Number 17 *of* 1965

EXTRADITION ACT 1965

REVISED

Updated to 18 May 2025

This Revised Act is an administrative consolidation of the *Extradition Act 1965*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Finance (Provision of Access to Cash Infrastructure) Act 2025* (4/2025), enacted 20 May 2025, and all statutory instruments up to and including the *Extradition (United Arab Emirates) Order 2025* (S.I. No. 205 of 2025), made 13 May 2025, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 17 *of* 1965.

EXTRADITION ACT 1965

REVISED

Updated to 18 May 2025

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ACTS REFERRED TO

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Extradition Act, 1870	1870, c. 52

Number 17 *of* 1965.

EXTRADITION ACT 1965

REVISED

Updated to 18 May 2025

AN ACT TO AMEND THE LAW RELATING TO EXTRADITION. [19*th July*, 1965.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Annotations

Modifications (not altering text):

C1 Application of collectively cited *Extradition Acts* restricted (31.10.2006) by *International Criminal Court Act 2006* (30/2006), s. 18(6), commenced on enactment.

Conflicting requests.

18.— (1) In this section "surrender proceedings" means proceedings before the High Court for the surrender of a person to another state following receipt of—

(a) a request under the Extradition Acts for his or her extradition to another state, or

(b) a European arrest warrant (within the meaning of the European Arrest Warrant Act 2003) in respect of the person.

(2) Where the Minister receives a request from the International Criminal Court for the arrest and surrender of a person under Article 89 and—

(a) surrender proceedings in respect of the person have been instituted but have not been determined, or

(b) the person is awaiting surrender to another state under the Extradition Acts or the European Arrest Warrant Act 2003, then, pending a decision by the Minister in accordance with Article 90 on whether priority should be given to the request—

(i) the Minister shall notify the High Court of the request, and, on receipt of the notification, the Court may adjourn the proceedings for such period or periods as it thinks fit and remand the person in custody or, subject to section 26 (2), on bail, or

(ii) as the case may be, the person shall not be so surrendered.

(3) If the Minister decides in accordance with Article 90 that priority should be given to the request from the International Criminal Court and—

(a) the surrender proceedings have been so adjourned, the Minister shall cause the High Court to be notified of his or her decision, and, on receipt of the notification, the Court may order that the proceedings be discontinued and that the person concerned be brought before it to be dealt with in accordance with section 25, or

(b) the person is awaiting surrender to another state, the person shall not be so surrendered, and sections 19, 20, 23 and 25 shall have effect in relation to the case.

(4) If, having consulted the International Criminal Court, the Minister decides in accordance with Article 90 that priority should not be given to the Court's request—

(a) the Minister shall cause the High Court to be notified accordingly, or

(b) if the person is awaiting surrender to another state, subsection (2)(ii) shall cease to have effect in relation to the person concerned.

(5) A discontinuance of surrender proceedings under subsection (3)(a) in respect of an offence is not a bar to instituting fresh such proceedings for it.

(6) This section has effect notwithstanding anything in the Extradition Acts and is without prejudice to section 30(3) of the European Arrest Warrant Act 2003.

C2 Term "extradition provisions" construed (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(2), S.I. No. 85 of 2002, subject to transitional provision in subs. (3).

Proceedings under Principal Act to be heard before High Court.

20.— ...

(2) For the avoidance of doubt, references in the Principal Act to extradition provisions shall include references to the Convention of 1995 and the Convention of 1996.

Editorial Notes:

E1 Proceedings under Act are relevant proceedings under *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020*, Part 4 as provided (21.08.2020) by *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020* (13/2020), s. 22, S.I. No. 306 of 2020.

E2 Previous affecting provision: application of Act restricted (18.12.1973) by *Genocide Act 1973* (28/1973), s. 3(2), commenced on enactment; substituted (15.11.1996) by *Criminal Justice Act 1994* (15/1994), s. 51(8), S.I. No. 333 of 1996; repealed (31.10.2006) by *International Criminal Court Act 2006* (30/2006), s. 7(2), commenced on enactment.

PART I

Preliminary

Short title.

1.—This Act may be cited as the Extradition Act, 1965.

Commencement.

2.—This Act shall come into operation on such day as the Minister by order appoints.

Annotations

Editorial Notes:

E3 Power pursuant to section exercised (16.08.1965) by *Extradition Act, 1965 (Commencement) Order 1965* (S.I. No. 161 of 1965).

