <p>(a) the required period has ended, and</p> <p>(b) the judge has not made an order under subsection (2) or ordered the person’s discharge.</p>

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	<p>(a) the period of 21 days to which paragraph (2) refers has ended; and (b) the Magistrate has not made an order under paragraph (1) and has not ordered that the person be discharged.</p>	<p>(b) it has not made an order under subsection (1) and has not ordered that the person be discharged. (5) An extradition claim made in respect of a person is disposed of in a person's favour if either of the conditions referred to in section 108(1)(a) or (b) is met in respect of the person.</p>	<p>(6)The required period is 21 days starting with the day on which the other extradition claim is disposed of. (7)If the proceedings on the deferred claim were under Part 1, section 67 applies for determining the appropriate judge. (8)If the proceedings on the deferred claim were under Part 2, section 139 applies for determining the appropriate judge. (9)An extradition claim is made in respect of a person if— (a)a Part 1 warrant is issued in respect of him; (b)a request for his extradition is made. [(10)An extradition claim made in respect of a person is disposed of in the person's favour if— (a)in the case of a Part 1 warrant, the warrant is disposed of as mentioned in subsection (1)(a) or (b) of section 213; (b)in the case of a request for extradition, the request is disposed of as mentioned in subsection (2)(a) or (b) of that section.]</p>
<p>118 Proceedings where extradition deferred (1) If — (a) an order is made under this Act deferring a person's extradition in pursuance of an extradition request ("the deferred request") until another extradition request in respect of the person has been disposed of; and (b) the other extradition request is disposed of, the High Bailiff may make an order for the person's extradition in pursuance of the deferred request to cease to be deferred. (2) No order under subsection (1) may be made after the end of the period of 21 days starting with the day on which the other extradition request is disposed of. (3) If the person applies to the High Bailiff to be</p>	<p>106 Proceedings where extradition deferred (1) If — (a) an order is made under this Law deferring a person's extradition in pursuance of an extradition claim (the deferred claim) until another extradition claim in respect of the person has been disposed of; and (b) the other extradition claim is disposed of, the Magistrate may make an order for the person's extradition in pursuance of the deferred claim to cease to be deferred. (2) No order under paragraph (1) may</p>	<p>Proceedings where extradition deferred. 107. (1) If — (a) an order is made under this Law deferring a person's extradition in pursuance of an extradition claim (the deferred claim) until another extradition claim in respect of the person has been disposed of, and (b) the other extradition claim is disposed of in the person's favour, the Magistrate's Court may make an order for the person's extradition in pursuance of the deferred claim to cease to be deferred. (2) No order under subsection (1) may</p>	<p>181 Proceedings where extradition deferred (1)This section applies if— (a)an order is made under this Act deferring a person's extradition in pursuance of an extradition claim (the deferred claim) until another extradition claim in respect of him has been disposed of; (b)the other extradition claim is disposed of [in the person's favour]. (2)The judge may make an order for the person's extradition in pursuance of the deferred claim to cease to be deferred. (3)No order under subsection (2) may</p>

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<p>discharged, the High Bailiff may order that the person be discharged and must do so if —</p> <p>(a) the period of 21 days to which subsection (2) refers has ended; and</p> <p>(b) the High Bailiff has not made an order under subsection (1) and has not ordered that the person be discharged.</p>	<p>be made after the end of the period of 21 days commencing on the day on which the other extradition claim is disposed of.</p> <p>(3) If the person applies to the Magistrate to be discharged, the Magistrate may order that the person be discharged.</p> <p>(4) If the person applies to the Magistrate to be discharged, the Magistrate shall order the person's discharge if —</p> <p>(a) the period of 21 days to which paragraph (2) refers has ended; and</p> <p>(b) the Magistrate has not made an order under paragraph (1) and has not ordered that the person be discharged.</p>	<p>be made after the end of the period of 21 days commencing on the day on which the other extradition claim is disposed of.</p> <p>(3) If the person applies to the Magistrate's Court to be discharged, the Magistrate's Court may order that the person be discharged.</p> <p>(4) If the person applies to the Magistrate's Court to be discharged, the Magistrate's Court must order the person's discharge if —</p> <p>(a) the period of 21 days to which subsection (2) refers has ended, and</p> <p>(b) it has not made an order under subsection (1) and has not ordered that the person be discharged.</p> <p>(5) An extradition claim made in respect of a person is disposed of in a person's favour if either of the conditions referred to in section 108(1)(a) or (b) is met in respect of the person.</p>	<p>be made after the end of the required period.</p> <p>(4) If the person applies to the appropriate judge to be discharged, the judge may order his discharge.</p> <p>(5) If the person applies to the appropriate judge to be discharged, the judge must order his discharge if—</p> <p>(a) the required period has ended, and</p> <p>(b) the judge has not made an order under subsection (2) or ordered the person's discharge.</p> <p>(6) The required period is 21 days starting with the day on which the other extradition claim is disposed of.</p> <p>(7) If the person's extradition in pursuance of the deferred claim was ordered under Part 1, section 67 applies for determining the appropriate judge.</p> <p>(8) If the person's extradition in pursuance of the deferred claim was ordered under Part 2, section 139 applies for determining the appropriate judge.</p> <p>(9) An extradition claim is made in respect of a person if—</p> <p>(a) a Part 1 warrant is issued in respect of him;</p> <p>(b) a request for his extradition is made.</p> <p>[(10) An extradition claim made in respect of a person is disposed of in the person's favour if—</p> <p>(a) in the case of a Part 1 warrant, the warrant is disposed of as mentioned in subsection (1)(a) or (b) of section 213;</p> <p>(b) in the case of a request for extradition, the request is disposed of as mentioned in subsection (2)(a) or (b) of that section.]</p>
<p>119 Special extradition arrangements (1) This section applies if the Attorney General</p>	<p>109 Special extradition arrangements</p>	<p>Special extradition arrangements. 110. (1) This section applies if Her</p>	<p>194 Special extradition arrangements</p>

