SCOTTISH STATUTORY INSTRUMENTS

2002 No. 517

HIGH COURT OF JUSTICIARY SHERIFF COURT

Act of Adjournal (Criminal Procedure Rules Amendment No 4) (Extradition) 2002

Made - - - - 21st November 2002

Coming into force - - 1st December 2002

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred upon them by section 14A(6) of the Extradition Act 1989(**1**), section 305 of the Criminal Procedure (Scotland) Act 1995(**2**) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 4) (Extradition) 2002 and shall come into force on 1st December 2002.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Amendment of the Act of Adjournal (Criminal Procedure Rules) 1996

2.—(1) The Act of Adjournal (Criminal Procedure Rules) 1996(**3**) shall be amended in accordance with this paragraph.

(2) In rule 34.1 (interpretation of chapter on extradition) at the end there shall be inserted–

""the 1995 Convention" means the Convention drawn up on the basis of Article K.3 of the Treaty on European Union on Simplified Extradition Procedures between the Member States of the European Union;

"party to the 1995 Convention" means a state in respect of which the 1995 Convention is in force either generally or between it and the United Kingdom.".

(3) After rule 34.5 (notices of waiver of rights and consent) there shall be inserted–

(**1**) 1989 c. 33: section 14A(6) was inserted by paragraph 5 of Schedule 9 to the European Union Extradition Regulations 2002 (S.I.2002/419).
(**2**) 1995 c. 46.
(**3**) 1996/513.

"**Notices of consent to return to the foreign state**

34.6.—(1) This rule applies as between the Untied Kingdom and states other than the Republic of Ireland that are parties to the 1995 Convention, in relation to which section 14A of the Act of 1989 applies by virtue of section 34A of, and Schedule 1A to, the Act of 1989.

(2) A notice of consent for the purposes of section 14A(3) of the Act of 1989 shall be in Form 34.6 and shall be signed in the presence of the sheriff.".

(4) In the Appendix, after Form 34.5 (form for notice of waiver of rights and consent), there shall be inserted the form set out in the Schedule to this Act of Adjournal.

Edinburgh
21st November 2002

W Douglas Cullen
Lord President I.P.D.