2. The Extradition Act, 1965 (No. 17 of 1965), shall come into operation on the 16th day of August, 1965.

Interpretation.

3.—(1) In this Act—

"act" includes omission;

F1[**"**country" includes—

(*a*) a place or territory for whose external relations a country, other than that place or territory, is (in whole or in part) responsible, and

(*b*) a place or territory for whose external relations the government of a country, other than the government of that place or territory, is (in whole or in part) responsible.**]**

"detention order", in relation to another country, means any order involving deprivation of liberty which has been made by a criminal court in that country in addition to or instead of a prison sentence;

"diplomatic agent" means an ambassador extraordinary and plenipotentiary, envoy extraordinary and minister plenipotentiary or chargé d'affaires;

"extradition" means the surrender of a person under the provisions of Part II to a country in relation to which that Part applies;

"extradition agreement" has the meaning assigned to it by subsection (1) of section 8;

"extradition provisions" means the provisions of an extradition agreement or of an order under section 8 applying Part II otherwise than in pursuance of an extradition agreement;

"habeas corpus proceedings" means proceedings (including proceedings on appeal) under section 4.2° of Article 40 of the Constitution;

"imprisonment", in relation to the State, includes penal servitude F2**[**...**]** and, in relation to any other country, includes deprivation of liberty under a detention order;

F3**[**...**]**

"justice of the F4**[**High Court**]**" includes the President of the F4**[**High Court**]**;

"the Minister" means the Minister for Justice;

"person claimed" means a person whose extradition is requested;

F1**[**"political offence" does not include any of the following:

(*a*) the taking or attempted taking of the life of a Head of State or a member of his family;

(*b*) an offence within the scope of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on the 20th of December, 1988;

(*c*) an offence within the scope of the International Convention for the Suppression of Terrorist Bombings adopted by resolution 52/164 of the General Assembly of the United Nations on 15 December 1997;

(*d*) an offence within the scope of the International Convention for the Suppression of the Financing of Terrorism adopted by resolution 54/109 of the General Assembly of the United Nations on 9 December 1999;**]**

"remand institution" means an institution (other than a prison) within the meaning of the Criminal Justice Act, 1960;

"requested country" means a country which is requested to surrender a person to the State for prosecution or punishment for an offence;

"requesting country" means a country which requests extradition;

F5**[**"revenue offence", in relation to any country or place outside the State, means an offence in connection with taxes, duties, customs or exchange control but does

not include an offence involving the use or threat of force or perjury or the forging of a document issued under statutory authority or an offence alleged to have been committed by an officer of the revenue of that country or place in his capacity as such officer or an offence within the scope of Article 3 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on the 20th day of December, 1988;

F2**[**...**]]**

"sentence" includes detention order.

F6**[**"torture" has the meaning assigned to it by the Criminal Justice (United Nations Convention against Torture) Act, 2000.**]**

F7**[**(1A) For the purposes of the amendments to this Act effected by Part 2 of the Extradition (European Union Conventions) Act 2001, "Convention country" means—

(*a*) a country designated under section 4(1) of that Act, or

(*b*) in such provisions of this Act as are specified in an order under subsection (1A) (inserted by section 52 of the European Arrest Warrant Act 2003) of section 4 of the Extradition (European Union Conventions) Act 2001, a country designated by that order, to which the provisions so specified apply.**]**

F8**[**F9**[**(1B) For the purposes of the amendments to this Act effected by Part 3 of the Extradition (European Union Conventions) Act 2001, "Convention country" means—

(*a*) a country designated under section 10(1) of that Act, or

(*b*) in such provisions of this Act as are specified in an order under subsection (1A) (inserted by section 52 of the European Arrest Warrant Act 2003) of section 10 of the Extradition (European Union Conventions) Act 2001, a country designated by that order, to which the provisions so specified apply.**]**

(1C) For the purposes of this Act and the Convention of 1996, the Central Authority in the State shall be the Minister.**]**

(2) This Act applies, except where otherwise provided, in relation to an offence whether committed or alleged to have been committed before or after the passing of this Act.

Annotations

Amendments:

F1 Substituted (8.03.2005) by *Criminal Justice (Terrorist Offences) Act 2005* (2/2005), s. 57(1), (2), commenced on enactment.

F2 Deleted (7.04.2017) by *Prisons Act 2015* (57/2015), s. 10, S.I. No. 134 of 2017.

F3 Deleted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1)(c), S.I. No. 85 of 2002.

F4 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1)(a), S.I. No. 85 of 2002.