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<p>believes —</p> <p>(a) that arrangements have been made between the United Kingdom (in respect of the Island) and another territory, for the extradition of a person from the Island to the territory; and</p> <p>(b) the territory is not a designated territory.</p> <p>(2) The Attorney General may certify that the conditions in subsection (1) are satisfied in relation to the extradition of the person.</p> <p>(3) If the Attorney General issues a certificate under subsection (2), this Act applies in respect of the person's extradition to the territory as if it were a Part 2 designated territory.</p> <p>(4) As applied by subsection (3), this Act has effect —</p> <p>(a) as if sections 14(4), 16(5), 17(10)(b), 34(8) and 36(7) were omitted; and</p> <p>(b) with any other modifications specified in the certificate.</p> <p>(5) A certificate under subsection (2) in relation to a person is conclusive evidence that the conditions in subsection (1) are satisfied in relation to the person's extradition from the Island to the territory.</p>	<p>(1) This Article applies if the Attorney General believes —</p> <p>(a) that arrangements have been made between the United Kingdom on behalf of Jersey, and another territory, for the extradition of a person from Jersey to the territory; and</p> <p>(b) the territory is not a designated territory.</p> <p>(2) The Attorney General may certify that the conditions in sub-paragraphs (a) and (b) of paragraph (1) are satisfied in relation to the extradition of the person.</p> <p>(3) If the Attorney General issues a certificate under paragraph (2), this Law shall apply in respect of the person's extradition to the territory as if it were a designated territory of the second category.</p> <p>(4) As applied by paragraph (3), this Law shall have effect —</p> <p>(a) as if Articles 8(4), 10(5), 11(10)(b) and 21(1) were omitted; and</p> <p>(b) with any other modifications specified in the certificate.</p> <p>(5) A certificate under paragraph (2) in relation to a person is conclusive evidence that the conditions in sub-paragraphs (a) and (b) of paragraph (1) are satisfied in relation to the person's extradition from Jersey to the territory.</p>	<p>Majesty's Procureur believes —</p> <p>(a) that arrangements have been made between the United Kingdom on behalf of the Bailiwick, and another territory, for the extradition of a person from the Bailiwick to the territory, and</p> <p>(b) the territory is not a designated territory.</p> <p>(2) Her Majesty's Procureur may certify that the conditions in paragraphs (a) and (b) of subsection (1) are satisfied in relation to the extradition of the person.</p> <p>(3) If Her Majesty's Procureur issues a certificate under subsection (2), this Law shall apply in respect of the person's extradition to the territory as if it were a designated territory.</p> <p>(4) As applied by subsection (3), this Law shall have effect —</p> <p>(a) as if sections 7(4), 9(5), 10(10)(b), 26(8) and 28(8) were omitted, and</p> <p>(b) with such modifications as are specified in the certificate.</p> <p>(5) A certificate under subsection (2) in relation to a person is conclusive evidence that the conditions in paragraphs (a) and (b) of subsection (1) are satisfied in relation to the person's extradition from the Bailiwick to the territory.</p>	<p>(1) This section applies if the Secretary of State believes that—</p> <p>(a) arrangements have been made between the United Kingdom and another territory for the extradition of a person to the territory, and</p> <p>(b) the territory is not a category 1 territory or a category 2 territory.</p> <p>(2) The Secretary of State may certify that the conditions in paragraphs (a) and (b) of subsection (1) are satisfied in relation to the extradition of the person.</p> <p>(3) If the Secretary of State issues a certificate under subsection (2) this Act applies in respect of the person's extradition to the territory as if the territory were a category 2 territory.</p> <p>(4) As applied by subsection (3), this Act has effect—</p> <p>(a) as if sections 71(4), 73(5), 74(11)(b) [74A to 74E], 84(7) and 86(7) were omitted;</p> <p>(b) with any other modifications specified in the certificate.</p> <p>(5) A certificate under subsection (2) in relation to a person is conclusive evidence that the conditions in paragraphs (a) and (b) of subsection (1) are satisfied in relation to the person's extradition.</p>
<p>120 Genocide, crimes against humanity and war crimes</p> <p>(1) If a valid request for a person's extradition is made in respect of an offence specified in subsection (2), it is not an objection to extradition under this Act that the person could not have been punished for the offence under the law in force at the time when and in the place where he or she is alleged to have committed the act of which the person is accused or of which he or she has</p>	<p>110 Genocide, crimes against humanity and war crimes</p> <p>(1) If a valid request for a person's extradition is made in respect of an offence specified in paragraph (2), it is not an objection to extradition under this Law that the person could not have been punished for the offence under the law in force at the time when and</p>	<p>Genocide, crimes against humanity and war crimes.</p> <p>111. (1) If a valid request for a person's extradition is made in respect of an offence specified in subsection (2), it is not an objection to extradition under this Law that the person could not have been punished for the offence under the law in force at the time when</p>	<p>196 Genocide, crimes against humanity and war crimes</p> <p>(1) This section applies if—</p> <p>(a) a Part 1 warrant in respect of a person is issued in respect of an offence mentioned in subsection (2), or</p> <p>(b) a valid request for a person's extradition is made in respect of an offence mentioned in subsection (2).</p>

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<p>been convicted.</p> <p>(2) The offences to which this subsection refers are –</p> <p>(a) any offence that, if committed in the Island, would be punishable as a war crime; and</p> <p>(b) any offence that is punishable in the Island as an offence under section 1 of the Geneva Conventions Act 1957 (of Parliament) as it applies to the Island (relating to grave breaches of scheduled conventions).</p>	<p>in the place where he or she is alleged to have committed the act of which the person is accused or of which he or she has been convicted.</p> <p>(2) The offences to which this paragraph refers are –</p> <p>(a) any offence that, if committed in Jersey, would be punishable as an offence under section 51 or section 58 of the International Criminal Court Act 2001 (c.17) of the United Kingdom as it applies to Jersey (genocide, crimes against humanity and war crimes);</p> <p>(b) any offence that, if committed in Jersey, would be punishable as an offence under section 52 or section 59 of that Act (conduct that is ancillary to those crimes and is committed outside the jurisdiction);</p> <p>(c) any offence that, if committed in Jersey, would be punishable as an ancillary offence, as defined in section 55 or section 62 of that Act, in relation to an offence to which either of subparagraphs (a) and (b) refers; and</p> <p>(d) any offence that is punishable in Jersey as an offence under section 1 of the Geneva Conventions Act 1957 (c.52) of the United Kingdom as it applies to Jersey (relating to grave breaches of scheduled conventions).</p>	<p>and in the place where he or she is alleged to have committed the act of which the person is accused or of which he or she has been convicted.</p> <p>(2) The offences to which this section refers are –</p> <p>(a) an offence that if committed in the Bailiwick would be punishable as an offence under section 45 of the International Criminal Court (Bailiwick of Guernsey) Law, 2019 (genocide, crimes against humanity and war crimes),</p> <p>(b) an offence that if committed in the Bailiwick would be punishable as an offence under section 46 of that Law (conduct ancillary to genocide, etc. committed outside the jurisdiction), and</p> <p>(c) any offence that is punishable in the Bailiwick as an offence under section 1 of the Geneva Conventions Act 1957 as it applies to the Bailiwick (relating to grave breaches of scheduled conventions).</p>	<p>(2)The offences are—</p> <p>(a)an offence that if committed in the United Kingdom would be punishable as an offence under section 51 or 58 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity and war crimes);</p> <p>(b)an offence that if committed in the United Kingdom would be punishable as an offence under section 52 or 59 of that Act (conduct ancillary to genocide, etc. committed outside the jurisdiction);</p> <p>(c)an offence that if committed in the United Kingdom would be punishable as an ancillary offence, as defined in section 55 or 62 of that Act, in relation to an offence falling within paragraph (a) or (b);</p> <p>(d)an offence that if committed in the United Kingdom would be punishable as an offence under section 1 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity and war crimes);</p> <p>(e)an offence that if committed in the United Kingdom would be punishable as an offence under section 2 of that Act (conduct ancillary to genocide etc. committed outside the jurisdiction);</p> <p>(f)an offence that if committed in the United Kingdom would be punishable as an ancillary offence, as defined in section 7 of that Act, in relation to an offence falling within paragraph (d) or (e);</p> <p>(g)any offence punishable in the United Kingdom under section 1 of the Geneva Conventions Act 1957 (c. 52) (grave breach of scheduled conventions).</p> <p>(3)It is not an objection to extradition under this Act that the person could not have been punished for the offence</p>

