



House of Commons

Tuesday 8 September 2020

COMMITTEE OF THE WHOLE HOUSE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

EXTRADITION (PROVISIONAL ARREST) BILL [*LORDS*]

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Sir Iain Duncan Smith
Bob Seely
Sarah Champion

1

Clause 1, page 1, line 6, at end insert—

“() Nothing in this Act changes the effect of any rule of law or any enactment in force before the date on which this Act is passed in relation to extradition requests by or on behalf of—

- (a) the People’s Republic of China, or
- (b) the Hong Kong Special Administrative Region of the People’s Republic of China.”

Member’s explanatory statement

This amendment is intended to ensure the provisional arrest arrangements proposed under this Bill do not apply to extradition requests from China and/or Hong Kong.

Sir Iain Duncan Smith
Bob Seely
Sarah Champion

2

Clause 1, page 1, line 6, at end insert—

“() The power to make further amendments under this Act may not be used to make any provision in relation to—

- (a) the People’s Republic of China, or

 Extradition (Provisional Arrest) Bill [*Lords*], *continued*

- (b) the Hong Kong Special Administrative Region of the People’s Republic of China.”

Member’s explanatory statement

This amendment would prevent the power to make amendments under this Bill being used in relation to China and/or Hong Kong.

Mr David Davis
 Mr Andrew Mitchell
 Dame Cheryl Gillan
 Sir Roger Gale
 Mr William Wragg
 Tim Loughton

Sir Robert Neill

7

Clause 1, page 1, line 6, at end insert—

- “() The power to make further amendments under this Act may not be used to make any provision in relation to the United States of America.”

Member’s explanatory statement

This amendment would prevent the power to make amendments under this Bill being used in relation to the USA.

Sir Iain Duncan Smith
 Bob Seely
 Sarah Champion

3

Clause 2, page 1, line 13, at end insert “except in relation to extradition requests by or on behalf of—

- (a) the People’s Republic of China, or
 (b) the Hong Kong Special Administrative Region of the People’s Republic of China.”

Member’s explanatory statement

This amendment would preclude the exercise in respect of China and /or Hong Kong of the powers under the Extradition Act 2003 in relation to British overseas territories, the Channel Islands or the Isle of Man, in relation to any changes made by this Bill.

Mr David Davis
 Mr Andrew Mitchell
 Dame Cheryl Gillan
 Sir Roger Gale
 Mr William Wragg
 Tim Loughton

Sir Robert Neill

8

Clause 2, page 1, line 13, at end insert “except in relation to extradition requests by or on behalf of the United States of America.”

Member’s explanatory statement

This amendment would preclude the exercise in respect of the USA of the powers under the Extradition Act 2003 in relation to British overseas territories, the Channel Islands or the Isle of Man, in relation to any changes made by this Bill.

Extradition (Provisional Arrest) Bill [Lords], continued

James Brokenshire

11

Clause 2, page 1, line 16, at end insert “, but paragraph 3A of the Schedule may not be commenced so as to come into force in relation to a territory before that territory is a category 2 territory for the purposes of the Extradition Act 2003.”

Member’s explanatory statement

This amendment is consequential on amendment 15 and provides that the amendments that are to be made by amendment 15 to Schedule A1 to the Extradition Act 2003 (inserted by paragraph 3 of the Schedule to the Bill) cannot be brought into force in relation to a territory before the territory is designated as a category 2 territory for the purposes of that Act.

Keir Starmer
Nick Thomas-Symonds
Conor McGinn
Mr Nicholas Brown

NC1

To move the following Clause—

“Annual statement on provisional arrests

- (1) The Secretary of State must, at the end of the period of 12 months beginning on the day on which this Act is passed, lay before both Houses of Parliament a statement setting out how many individuals have been arrested under provisions within this Act.
- (2) The statement must include a list of each incident broken down by protected characteristics of each person arrested, as defined in section 4 of the Equality Act 2010.
- (3) The Secretary of State must lay before Parliament a report in similar terms covering each subsequent 12 month period, within six months of that period ending.”

Member’s explanatory statement

This new clause would require the Secretary of State to lay a statement setting out how many individuals have been arrested under provisions within this Act, broken down by characteristics of each person arrested.

Keir Starmer
Nick Thomas-Symonds
Conor McGinn
Mr Nicholas Brown

NC2

To move the following Clause—

“Review of the Act

- (1) The Secretary of State must appoint a person to review the operation of the provisions of the Extradition Act 2003 as amended by this Act
- (2) That person may, from time to time, carry out a review of the provisions of this Act and must send a report on the outcome of such a review to the Secretary of State as soon as reasonably practicable after completing the review.

Extradition (Provisional Arrest) Bill [Lords], continued

- (3) A review under subsection (2) may, in particular, consider operational effectiveness
- (4) The person appointed under subsection (1) must carry out and report on the first review before the end of the period of 12 months after the day on which this Act is passed.
- (5) On receiving a report under this section, the Secretary of State must lay a copy of it before Parliament as soon as the Secretary of State is satisfied that doing so will not prejudice any criminal proceedings.”

Member’s explanatory statement

This new clause requires the changes made by this Act to be kept under review, and the first review of the Act to be carried out within a year of its being passed.

James Brokenshire

12

Schedule, page 3, line 22, leave out from beginning to end of line 24 and insert—

“(3A) The “designated authority” is the National Crime Agency.

- (4) The Secretary of State may by regulations amend this section so as to change the meaning of “designated authority”.”

Member’s explanatory statement

The Bill currently provides for the Secretary of State to designate the “designated authority” in regulations. This amendment instead provides, on the face of the Bill, that the National Crime Agency is the designated authority and confers a power on the Secretary of State to amend new section 74B to designate a different authority.

