



**Isle of Man**  
**Government**

*Reiltys Ellan Vannin*

# **Extradition Bill**

## **Public Consultation**

Cabinet Office, External Relations  
(on behalf of the Department of Home Affairs)

January 2025

# Overview

Views are sought on the draft Extradition Bill (“the Bill”). The Bill is available to view or download as a related document on the Consultation Hub and should be considered alongside the Explanatory Notes for the Bill, which are also available on the Consultation Hub. A document comparing the provisions of the Bill with extradition legislation in Jersey, Guernsey and the United Kingdom can also be viewed or downloaded from the Hub.

The Bill is intended to ensure that the Isle of Man has a modern legal framework for any extradition cases that may arise so that the Island can demonstrate compliance with international obligations and standards in this area. The Bill would replace the old extradition legislation of the UK Parliament that still applies to the Island.

Although the Extradition Bill is in the Government’s legislative programme as a Department of Home Affairs (DHA) Bill, extradition is obviously international in nature and External Relations has been closely involved with the Attorney General’s Chambers in preparing a consultation draft of the Bill. As part of cross-Government working External Relations has agreed to run the public consultation on behalf of DHA.

# About you

**Question 1: Which option best describes your interest in responding to this consultation? Please select one:?**

- Member of Tynwald
- Advocate/Lawyer/Legal Professional
- Isle of Man Courts/Judiciary
- Isle of Man Government
- Other (please specify):

**Question 2: Are responding on behalf of an organisation?**

- No
- Yes (please specify):

### **Question 3: May we publish your response?**

- Yes, you can publish my response in full
- Yes, you may publish my response anonymously
- No, please do not publish my response

## **Introduction**

Extradition is the process by which a person who has been convicted or accused of a serious offence can be transferred from the country where they are present to face justice in the other country.

Whilst there have been some high profile extradition cases that have been controversial, complex and sensitive, extradition is an important tool in the fight against serious crime and terrorism. A person should not be able to escape justice by simply leaving the country where they are accused or have been convicted of a serious crime, provided that their return to the country would not breach their fundamental human rights.

Extradition can generally only take place between the Island and designated countries and territories, for example those that have signed up to the European Convention on Extradition or where a bilateral extradition agreement or arrangement is in place.

Important international conventions relating to crime, terrorism, corruption, etc. also contain provisions on the extradition of offenders. Examples of such conventions are: the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, UN International Convention for the Suppression of the Financing of Terrorism, UN Convention against Transnational Organised Crime, the UN Convention against Corruption, the UN Convention against Transnational Organised Crime and the Council of Europe Convention for the Prevention of Terrorism.

Many of these international instruments apply to the Isle of Man so that the Island is already subject to a range of international obligations in respect of extradition.

### **Question 4: Do you agree that the Isle of Man should implement international obligations relating to extradition?**

- Yes
- No

Comments:

## Current position

The extradition legislation that currently applies in the Isle of Man is the UK's [Extradition Act 1989](#), which was essentially a consolidation of three earlier Acts of the UK Parliament: Part 1 of the Criminal Justice Act 1988, the Fugitive Offenders Act 1967 and the Extradition Act 1870 (as amended). The 1989 Act has been repealed by the UK for itself, and replaced by the [Extradition Act 2003](#), but it continues to apply to the Island.

The UK's Extradition Act 2003 includes a "permissive extent clause" that would allow it to be extended to the Isle of Man, with any necessary modifications, by an Order in Council.

Historically, extradition was considered to be an issue where it was appropriate for the UK to legislate for the Crown Dependencies given the UK's constitutional responsibility for the Islands' international relations.

However, with the evolution of the constitutional relationship in recent decades it is now seen as more appropriate for the Crown Dependencies to deal with extradition through their own legislation. Whilst the UK's 1989 Act also used to apply to Jersey and Guernsey they now have their own legislation – the [Extradition \(Jersey\) Law 2004](#) and the [Extradition \(Bailiwick of Guernsey\) Law 2019](#).

The 1989 Act is out-dated and may not fully comply with modern international standards so the purpose of the Bill is to provide an up to date framework in Manx primary legislation for extradition from and to the Island.

In addition, under the 1989 Act the decisions on any case where the extradition of a person from the Isle of Man was sought would be dealt with by the Secretary of State and the courts in the UK rather than in the Island.

If the Bill is passed and brought into operation the old UK legislation will cease to apply to the Island.