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			under the law in force at the time when and in the place where he is alleged to have committed the act of which he is accused or of which he has been convicted.
<p>121 Young persons In any proceedings before the High Bailiff under this Act relating to the extradition of a person who is under the age of 18 years, section 39(3) of the Summary Jurisdiction Act 1989 (restriction on persons present at sitting of a juvenile court) applies as it applies to proceedings in a juvenile court unless the High Bailiff orders otherwise.</p>	<p>111 Young persons In any proceedings before the Magistrate under this Law relating to the extradition of a person who is under the age of 18 years, Article 27(2) of the Criminal Justice (Young Offenders) (Jersey) Law 2014 shall apply as it applies to proceedings in the Youth Court unless the Magistrate orders otherwise.</p>	<p>Young persons. 121. In any proceedings before the Magistrate's Court under this Law relating to the extradition of a person who is under the age of 18 years, section 8(1) and (2) of the Criminal Justice (Children and Juvenile Court Reform) (Bailiwick of Guernsey) Law, 2008 shall apply as it applies to proceedings in the Juvenile Court, unless the Magistrate's Court orders otherwise.</p>	
<p>122 Custody (1) If a court remands a person in custody under this Act, the person must be committed to the institution to which he or she would have been committed if charged with an offence before that court. (2) Despite subsection (1), the Children and Young Persons Act 2001 applies to a child or young person (within the meaning of that Act) who is to be remanded under this Act, as if the person were to be remanded in respect of an offence committed or alleged to have been committed by the person in the Island. (3) Subject to subsection (2) but despite any other enactment or rule of law to the contrary, where a person under the age of 21 years is to be remanded in custody under this Act, and it appears to the High Bailiff that, having regard to — (a) the nature and seriousness of any offence in respect of which a person's extradition under this Act has been requested; and (b) the person's apparent character, maturity and other circumstances, it is not appropriate to remand him or her in custody in a place to which the High Bailiff would otherwise be required in law to remand the person, the High Bailiff may instead remand the person in custody in any other</p>	<p>112 Custody (1) If a court remands a person in custody under this Law, the person shall be committed to the institution to which he or she would have been committed if charged with an offence before that court. (2) The provisions of the Criminal Justice (Young Offenders) (Jersey) Law 2014 shall apply to a person under the age of 21 years who is remanded in custody under this Law, as if the person were remanded in custody in respect of an offence committed or alleged to have been committed by the person in Jersey, but this paragraph is subject to paragraph (3).56 (3) Notwithstanding any enactment or rule of law to the contrary, where a person under the age of 21 years is to be remanded in custody under this Law, and it appears to the Magistrate that, having regard to — (a) the nature and seriousness of any offence in respect of which a person's</p>	<p>Custody. 112. (1) If a court remands a person in custody under this Law, the person shall be committed to the institution to which he or she would have been committed if charged with an offence before that court. (2) Notwithstanding any enactment or rule of law to the contrary, where a person under the age of 21 years is to be remanded in custody under this Law, and it appears to the Magistrate's Court that, having regard to — (a) the nature and seriousness of any offence in respect of which a person's extradition under this Law has been requested, and (b) the person's apparent character, maturity and other circumstances, it is not appropriate to remand the person in custody in a place to which the Magistrate's Court would otherwise be required in law to remand the person, he or she may instead remand the person in custody in any other</p>	<p>197Custody (1) If a judge remands a person in custody under this Act, the person must be committed to the institution to which he would have been committed if charged with an offence before the judge. [This is subject to the power to order the temporary transfer of a person under section 21B.] (2) If a person in custody following his arrest under Part 1 or Part 2 [, or kept in custody by virtue of a power under Part 3,] escapes from custody, he may be retaken in any part of the United Kingdom in the same way as he could have been if he had been in custody following his arrest or apprehension under a relevant domestic warrant. (3) A relevant domestic warrant is a warrant for his arrest or apprehension issued in the part of the United Kingdom in question in respect of an offence committed there. (4) Subsection (5) applies if— (a) a person is in custody in one part of</p>

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<p>place that the High Bailiff considers appropriate.</p> <p>(4) A person in custody following arrest under this Act who escapes from custody may be retaken in the same way as if the person had been in custody following arrest or apprehension in respect of an offence committed in the Island.</p> <p>(5) An order for a person's extradition under this Act is sufficient authority for a person to whom the order is directed or a constable —</p> <p>(a) to receive the person;</p> <p>(b) to keep the person in custody until extradited under this Act; and</p> <p>(c) to convey the person to the designated territory to which the person is to be extradited under this Act.</p>	<p>extradition under this Law has been requested; and</p> <p>(b) the person's apparent character, maturity and other circumstances, it is not appropriate to remand him or her in custody in a place to which the Magistrate would otherwise be required in law to remand the person, the Magistrate may instead remand the person in custody in any other place that the Magistrate considers appropriate.</p> <p>(4) A person in custody following arrest under this Law who escapes from custody may be retaken in the same way as if the person had been in custody following arrest or apprehension in respect of an offence committed in Jersey.</p> <p>(5) An order for a person's extradition under this Law is sufficient authority for a person to whom the order is directed or a police officer —</p> <p>(a) to receive the person;</p> <p>(b) to keep the person in custody until extradited under this Law; and</p> <p>(c) to convey the person to the designated territory to which the person is to be extradited under this Law.</p>	<p>place that it considers appropriate.</p> <p>(3) A person in custody following arrest under this Law who escapes from custody may be retaken in the same way as if he or she had been in custody following arrest or apprehension in respect of an offence committed in the Bailiwick.</p> <p>(4) An order for a person's extradition under this Law is sufficient authority for a person to whom the order is directed or an officer of police —</p> <p>(a) to receive the person,</p> <p>(b) to keep the person in custody until extradited under this Law, and</p> <p>(c) to convey the person to the designated territory to which the person is to be extradited under this Law.</p>	<p>the United Kingdom (whether under this Act or otherwise);</p> <p>(b) he is required to be removed to another part of the United Kingdom after being remanded in custody under this Act;</p> <p>(c) he is so removed by sea or air.</p> <p>(5) The person must be treated as continuing in legal custody until he reaches the place to which he is required to be removed.</p> <p>(6) An order for a person's extradition under this Act is sufficient authority for an appropriate person—</p> <p>(a) to receive him;</p> <p>(b) to keep him in custody until he is extradited under this Act;</p> <p>(c) to convey him to the territory to which he is to be extradited under this Act.</p> <p>[(6A) An order for a person's temporary transfer under section 21B is sufficient authority for an appropriate person—</p> <p>(a) to receive him;</p> <p>(b) to keep him in custody until he is transferred in accordance with the order;</p> <p>(c) to convey him to and from the territory to which he is to be transferred;</p> <p>(d) on his return from that territory, to keep him in custody until he is brought back to the institution to which he was committed.]</p> <p>(7) An appropriate person is—</p> <p>(a) a person to whom the order is directed;</p> <p>(b) a constable.</p>
<p>123 Extradition of serving prisoner</p> <p>If an order is made under Part 2 for the extradition of a person who is serving a sentence of custody in the Island, the order is sufficient authority for the person to</p>			<p>[197A Extradition of serving prisoner</p> <p>If an order is made under Part 1 or 2 for the extradition of a person who is [</p>

