

Extradition (Provisional Arrest) Bill [HL]

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 1

LORD KENNEDY OF SOUTHWARK

1 Insert the following new Clause—

“Report on risk of abuse in Interpol Red Notices

- (1) The Secretary of State must, before the end of the period of 12 months beginning on the day this Act is passed, lay before both Houses of Parliament an assessment of the reliability of Interpol Red Notices as a basis for arrest under this Act.
- (2) The report must include an assessment of the extent to which there is a risk of abuse by territories issuing notices.”

Member’s explanatory statement

This amendment would require the Secretary of State to prepare and publish a report on Interpol Red Notices.

2 Insert the following new Clause—

“Annual statement on 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 amendment 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.

The Schedule

BARONESS HAMWEE

3 Page 2, leave out lines 17 to 19

Member's explanatory statement

This amendment precludes the period of imprisonment extending beyond 24 hours before the person is brought before a judge.

4 Page 3, line 9, at end insert “and
(e) it is satisfied that the request is not politically motivated.”

Member's explanatory statement

This amendment is to probe the propriety of requests, and whether paragraph (d) provides adequate protection.

LORD KENNEDY OF SOUTHWARK

5 Page 3, leave out lines 24 to 26 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.

BARONESS HAMWEE

6 Page 3, line 34, leave out “, vary”

Member's explanatory statement

This amendment is to probe the variation of a reference to a territory, as distinct from an addition or removal.

7 Page 3, leave out lines 36 to 38

Member's explanatory statement

This amendment is to query the use of regulations for the purpose in paragraph (b).

LORD KENNEDY OF SOUTHWARK

8 Page 3, line 38, at end insert –
“() The Secretary of State must prepare a report when adding, varying or removing a reference to a territory under regulations made under subsection (7)(a), and on any intentions to add further territories, and any negotiations with prospective territories.
() The Secretary of State must publish the first such report no later than one month after this section comes into force.
() The Secretary of State must keep the report under review and revise it if appropriate.

The Schedule - continued

- () The Secretary of State must publish any revised report.”

Member’s explanatory statement

This amendment would require the Secretary of State to prepare and publish reports on adding, varying or removing a reference to a territory, and on any intentions to add further territories, and any negotiations with prospective territories.

BARONESS HAMWEE
LORD JUDGE
LORD KENNEDY OF SOUTHWARK

- 9 Page 3, line 38, at end insert –

“() An order made under subsection (7)(a) shall designate no more than one territory.”

Member’s explanatory statement

This amendment would require each order to add, vary or remove a reference to a territory under Schedule A1 to contain no more than one territory. This will allow Parliament to reject a particular territory.

BARONESS HAMWEE

- 10 Page 3, line 38, at end insert –

“() Regulations under subsection (7) may add a reference to a territory only if the Secretary of State is satisfied that the territory –

- (a) respects the international rules-based order;
- (b) does not abuse the Interpol Red Notices system;
- (c) complies with human rights requirements under Interpol’s constitution; and
- (d) has a criminal justice system in which there is a high level of confidence, in particular that –
 - (i) arrested persons have access to lawyers;
 - (ii) there is no interference with the independence of the judiciary, prosecutors, lawyers or the administration of justice; and
 - (iii) defendants have a right to a fair trial.”

Member’s explanatory statement

This amendment specifies the basis on which the Secretary of State may add a reference to a territory in Schedule A1.

- 11 Page 5, line 6, leave out “the designated authority believes”

Member’s explanatory statement

This amendment is to probe whether the designated authority should rely on a request if there is any doubt as to whether the requesting authority has this function.

- 11A★ Page 6, line 2, at end insert –

“() Where a person is discharged under this section, no further certificate under section 74B may be issued.”

Member's explanatory statement

The Bill provides that a person cannot be arrested again in reliance on the same certificate. This amendment ensures they cannot be re-arrested under a new certificate.

LORD DEBEN

11B★ Page 6, leave out line 32

BARONESS HAMWEE

11C★ Page 9, line 32, after “under” insert “section 74B(4) or”

Member's explanatory statement

The amendment requires the affirmative procedure for regulations to designate the “designated authority”.

12 Page 10, line 14, leave out sub-paragraph (2)

Member's explanatory statement

This amendment removes the provision in the bill that allows regulations to amend, repeal or revoke any provision made by primary legislation.

13 Page 10, line 16, leave out “, saving or incidental”

Member's explanatory statement

This amendment removes the provision in the bill allowing regulations to make saving or incidental provision.

LORD INGLEWOOD

14 Page 10, line 25, at end insert –

“() Sub-paragraph (1) and any regulations made under this paragraph expire at the end of the period of 12 months beginning with the day of this Schedule coming into force.”

BARONESS WILLIAMS OF TRAFFORD
LORD GRIFFITHS OF BURRY PORT

15 Page 10, line 29, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member's explanatory statement

This amendment replaces the reference to the National Assembly for Wales with a reference to Senedd Cymru, reflecting the change made by the Senedd and Elections (Wales) Act 2020 (anaw 1) to the name of the Assembly.

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