Keir Starmer
Nick Thomas-Symonds
Conor McGinn
Mr Nicholas Brown

16

Schedule, page 3, leave out lines 22 to 24 and insert—

“(4) The “designated authority” is the National Crime Agency.”

Member’s explanatory statement

This amendment would define the “designated authority” as the National Crime Agency.

Sir Iain Duncan Smith
Bob Seely
Sarah Champion

4

Schedule, page 3, line 36, at end insert—

- () Regulations under subsection (7) may not add the People’s Republic of China and the Hong Kong Special Administrative Region of the People’s Republic of China as a specified category 2 territory.”

Member’s explanatory statement

This amendment would preclude the exercise in respect of China and Hong Kong of the proposed power under section 75B(7) of the Extradition Act 2003 to add to the list of specified category 2 territories under Schedule A1 on whose authority a valid extradition request may be made.

 Extradition (Provisional Arrest) Bill [*Lords*], *continued*

Mr David Davis
 Mr Andrew Mitchell
 Dame Cheryl Gillan
 Sir Roger Gale
 Mr William Wragg
 Tim Loughton

Sir Robert Neill

9

Schedule, page 3, line 36, at end insert—

“() Regulations under subsection (7) may not add the United States of America to the list in Schedule A1 of specified category 2 territories.”

Member’s explanatory statement

This amendment would preclude the exercise in respect of the USA of the proposed power under section 75B(7) of the Extradition Act 2003 to add to the list of specified category 2 territories under Schedule A1 on whose authority a valid extradition request may be made.

James Brokenshire

13

Schedule, page 3, line 37, leave out from beginning to end of line 2 on page 4

Member’s explanatory statement

This amendment leaves out a provision inserted in the Lords imposing certain conditions relating to consultation, assessments and reports on the making of regulations under new section 74B(7).

James Brokenshire

14

Schedule, page 4, leave out lines 3 and 4

Member’s explanatory statement

This amendment leaves out a provision inserted in the Lords preventing regulations under new section 74B(7) adding more than one territory at a time to the list of territories in new Schedule A1.

Keir Starmer
 Nick Thomas-Symonds
 Conor McGinn
 Mr Nicholas Brown

17

Schedule, page 6, line 42, leave out “Liechtenstein” and insert “All the Member States of the European Economic Area”

Member’s explanatory statement

This amendment would allow for all EEA Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden) to be inserted into new Schedule A1.

 Extradition (Provisional Arrest) Bill [*Lords*], *continued*

Mr David Davis
 Mr Andrew Mitchell
 Dame Cheryl Gillan
 Sir Roger Gale
 Mr William Wragg
 Tim Loughton

Sir Robert Neill

10

Schedule, page 7, leave out line 2

Member's explanatory statement

This amendment would remove the USA from the proposed list of specified category 2 countries to which the provisions of this Bill will apply.

James Brokenshire

15

Schedule, page 7, line 2, at end insert—

“3A In Schedule A1 (as inserted by paragraph 3), at the appropriate places, insert—

“Austria”;
 “Belgium”;
 “Bulgaria”;
 “Croatia”;
 “Cyprus”;
 “Czech Republic”;
 “Denmark”;
 “Estonia”;
 “Finland”;
 “France”;
 “Germany”;
 “Greece”;
 “Hungary”;
 “Iceland”;
 “Ireland”;
 “Italy”;
 “Latvia”;
 “Lithuania”;
 “Luxembourg”;
 “Malta”;
 “The Netherlands”;
 “Norway”;
 “Poland”;
 “Portugal”;
 “Romania”;
 “Slovakia”;
 “Slovenia”;
 “Spain”;
 “Sweden”.

3B Paragraph 3A is repealed at the end of 2021 if, or to the extent that, it has not been brought into force before the end of that year.”

Member's explanatory statement

This amendment would allow for the territories listed in new paragraph 3A to be inserted into new

Extradition (Provisional Arrest) Bill [Lords], continued

Schedule A1. If or to the extent that new paragraph 3A is not brought into force before the end of 2021, new paragraph 3B provides for new paragraph 3A to be repealed at the end of that year.

Sir Iain Duncan Smith
Bob Seely
Sarah Champion

5

Schedule, page 7, line 24, at end insert—

“(8A) Section 70(6) is repealed.”

Member’s explanatory statement

This amendment would repeal section 70(6) of the Extradition Act 2003, which provides that 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.

Sir Iain Duncan Smith
Bob Seely
Sarah Champion

6

Schedule, page 9, line 39, at end insert—

“24A(1) The Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 is amended as follows.

(2) In Article 1(2) (the list of territories designated for the purposes of Part 2 of the Extradition Act 2003), omit “Hong Kong Special Administrative Region”.

(3) Omit Article 2(3) (designation of Hong Kong Special Administrative Region purposes of section 71(4) and 73(5) of the Extradition Act 2003).”

Member’s explanatory statement

This amendment is intended to remove Hong Kong from the list of Extradition Act category 2 territories (which include, for example, India, Russia and South Africa as well as those category 2 territories proposed to be specified under this Bill) as countries on whose behalf provisional arrest warrants may be issued.

ORDER OF THE HOUSE [22 JUNE 2020]

That the following provisions shall apply to the Extradition (Provisional Arrest) Bill [Lords]:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on Consideration and up to and including Third Reading

2. Proceedings in Committee, any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings in Committee are commenced.
3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
4. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Extradition (Provisional Arrest) Bill [*Lords*], *continued**Other proceedings*

5. Any other proceedings on the Bill may be programmed.
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