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be removed from custody.			in custody] 2 serving a sentence of imprisonment or another form of detention in the United Kingdom, the order is sufficient authority for the person to be removed from the prison or other institution where he is detained.]
<p>124 Extradition for more than one offence</p> <p>(1) Subsections (2) to (5) have effect subject to contrary provision in an order made under subsection (6).</p> <p>(2) A reference in this Act to an offence or to an extradition offence is to be construed as a reference to offences or extradition offences, as the case may be.</p> <p>(3) A power or function conferred or exercisable under this Act, including a power or function of the Attorney General and any court, is exercisable separately and severally in respect of each and every offence for which extradition is requested.</p> <p>(4) If —</p> <p>(a) an order for extradition is not made under this Act in respect of an offence specified in the extradition request; and</p> <p>(b) another offence is specified in the request, it is not necessary for the requesting territory to issue another extradition request in respect of the other offence.</p> <p>(5) The request is treated as if it had not been made in respect of the offence for which an order for extradition was not made.</p> <p>(6) The Department may by order provide for this Act to have effect with specified modifications in relation to a case where a request for extradition is made in respect of more than one offence.</p> <p>Tynwald procedure – approval required.</p>	<p>113 Extradition for more than one offence</p> <p>The Minister may by Order provide for this Law to have effect with specified modifications in relation to a case where a request for extradition is made in respect of more than one offence.</p>	<p>Extradition for more than one offence.</p> <p>113. The Committee may by regulations provide for this Law to have effect with specified modifications in relation to a case where a request for extradition is made in respect of more than one offence.</p>	<p>207 Extradition for more than one offence</p> <p>The Secretary of State may by order provide for this Act to have effect with specified modifications in relation to a case where—</p> <p>(a) a Part 1 warrant is issued in respect of more than one offence;</p> <p>(b) a request for extradition is made in respect of more than one offence.</p>
<p>125 Parties to international conventions</p> <p>(1) The Council of Ministers may by order —</p> <p>(a) designate an international convention to which the United Kingdom is a party and which extends to the</p>		<p>Parties to international conventions.</p> <p>118. (1) The Committee may by regulations –</p>	<p>[193 Parties to international Conventions</p> <p>(1) The Secretary of State may by order—</p>

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<p>Island; and (b) specify conduct to which the convention applies. Tynwald procedure – approval required. (2) If the Attorney General believes, in respect of a request for a person’s extradition, that – (a) the request is for extradition to a territory that is a party to a convention designated under subsection (1)(a); (b) the territory is not a designated territory; and (c) the conduct specified in the request is conduct specified under subsection (1)(b), the Attorney General may certify that the conditions in paragraphs (a) to (c) are satisfied in relation to the extradition of the person. (3) If the Attorney General issues a certificate under subsection (2), this Act applies in respect of the person’s extradition to the territory as if the territory were a designated territory. (4) As applied by subsection (3), this Act has effect as if – (a) sections 5, 6, 14(4), 16(5), 17(10)(b), 34(8) and 36(8) were omitted; and (b) the conduct that constituted an extradition offence for the purposes of Part 2 were the conduct specified under subsection (1)(b). (5) A certificate under subsection (3) in relation to a person is conclusive evidence that the conditions in paragraphs (a) to (c) of subsection (2) are satisfied in relation to the person’s extradition.</p>		<p>(a) designate an international Convention to which the Bailiwick is a party, and (b) specify conduct to which the Convention applies. (2) If Her Majesty’s Procureur believes, in respect of a request for a person’s extradition, that – (a) the request is for extradition to a territory that is a party to a Convention designated under subsection (1)(a), (b) the territory is not a designated territory, and (c) the conduct specified in the request is conduct specified under subsection (1)(b), Her Majesty’s Procureur may certify that the conditions in paragraphs (a) to (c) are satisfied in relation to the extradition of the person. (3) If Her Majesty’s Procureur issues a certificate under subsection (2) this Law applies in respect of the person’s extradition to the territory as if the territory were a designated territory. (4) As applied by subsection (3), this Law has effect as if – (a) sections 2, 3, 7(4), 9(5), 10(10)(b), 26(8) and 28(8) were omitted, and (b) the conduct that constituted an extradition offence for the purposes of Part 2 were the conduct specified under subsection (1)(b). (5) A certificate under subsection (3) in relation to a person is conclusive evidence that the conditions in paragraphs (a) to (c) of subsection (2) are satisfied in relation to the person’s extradition.</p>	<p>(a) designate an international Convention to which the United Kingdom is a party, and (b) specify conduct to which the Convention applies. (2) If the Secretary of State believes, in respect of a request for a person’s extradition, that— (a) the request is for extradition to a territory that is a party to a Convention designated under subsection (1)(a), (b) the territory is not a category 1 territory or a category 2 territory, and (c) the conduct specified in the request is conduct specified under subsection (1)(b), the Secretary of State may certify that the conditions in paragraphs (a) to (c) are satisfied in relation to the extradition of the person. (3) If the Secretary of State issues a certificate under subsection (2) this Act applies in respect of the person’s extradition to the territory as if the territory were a category 2 territory. (4) As applied by subsection (3), this Act has effect as if— (a) [sections 71(4), 73(5), 74(11)(b), 74A to 74E, 84(7), 86(7), 137 and 138] 2 were omitted; (b) the conduct that constituted an extradition offence for the purposes of Part 2 were the conduct specified under subsection (1)(b). (5) A certificate under subsection (3) in relation to a person is conclusive evidence that the conditions in paragraphs (a) to (c) of subsection (2) are satisfied in relation to the person’s extradition.]</p>
126 Use of live links at hearings		Use of live links at certain	[206A Use of live links at [...]2

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<p>(1) This section applies in relation to a hearing in proceedings under this Act.</p> <p>(2) If satisfied that it is in the interests of justice to do so, the court may give a live link direction.</p> <p>(3) A live link direction is a direction requiring a person to take part in the hearing (in whatever capacity) through a live link.</p> <p>(4) Such a direction —</p> <p>(a) may be given on the court’s own motion or on the application of a party to the proceedings; and</p> <p>(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.</p> <p>(3)(5) A person who takes part in the hearing through a live link is to be treated as present in court for the purposes of the hearing.</p>		<p>hearings.</p> <p>119. (1) This section applies in relation to a hearing in proceedings under this Law, other than an extradition hearing.</p> <p>(2) If satisfied that the person affected by an extradition claim is likely to be in custody during the hearing, the court may give a live-link evidence direction in respect of that person under the Live-Link Evidence (Bailiwick of Guernsey) Ordinance, 2008g at any time before the hearing if it is satisfied that the conditions set out in section 1(2) of that Ordinance are fulfilled.</p> <p>(3) Such a direction 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.</p>	<p>hearings</p> <p>(1) This section applies in relation to—</p> <p>(a) a hearing before the appropriate judge in proceedings under Part 1 [.] 3</p> <p>(i)-(ii) [...] 3</p> <p>(b) a hearing before the appropriate judge in proceedings under Part 2 [...] 14 .</p> <p>(2) If satisfied that [it is in the interests of justice to do so,] 5 the appropriate judge may give a live link direction [...] 6 .</p> <p>[(3) A live link direction is a direction requiring a person to take part in the hearing (in whatever capacity) through a live link.] 7</p> <p>(4) Such a direction—</p> <p>(a) may be given on the appropriate judge's own motion or on the application of a party to the proceedings, and</p> <p>(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.</p> <p>(5) [...] 8</p> <p>[(6) A person who takes part in the hearing through a live link is to be treated as present in court for the purposes of the hearing.] 9] 1</p>
<p>127 Live links: supplementary</p> <p>(1) The court may rescind a live link direction at any time before or during a hearing to which it relates.</p> <p>(2) The court 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.</p> <p>(3) If a hearing takes place in relation to the giving or rescinding of a live link direction, the court may</p>		<p>Live links: supplementary.</p> <p>120. (1) The court may rescind a live-link evidence direction at any time before or during a hearing to which it relates.</p> <p>(2) The court must not give a live-link evidence direction or rescind such a direction unless the parties to the proceedings have been given the</p>	<p>[206B Live links: supplementary</p> <p>(1) The appropriate judge may rescind a live link direction at any time before or during a hearing to which it relates.</p> <p>(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</p>