**Question 5: Do you think that the Isle of Man should have its own extradition legislation?**

- Yes
- No

Comments:

### The Extradition Bill

In drafting the Bill for consultation purposes the provisions of the UK’s Extradition Act 2003, the Extradition (Jersey) Law 2004 and the Extradition (Bailiwick of Guernsey) Law 2019 have been taken into account. Where appropriate for the Island, equivalent or similar provisions have been included in the Bill, but elsewhere they have either been omitted or amended to fit the Island’s circumstances.

The Bill is designed to ensure trivial offences do not lead to extradition proceedings. The conduct in question must constitute an offence under Manx law that would be punishable with at least 12 months’ custody if it had occurred in the Island; that is to say, a fairly serious criminal offence. Even for serious offences the Bill includes significant safeguards for circumstances where extradition may breach human rights or not be in the interests of justice.

Where the Bill has drawn from the UK’s 2003 Act, it takes into account amendments made to that Act following reviews into the operation of extradition procedures in the UK.

The extradition process begins with a request from the territory seeking a person’s extradition. The person concerned is brought before the High Bailiff (“the court”) on an extradition arrest warrant. At the extradition hearing, the court must decide whether the request papers are in order, and whether there are any legal bars to the person’s extradition.

The court must also consider whether extradition would infringe the person's human rights. If any of these circumstances apply, the court must discharge the person. The court in any case has discretion to discharge a person, or to postpone proceedings, on account of the person's health. If none of those considerations applies, the court must send the case to the Attorney General, who then has to decide whether to order the person's extradition.

A person whose extradition has been requested has a right of appeal to the High Court of the Isle of Man, and from there to the Judicial Committee of the Privy Council (if leave is given), against decisions relating to extradition from the Island.

In some ways the Bill is closer to in its approach to the Jersey and Guernsey Laws than the UK Act. In particular, instead of mirroring the UK Act where decisions rest with the Secretary of State, the Bill follows the Channel Islands' legislation by having the Attorney General (along with the Island's courts) as the main decision maker for extradition cases rather than the Minister for Justice and Home Affairs. This has the effect of de-politicising the process.

**Question 6: Do you think that the Isle of Man should follow the approach taken in Jersey and Guernsey by having the Attorney General (along with the Island's courts) as the main decision maker for extradition cases rather than the Minister?**

- Yes
- No

Comments:

## Additional information

It should be noted that the Extradition Act 1989 does not deal with the transfer of a person within the British Islands (the UK, the Isle of Man and the Channel Islands), nor is it proposed that the new legislation should do so. Such transfers are not considered to be, and not treated in law as, extradition.

There are very longstanding arrangements in the criminal justice legislation of each jurisdiction so that an arrest warrant issued in one jurisdiction may be backed by a court in another jurisdiction and the person then sent to the jurisdiction that issued the warrant. In the Island section 81 of the [Summary Jurisdiction Act 1989](#) is the current legal basis in Manx law for the backing of warrants issued in the UK or the Channel Islands.

The Bill would involve a change to the arrangements for the transfer of suspects and offenders between the Isle of Man and the Republic of Ireland. The legislation that currently deals with this matter is the UK's [Backing of Warrants \(Republic of Ireland\) Act 1965](#) which extended directly to the Isle of Man and the Channel Islands.

As with the Extradition Act 1989, the 1965 Act was repealed for the UK itself by the Extradition Act 2003 but it continues to apply to the Isle of Man. Under the Bill where a person residing in the Isle of Man was wanted in Ireland, or vice versa, the request would be dealt with under normal extradition provisions rather than on a simple backing of warrants basis. This is already the position between Ireland and the UK, and between Ireland and Jersey or Guernsey.

It is considered that any Isle of Man extradition cases are likely to be extremely rare – none are known to date. It is understood though there have been cases in Jersey. Nevertheless, having appropriate modern legislation would be helpful in demonstrating to international bodies that the Island is a responsible jurisdiction that seeks to comply with international standards.

### **Question 7: Do you have any other comments on the Bill in general or any specific provisions of the Bill?**

- Yes
- No

Comments:

## Thank you

Thank you for taking the time to consider the contents of this draft Bill and to provide your feedback on the proposed legislation. Consultation responses will inform the next steps with the Bill.

Consultation responses will also be collated and published on the [Consultation Hub](#) should you wish to review the outcome of this consultation.

## Contact details

If you have any questions about this consultation, please contact:

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