

EXTRADITION (PROVISIONAL ARREST) BILL [HL]

EXPLANATORY NOTES ON COMMONS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Commons Amendments to the Extradition (Provisional Arrest) Bill [HL] as brought from the House of Commons on 9 September 2020.
- 2 These Explanatory Notes have been prepared by the Home Office in order to assist the reader of the Bill and the Commons amendments, and to help inform debate on the Commons amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Commons amendments themselves, refer to HL Bill 138, the Bill as first printed for the Commons.
- 4 These Explanatory Notes need to be read in conjunction with the Commons amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Commons amendments.
- 5 Commons amendments 11 to 15 were tabled in the name of the Minister.

Commentary on Commons amendments

Commons Amendment to clause 2: Extent, commencement and short title

Commons amendment 11

- 6 Clause 2 makes provision in respect of the extent, commencement and short title of the Bill.
- 7 This amendment would ensure that the change made by amendment 15 to Schedule A1 of the Extradition Act 2003 (adding the EU Member States and Norway and Iceland to Schedule A1) cannot be brought into force in relation to a territory before the territory is designated as a category 2 territory for the purposes of the 2003 Act.

Commons Amendments to Part 1 of the Schedule: Main amendments to the Extradition Act 2003

Commons amendments 12, 13, 14 and 15

- 8 The Bill previously provided for the Secretary of State to designate the "designated authority" in regulations. Commons amendment 12 would provide, 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.

- 9 The Bill provides that the Secretary of State may make regulations under new section 74B (7) of the Extradition Act 2003 to add, vary or remove a reference to a territory in new Schedule A1 (i.e. to which the new arrest power applies) and, in consequence, to amend section 74BC of that Act so as to change what it means to make a request "in the approved way". Commons amendment 13 would leave out a provision inserted in the Lords (previous new section 74B(8)) imposing certain conditions relating to consultation, assessments and reports on the making of regulations by the Secretary of State under new section 74B(7).
- 10 Commons amendment 14 would leave out a provision inserted in the Lords (previous new section 74B(9)) preventing regulations under new section 74B(7) adding more than one territory at a time to the list of territories in new Schedule A1.
- 11 Commons amendment 15 would allow for the territories listed in new paragraph 3A to be inserted into new Schedule A1 (i.e. the EU Member States, Norway and Iceland). It contains a sunset provision: 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.

These Explanatory Notes relate to the Commons Amendments to the Extradition (Provisional Arrest) Bill [HL] as brought from the House of Commons on 9 September 2020 [HL Bill 133]

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These Explanatory Notes relate to the Commons Amendments to the Extradition (Provisional Arrest) Bill [HL] as brought from the House of Commons on 9 September 2020 (HL Bill 133).

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