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<p>require or permit any party to the proceedings who wishes to make representations to do so through a live link.</p> <p>(4) In a case where the court has power to give a live link direction but decides not to do so, the reasons for not doing so must be stated in open court.</p> <p>(5) For the purposes of this section and section 126 —</p> <p>(a) a person is affected by an extradition claim if —</p> <p>(i) a request for the person’s extradition is made; or</p> <p>(ii) an extradition arrest warrant is issued in respect of the person, and</p> <p>(b) references to being in custody include references to being in police detention within the meaning of section 81(2) of the Police Powers and Procedures Act 1998.</p>		<p>opportunity to make representations.</p> <p>(3) If a hearing takes place in relation to the giving or rescinding of a live-link evidence direction, the court may require or permit any party to the proceedings who wishes to make representations to do so through a live link.</p> <p>(4) If in a case where the court has power to give a live link direction but decides not to do so, the reasons for not doing so must be stated in open court.</p> <p>(5) For the purposes of this section and section 119 –</p> <p>(a) a person is affected by an extradition claim if –</p> <p>(i) a request for the person's extradition is made, or</p> <p>(ii) a warrant under section 9 is issued in respect of the person, and</p> <p>(b) references to being in custody include references to being in police detention within the meaning of PPACE.</p>	<p>representations.</p> <p>(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.</p> <p>(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—</p> <p>(a) state in open court the reasons for not doing so, and</p> <p>(b) cause those reasons to be entered in the register of proceedings.</p> <p>(5) Subsection (7) applies if—</p> <p>(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</p> <p>(b) a live link direction is given in relation to a qualifying hearing but the direction is rescinded before the hearing takes place.</p> <p>(6) A hearing is a qualifying hearing—</p> <p>(a) in relation to proceedings under Part 1, if it is a hearing by virtue of which section 4(3) would be complied with;</p> <p>(b) in relation to proceedings under Part 2, if it is a hearing by virtue of which [section 72(3), 74(3) or 74A(3)] 2 would be complied with.</p> <p>(7) The requirement in [section 4(3), 72(3), 74(3) or 74A(3)] 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.</p>

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<p>128 Live links: interpretation</p> <p>(1) This section applies for the purposes of sections 126 and 127.</p> <p>(2) “Live link” means an arrangement by which a person (P) is able —</p> <p>(a) to see or hear (or see and hear) all other persons taking part in the hearing who are not in the same location as P; and</p> <p>(b) to be seen or heard (or be seen and heard) by all other persons taking part in the hearing who are not in the same location as P.</p> <p>(3) For the purposes of subsection (2) the following matters are to be disregarded —</p> <p>(a) the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing;</p> <p>(b) the effect of any direction or order which provides for one person taking part in a hearing to be prevented by means of a screen or other arrangement from seeing another person taking part in the hearing.</p>			<p>1</p> <p>206C Live links: interpretation</p> <p>(1) This section applies for the purposes of section 206A and subsections (2) and (3) also apply for the purposes of section 206B.</p> <p>(2) In relation to proceedings under Part 1, section 67 applies for determining the appropriate judge.</p> <p>(3) In relation to proceedings under Part 2, section 139 applies for determining the appropriate judge.</p> <p>(4)-(5) [...]</p> <p>(6) “Live link” means an arrangement by which a person [(P)] 3 is able—</p> <p>(a) to see and hear [all other persons taking part in the hearing who are not in the same location as P, and] 4</p> <p>(b) to be seen and heard by [all other persons taking part in the hearing who are not in the same location as P.] 5 [...]</p> <p>[(7) For the purposes of subsection (6) the following matters are to be disregarded—</p> <p>(a) the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing;</p> <p>(b) the effect of any direction or order which provides for one person taking part in a hearing to be prevented by means of a screen or other arrangement from seeing another person taking part in the hearing.</p> <p>]</p>
<p>129 National security</p> <p>(1) This section applies if the Attorney General believes that the conditions in subsections (2), (3) and (4) are satisfied in relation to a person.</p> <p>(2) The first condition is that the person’s extradition is sought or will be sought under Part 2 or</p>	<p>114 National security</p> <p>(1) This Article applies if the Attorney General believes that the conditions in paragraphs (2), (3) and (4) are satisfied in relation to a person.</p> <p>(2) The first condition is that the</p>	<p>National security.</p> <p>122. (1) This section applies if Her Majesty’s Procureur believes that the conditions in subsections (2), (3) and (4) are satisfied in relation to a person.</p> <p>(2) The first condition is that the</p>	<p>208 National security</p> <p>(1) This section applies if the Secretary of State believes that the conditions in subsections (2) to (4) are satisfied in relation to a person.</p> <p>(2) The first condition is that the</p>

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<p>Part 3 in respect of an offence.</p> <p>(3) The second condition is —</p> <p>(a) that in engaging in the conduct constituting or alleged to constitute the offence, the person was acting in the exercise of a function conferred or imposed by or under an enactment; or</p> <p>(b) that as a result of an authorisation given by the Attorney General, the person is not liable under the criminal law of the Island for the conduct constituting or alleged to constitute the offence.</p> <p>(4) The third condition is that the person's extradition in respect of the offence would be against the interests of national security.</p> <p>(5) If this section applies, the Attorney General may certify that the conditions in subsections (2), (3) and (4) are satisfied in relation to the person.</p> <p>(6) If the Attorney General issues a certificate under subsection (5), he or she may direct that a request for the person's extradition in respect of the offence is not to be proceeded with.</p> <p>(7) If the Attorney General issues a certificate under subsection (5), he or she may order the person's discharge instead of or in addition to giving a direction under subsection (6).</p> <p>(8) In exercising his or her functions under any one or more of subsections (5), (6) and (7), the Attorney General may consult the Secretary of State.</p> <p>(9) If the Attorney General gives a direction under subsection (6) in respect of a request for extradition, then —</p> <p>(a) if the Attorney General has not issued a certificate under section 13 that the request is made in the approved way, the Attorney General is no longer required to do so;</p> <p>(b) if the person is arrested under a warrant issued by the High Bailiff under section 14 or under a provisional warrant, there is no requirement for the person to appear or be brought before the High Bailiff and he or she must be discharged;</p> <p>(c) the High Bailiff is no longer required to proceed or continue proceeding under sections 15, 17, 18 and 19 if the person appears or is brought before the High</p>	<p>person's extradition is sought or will be sought under Part 2 or Part 3 in respect of an offence.</p> <p>(3) The second condition is —</p> <p>(a) that in engaging in the conduct constituting or alleged to constitute the offence, the person was acting in the exercise of a function conferred or imposed by or under an enactment; or</p> <p>(b) that as a result of an authorisation given by the Attorney General, the person is not liable under the criminal law of any part of Jersey for the conduct constituting or alleged to constitute the offence.</p> <p>(4) The third condition is that the person's extradition in respect of the offence would be against the interests of national security.</p> <p>(5) If this Article applies, the Attorney General may certify that the conditions in paragraphs (2), (3) and (4) are satisfied in relation to the person.</p> <p>(6) If the Attorney General issues a certificate under paragraph (5), he or she may direct that a request for the person's extradition in respect of the offence is not to be proceeded with.</p> <p>(7) If the Attorney General issues a certificate under paragraph (5), he or she may order the person's discharge instead of or in addition to giving a direction under paragraph (6).</p> <p>(8) The Attorney General may consult a Secretary of State acting under any one or more of paragraphs (5), (6) and (7).</p> <p>(9) If the Attorney General gives a direction under paragraph (6) in respect of a request for extradition, then —</p> <p>(a) if the Attorney General has not issued a certificate under Article 7 that</p>	<p>person's extradition is sought or will be sought under Part II or Part III in respect of an offence.</p> <p>(3) The second condition is —</p> <p>(a) that in engaging in the conduct constituting or alleged to constitute the offence, the person was acting in the exercise of a function conferred or imposed by or under an enactment, or</p> <p>(b) that as a result of an authorisation given by Her Majesty's Procureur, the person is not liable under the criminal law of any part of the Bailiwick for the conduct constituting or alleged to constitute the offence.</p> <p>(4) The third condition is that the person's extradition in respect of the offence would be against the interests of national security.</p> <p>(5) If this section applies, Her Majesty's Procureur may certify that the conditions in subsections (2), (3) and (4) are satisfied in relation to the person.</p> <p>(6) If Her Majesty's Procureur issues a certificate under subsection (5), he or she may direct that a request for the person's extradition in respect of the offence is not to be proceeded with.</p> <p>(7) If Her Majesty's Procureur issues a certificate under section (5), he or she may order the person's discharge instead of or in addition to giving a direction under subsection (6).</p> <p>(8) If Her Majesty's Procureur gives a direction under subsection (6) in respect of a request for extradition, then —</p> <p>(a) if Her Majesty's Procureur has not issued a certificate under section 6 that the request is made in the approved way, he or she is no longer required to</p>	<p>person's extradition is sought or will be sought under Part 1 or Part 2 in respect of an offence.</p> <p>(3) The second condition is that—</p> <p>(a) in engaging in the conduct constituting (or alleged to constitute) the offence the person was acting for the purpose of assisting in the exercise of a function conferred or imposed by or under an enactment, or</p> <p>(b) as a result of an authorisation given by the Secretary of State the person is not liable under the criminal law of any part of the United Kingdom for the conduct constituting (or alleged to constitute) the offence.</p> <p>(4) The third condition is that the person's extradition in respect of the offence would be against the interests of national security.</p> <p>(5) The Secretary of State may certify that the conditions in subsections (2) to (4) are satisfied in relation to the person.</p> <p>(6) If the Secretary of State issues a certificate under subsection (5) he may—</p> <p>(a) direct that a Part 1 warrant issued in respect of the person and in respect of the offence is not to be proceeded with, or</p> <p>(b) direct that a request for the person's extradition in respect of the offence is not to be proceeded with.</p> <p>(7) If the Secretary of State issues a certificate under subsection (5) he may order the person's discharge (instead of or in addition to giving a direction under subsection (6)).</p> <p>(8) These rules apply if the Secretary of State gives a direction under subsection (6)(a) in respect of a warrant—</p>

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<p>Bailiff;</p> <p>(d) if the extradition hearing has begun, the High Bailiff is no longer required to proceed or to continue proceeding under sections 23 to 41 (relating to the extradition hearing);</p> <p>(e) if the person has given to the High Bailiff the person's consent to being extradited, the High Bailiff is no longer required to send the case to the Attorney General for his or her decision whether the person is to be extradited;</p> <p>(f) if an appeal has been brought to the High Court or the Privy Council, the High Court or the Privy Council (as the case may be) is no longer required to hear or to continue hearing the appeal; and</p> <p>(g) if the person's extradition has been ordered, there is no requirement for the person to be extradited.</p> <p>(10) In subsection (9)(f), "appeal" includes an application for leave to appeal.</p> <p>(11) Any —</p> <p>(a) certificate under subsection (5);</p> <p>(b) direction under subsection (6); or</p> <p>(c) order under subsection (7),</p> <p>must be in writing, and signed by the Attorney General.</p>	<p>the request is made in the approved way, the Attorney General is no longer required to do so;</p> <p>(b) if the person is arrested under a warrant issued by the Magistrate under Article 8 or under a provisional warrant, there is no requirement for the person to appear or be brought before the Magistrate and he or she shall be discharged;</p> <p>(c) the Magistrate is no longer required to proceed or continue proceeding under Articles 9, 11, 12 and 13, if the person appears or is brought before the Magistrate;</p> <p>(d) if the extradition hearing has begun, the Magistrate is no longer required to proceed or to continue proceeding under Articles 14 to 28 (inclusive) (relating to the extradition hearing);</p> <p>(e) if the person has given to the Magistrate the person's consent to being extradited, the Magistrate is no longer required to send the case to the Attorney General for his or her decision whether the person is to be extradited;</p> <p>(f) if an appeal has been brought to the Royal Court or the Privy Council, the Royal Court or the Privy Council (as the case may be) is no longer required to hear or to continue hearing the appeal; and</p> <p>(g) if the person's extradition has been ordered, there is no requirement for the person to be extradited.</p> <p>(10) Any —</p> <p>(a) certificate under paragraph (5);</p> <p>(b) direction under paragraph (6); or</p> <p>(c) order under paragraph (7),</p> <p>shall be in writing, and shall be signed by the Attorney General.</p>	<p>do so,</p> <p>(b) if the person is arrested under a warrant issued by the Magistrate's Court under section 7 or under a provisional warrant, there is no requirement for the person to appear or be brought before the Magistrate's Court and the person shall be discharged,</p> <p>(c) the Magistrate's Court is no longer required to proceed or continue proceeding under sections 8, 10, 11 and 12,</p> <p>if the person appears or is brought before the Magistrate's Court,</p> <p>(d) if the extradition hearing has begun, the Magistrate's Court is no longer required to proceed or to continue proceeding under sections 16 to 33 (relating to the extradition hearing),</p> <p>(e) if the person has given to the Magistrate's Court the person's consent to being extradited, the Magistrate's Court is no longer required to send the case to Her Majesty's Procureur for Her Majesty's Procureur's decision whether the person is to be extradited,</p> <p>(f) if an appeal has been brought to the Royal Court or the Privy Council, the Royal Court or the Privy Council (as the case may be) is no longer required to hear or to continue hearing the appeal, and</p> <p>(g) if the person's extradition has been ordered, there is no requirement for the person to be extradited.</p> <p>(10) Any —</p> <p>(a) certificate under subsection (5),</p> <p>(b) direction under subsection (6), or</p> <p>(c) order under subsection (7),</p> <p>shall be in writing, and shall be signed</p>	<p>(a) if the designated authority has not issued a certificate under section 2 in respect of the warrant it must not do so;</p> <p>(b) if the person is arrested under the warrant or under section 5 there is no requirement for him to be brought before the appropriate judge and he must be discharged;</p> <p>(c) if the person is brought before the appropriate judge under section 4 or 6 the judge is no longer required to proceed or continue proceeding under sections 7 and 8;</p> <p>(d) if the extradition hearing has begun the judge is no longer required to proceed or continue proceeding under sections 10 to 25;</p> <p>(e) if the person has consented to his extradition, the judge is no longer required to order his extradition;</p> <p>(f) if an appeal to the High Court or [Supreme Court] 1 has been brought, the court is no longer required to hear or continue hearing the appeal;</p> <p>(g) if the person's extradition has been ordered there is no requirement for him to be extradited.</p> <p>(9) These rules apply if the Secretary of State gives a direction under subsection (6)(b) in respect of a request—</p> <p>(a) if he has not issued a certificate under section 70 in respect of the request he is no longer required to do so;</p> <p>(b) if the person is arrested under a warrant issued under section 71 [, under a provisional warrant or under section 74A] 2 there is no requirement for him to appear or be brought before the appropriate judge and he must be discharged;</p>

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		by Her Majesty's Procureur.	<p>(c) if the person appears or is brought before the appropriate judge the judge is no longer required to proceed or continue proceeding under [sections 72, 74, 74D, 74E, 75 and 76] 3 ;</p> <p>(d) if the extradition hearing has begun the judge is no longer required to proceed or continue proceeding under sections 78 to 91;</p> <p>(e) if the person has given his consent to his extradition to the appropriate judge, the judge is no longer required to send the case to the Secretary of State for his decision whether the person is to be extradited;</p> <p>(f) if an appeal to the High Court or [Supreme Court] 1 has been brought, the court is no longer required to hear or continue hearing the appeal;</p> <p>(g) if the person's extradition has been ordered there is no requirement for him to be extradited.</p> <p>(10) These must be made under the hand of the Secretary of State—</p> <p>(a) a certificate under subsection (5);</p> <p>(b) a direction under subsection (6);</p> <p>(c) an order under subsection (7).</p> <p>(11) The preceding provisions of this section apply to Scotland with these modifications—</p> <p>(a) in subsection (9)(a) for "he has" substitute "the Scottish Ministers have" and for "he is" substitute "they are";</p> <p>(b) in subsection (9)(e) for "Secretary of State for his" substitute "Scottish Ministers for their".</p> <p>(12) In subsection (3) the reference to an enactment includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.</p> <p>[(13) In this section, "appeal" includes</p>

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<p>130 Documents sent by facsimile and email</p> <p>(1) This section applies if a document to be sent in connection with proceedings under this Act is sent by facsimile transmission or email.</p> <p>(2) This Act has effect as if the document received by facsimile transmission or email were the document used to make the transmission.</p> <p>(3) The document received by facsimile transmission or email may be received in evidence accordingly.</p> <p>(4) This section is without prejudice to the Electronic Transactions Act 2000.</p>	<p>115 Documents sent by facsimile</p> <p>(1) This Article applies if a document to be sent in connection with proceedings under this Law is sent by facsimile transmission.</p> <p>(2) This Law shall have effect as if the document received by facsimile transmission were the document used to make the transmission.</p> <p>(3) The document received by facsimile transmission may be received in evidence accordingly.</p>	<p>Documents sent by facsimile and email.</p> <p>123. (1) This section applies if a document to be sent in connection with proceedings under this Law is sent by facsimile transmission or email.</p> <p>(2) This Law shall have effect as if the document received by facsimile transmission or email were the document used to make the transmission.</p> <p>(3) The document received by facsimile transmission or email may be received in evidence accordingly.</p> <p>(4) This section is without prejudice to the provisions of the Electronic Transactions (Guernsey) Law, 2000.</p>	<p>an application for leave to appeal.]</p> <p>203 Documents sent by facsimile</p> <p>(1) This section applies if a document to be sent in connection with proceedings under this Act is sent by facsimile transmission.</p> <p>(2) This Act has effect as if the document received by facsimile transmission were the document used to make the transmission.</p>
<p>131 Receivable documents</p> <p>(1) A duly authenticated document issued in a designated territory may be received in evidence in proceedings under this Act.</p> <p>(2) A document issued in a designated territory is duly authenticated if (but only if) —</p> <p>(a) it purports to be signed by a judge, magistrate or other judicial authority of the designated territory;</p> <p>(b) 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; or</p> <p>(c) it purports to be authenticated by the oath or affirmation of a witness.</p> <p>(3) Nothing in this section prevents a document that is not duly authenticated from being received in evidence in proceedings under this Act.</p>	<p>116 Receivable documents</p> <p>(1) A duly authenticated document issued in a designated territory may be received in evidence in proceedings under this Law.</p> <p>(2) A document issued in a designated territory is duly authenticated if (but only if) —</p> <p>(a) it purports to be signed by a judge, magistrate or other judicial authority of the designated territory; or</p> <p>(b) it purports to be authenticated by the oath or affirmation of a witness.</p> <p>(3) Nothing in this Article prevents a document that is not duly authenticated from being received in evidence in proceedings under this Law.</p>	<p>Receivable documents.</p> <p>124. (1) A duly authenticated document issued in a designated territory may be received in evidence in proceedings under this Law.</p> <p>(2) A document issued in a designated territory is duly authenticated if (but only if) —</p> <p>(a) it purports to be signed by a judge, magistrate or officer of the designated territory,</p> <p>(b) 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, or</p> <p>(c) it purports to be authenticated by the oath or affirmation of a witness.</p> <p>(3) Nothing in this section prevents a document that is not duly authenticated from being received in evidence in proceedings under this Law.</p>	<p>202 Receivable documents</p> <p>(1) A Part 1 warrant may be received in evidence in proceedings under this Act.</p> <p>(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.</p> <p>(3) A document issued in a category 2 territory may be received in evidence in proceedings under this Act if it is duly authenticated.</p> <p>(4) A document issued in a category 1 or category 2 territory is duly authenticated if (and only if) one of these applies—</p> <p>(a) it purports to be signed by a judge, magistrate or [officer] 1 of the territory;</p> <p>[(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;] 2</p> <p>(b) it purports to be authenticated by</p>

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			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.
<p>132 Written statements and admissions Schedule 4 to the Criminal Law Act 1981 (proof by written statement and formal admission) applies in relation to proceedings under this Act as it applies in relation to criminal proceedings.</p>	<p>117 Written statements and admissions (1) The provisions specified in paragraph (2) apply in relation to proceedings under this Law as they apply in relation to criminal proceedings. (2) The provisions to which this paragraph refers are – (a) Article 3 of the Criminal Justice (Evidence and Procedure) (Jersey) Law 1998 (which Article relates to admissions of fact); and (b) Article 9 of that Law (which Article relates to the admissibility of written statements as evidence).</p>	<p>Written statements and admissions. 125. (1) The provisions specified in subsection (2) apply in relation to proceedings under this Law as they apply in relation to criminal proceedings. (2) The provisions to which this section refers are – (a) section 1 of the Administration of Justice (Bailiwick of Guernsey) Law 1991 (proof by written statement), and (b) section 2 of that Law (admissions of facts).</p>	<p>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); (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</p>

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			<p>concerned;</p> <p>(c) references to the trial were to the proceedings under this Act for the purposes of which the admission is made;</p> <p>(d) references to subsequent criminal proceedings were to subsequent proceedings under this Act.</p>
<p>133 Burden and standard of proof</p> <p>(1) This section applies if, in proceedings under this Act, a question arises as to the burden or standard of proof.</p> <p>(2) The question must be decided by applying any enactment or rule of law that would apply if the proceedings were criminal proceedings.</p> <p>(3) An enactment or rule of law that is to be applied under subsection (2) must be applied as if —</p> <p>(a) the person whose extradition is sought (or who has been extradited) were accused of an offence; and</p> <p>(b) the designated territory concerned were the prosecution.</p> <p>(4) Subsections (2) and (3) are subject to any express provision of this Act.</p>	<p>118 Burden and standard of proof</p> <p>(1) This Article applies if, in proceedings under this Law, a question arises as to the burden or standard of proof.</p> <p>(2) The question shall be decided by applying any enactment or rule of law that would apply if the proceedings were criminal proceedings.</p> <p>(3) An enactment or rule of law that is to be applied under paragraph (2) shall be applied as if —</p> <p>(a) the person whose extradition is sought (or who has been extradited) were accused of an offence; and</p> <p>(b) the designated territory concerned were the prosecution.</p> <p>(4) Paragraphs (2) and (3) are subject to any express provision of this Law.</p>	<p>Burden and standard of proof.</p> <p>126. (1) This section applies if, in proceedings under this Law, a question arises as to the burden or standard of proof.</p> <p>(2) The question shall be decided by applying any enactment or rule of law that would apply if the proceedings were criminal proceedings.</p> <p>(3) An enactment or rule of law that is to be applied under subsection (2) shall be applied as if —</p> <p>(a) the person whose extradition is sought (or who has been extradited) were accused of an offence, and</p> <p>(b) the designated territory concerned were the prosecution.</p> <p>(4) Subsections (2) and (3) are subject to any express provision of this Law.</p>	<p>206 Burden and standard of proof</p> <p>(1) This section applies if, in proceedings under this Act, a question arises as to burden or standard of proof.</p> <p>(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.</p> <p>(3) Any enactment or rule of law applied under subsection (2) to proceedings under this Act must be applied as if—</p> <p>(a) the person whose extradition is sought (or who has been extradited) were accused of an offence;</p> <p>(b) the category 1 or category 2 territory concerned were the prosecution.</p> <p>(4) Subsections (2) and (3) are subject to any express provision of this Act.</p> <p>(5) In this section “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.</p>
<p>134 Customs officers</p> <p>The Treasury may make an order providing that any provision of this Act that applies in relation to constables or to persons arrested by constables are to apply (with such modifications, if any, as may be specified in the order) to customs officers or to persons arrested by customs officers.</p> <p>Tynwald procedure – approval required.</p>	<p>119 Customs officers</p> <p>The Minister may make an Order providing that any provision of this Law that applies in relation to police officers or to persons arrested by police officers shall apply (with such modifications, if any, as may be specified in the Order) to officers of the Impôts or to persons arrested by officers of the Impôts.</p>		

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<p>135 Implementation of international obligations The Council of Ministers may by order modify this Act to give effect to any international agreement, other international instrument or international obligation, that relates to extradition, and is applicable to or binding on the Island. Tynwald procedure – approval required.</p>	<p>121 Implementation of international obligations The States may by Regulations modify this Law to give effect to any international agreement, other international instrument or international obligation, that relates to extradition, and is applicable to or binding on Jersey.</p>		
<p>136 Subordinate legislation (1) The Department may make orders relating to any of the following matters – (a) prescribing the form of any document required for the purposes of this Act (other than a form that is to be or may be prescribed by rules of court); (b) providing for any other matters that are to be or may be prescribed under any other provisions of this Act (other than matters that are to be or may be prescribed by rules of court); (c) providing for such other matters as are reasonably necessary for or incidental to the purpose of carrying this Act into effect. Tynwald procedure – approval required. (2) An order under subsection (1) may make – (a) any supplementary, incidental or consequential provision; and (b) any transitory, transitional or saving provision, for the purposes of, or in consequence of or for giving full effect to, any provisions of this Act. (3) An order under subsection (1)(c) may, in addition to any other power given by this Act, modify, amend, repeal or revoke any enactment. (4) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings under this Act. (5) Until rules of court have been made the court may adopt such practice and procedure as it thinks fit.</p>	<p>120 Subordinate legislation (1) Regulations made under Article 6 – (a) may designate a territory by name or by its falling within a description set out in the Regulations; (b) may provide that this Law shall have effect in respect of a designated territory with such modifications as are specified in the Regulations; (c) may make any supplementary, incidental or consequential provision, and any transitory, transitional or saving provision, for the purposes of or in consequence of or for giving full effect to any of the provisions of this Law; and (d) if made for any purpose to which sub-paragraph (c) refers, may in particular provide for any provision of this Law that comes into force before any other provision of this Law has come into force to have effect with such modifications as are specified in the Regulations until that other provision does come into force. (2) The Minister may make Orders relating to any of the following matters – (a) specifying, in respect of a designated territory, a time limit for the purpose of Article 11(10)(b); (b) prescribing the form of any document required for the purposes of</p>	<p>Subordinate legislation. 127. (1) The Committee may make Regulations relating to any of the following matters – (a) specifying, in respect of a designated territory, a time limit for the purpose of section 10(10)(b), (b) prescribing the form of any document required for the purposes of this Law (other than a form that is to be or may be prescribed by rules of court), (c) providing for any other matters that are to be or may be prescribed under any other provisions of this Law (other than matters that are to be or may be prescribed by rules of court), (d) providing for such other matters as are reasonably necessary for or incidental to the purpose of carrying this Law into effect. (2) Regulations under this Law shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations. (3) Where the Committee proposes to make regulations under this section applying in Alderney or Sark, it shall consult –</p>	<p>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 [(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.</p>

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	<p>this Law (other than a form that is to be or may be prescribed by rules of court);</p> <p>(c) providing for any other matters that are to be or is may be prescribed under any other provisions of this Law (other than matters that are to be or may be prescribed by rules of court);</p> <p>(d) providing for such other matters as are reasonably necessary for or incidental to the purpose of carrying this Law into effect.</p> <p>(3) Regulations and Orders made under this Law may include supplementary, incidental, saving and transitional provisions.</p> <p>(4) The powers of the Superior Number of the Royal Court to make rules under the Royal Court (Jersey) Law 1948 shall include power to make rules for the purposes of this Law.</p>	<p>(a) the Policy and Finance Committee of the States of Alderney, or</p> <p>(b) the Policy and Finance Committee of the Chief Pleas of Sark, as the case may be; but a failure to comply with this section shall not invalidate any regulations made under this section.</p> <p>(4) Regulations applying in Alderney or Sark made under this section by the Committee cease to have effect –</p> <p>(a) in Alderney if, within the period of four months immediately following the approval date, the States of Alderney resolve to disapprove their application to Alderney, and</p> <p>(b) in Sark if, at the first or second meeting of the Chief Pleas of Sark following the approval date, the Chief Pleas resolve to disapprove their application to Sark.</p> <p>(5) If the States of Alderney or the Chief Pleas of Sark resolve to disapprove the application of regulations in accordance with subsection (4), the regulations cease to have effect in Alderney or (as the case may be) Sark, but without prejudice to –</p> <p>(a) anything done under the regulations in Alderney or (as the case may be) Sark, or</p> <p>(b) the making of new regulations having effect in Alderney or (as the case may be) Sark.</p> <p>(6) In this section, "approval date", in relation to regulations, means the date of their enactment by the Committee.</p>	<p>(6) The orders are—</p> <p>(a) an order under any of these provisions— section 1(1); [section 62B(3);] 2 section 69(1); section 71(4); section 73(5); section 74(11)(b); section 84(7); section 86(7); [section 135B(3);] 2 section 142(9); section 173(4); [...]3</p> <p>(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.</p> <p>[(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.] 4</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>[(10) The power of the Department of</p>

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			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 ⁶ . (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).] 5
<p>137 Amendment of enactments Schedule 3 contains miscellaneous and consequential amendments.</p>		<p>Amendments to other enactments. 128. The enactments specified in Schedule 3 shall be consequentially amended in the manner specified in that Schedule.</p>	
SCHEDULE 1 DESIGNATED TERRITORIES	SCHEDULE 1 DESIGNATED TERRITORIES	SCHEDULE 1 DESIGNATED TERRITORIES	
SCHEDULE 2 RE-EXTRADITION PROCEEDINGS – MODIFICATIONS TO PART 2	SCHEDULE 2 RE-EXTRADITION PROCEEDINGS	SCHEDULE 2 RE-EXTRADITION PROCEEDINGS	SCHEDULE 1 RE-EXTRADITION: MODIFICATIONS
SCHEDULE 3 AMENDMENT OF ENACTMENTS		SCHEDULE 3 AMENDMENT TO OTHER ENACTMENTS	SCHEDULE 3 Amendments SCHEDULE 4 Repeals