F5 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 13(a), S.I. No. 85 of 2002.

F6 Inserted (14.06.2000) by *Criminal Justice (United Nations Convention Against Torture) Act 2000* (11/2000), s. 7(a), commenced on enactment.

F7 Substituted (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 47(b), commenced as per s. 1(2).

F8 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 9, S.I. No. 85 of 2002.

F9 Substituted (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 47(c), commenced as per s. 1(2).

Modifications (not altering text):

C3 Reference to perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), s. 4(2) and sch. 2 item 29, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. ...

(2) A reference in an enactment specified in Schedule 2 to perjury or to subornation of perjury, howsoever described, in relation to an act committed on or after the coming into operation of this subsection, shall be construed as a reference to perjury or to subornation of perjury, as the case may be, within the meaning of this Act.

...

SCHEDULE 2

Section 4 (2)

...

29. Extradition Act 1965, section 3(1)

...

Editorial Notes:

E4 Previous affecting provision: definition of "country" inserted (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 47(a), commenced as per s. 1(2); substituted as per F-note above.

E5 Previous affecting provision: subs. (1A) inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 3, S.I. No. 85 of 2002; substituted as per F-note above.

E6 Previous affecting provision: definitions of "political offence" and "revenue offence" substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 3(a), S.I. No. 220 of 1994; substituted as per F-notes above.

E7 Previous affecting provision: definition of "judge of the District Court assigned to the Dublin Metropolitan District" inserted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 3(b), S.I. No. 220 of 1994; amended (26.05.1999) by *Criminal Justice Act 1999* (10/1999), s. 33(1), commenced on enactment; deleted as per F-note above.

Laying of orders before Houses of Oireachtas.

F10**[**4.—Every order under section 8 F11**[**or section 23(2) of this Act**]** made after the commencement of section 48 of the European Arrest Warrant Act 2003 shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.**]**

Annotations

Amendments:

F10 Substituted (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 48, commenced as per s. 1(2).

F11 Inserted (31.12.2020 at 11 p.m.) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 109, S.I. No. 687 of 2020.

F12 Substituted by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), s. 92, not commenced as of date of revision.

Editorial Notes:

E8 Previous affecting provision: section amended by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), s. 92, not commenced; repealed (17.12.2020) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 4(a), S.I. No. 634 of 2020.

E9 Previous affecting provision: section substituted (20.3.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 21, S.I. No. 85 of 2002; substituted as per F-note above.

E10 Previous affecting provision: section substituted (1.12.1987) by *Extradition (European Convention on the Suppression of Terrorism) Act 1987* (1/1987), s. 7, commenced as per s. 13; substituted as per E-note above.

Expenses.

5.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Repeals.

S.R. & O. No. 431 of 1947.

6.—(1) Each of the enactments specified in the Schedule to this Act is hereby repealed to the extent set out in the third column of that Schedule.

(2) Rule 74 (3) of the District Court Rules, 1948, shall cease to have effect.

Transitory provisions.

7.—Any order made under section 2 of the Extradition Act, 1870, and in force immediately before the commencement of this Act shall continue in force and be deemed to be an order made under subsection (1) of section 8 and the arrangement to which it relates shal(1) l be deemed to be an extradition agreement.

(2) An order to which subsection (1) applies shall, if not sooner revoked under section 8, expire on the 1st day of January, 1972.

F13**[**Admission to bail by High Court.

7A.—A person arrested under Part II or III of this Act shall not be admitted to bail except by order of the High Court.**]**

Annotations

Amendments:

F13 Inserted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 5, S.I. No. 220 of 1994.

Editorial Notes:

E11 The section heading is taken from the amending section in the absence of one included in the amendment.

F14**[**Evidence by affidavit.

7B.—F15**[**...**]]**

Annotations

Amendments:

F14 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 22, S.I. No. 85 of 2002.

F15 Repealed (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 26, commenced on enactment.

Editorial Notes:

E12 The section heading is taken from the amending section in the absence of one included in the amendment.

PART II

Extradition Generally

Annotations

Modifications (not altering text):

C4 Certain offences not to be regarded as political offences for purposes of Part as provided (1.12.1987) by *Extradition (European Convention on the Suppression of Terrorism) Act 1987* (1/1987), ss. 3, 4, commenced as per s. 13.

Certain offences not to be regarded as political offences

3.—(1) For the purposes mentioned in subsection (2)—

(a) no offence to which this section applies and of which a person is accused or has been convicted outside the State shall be regarded as a political offence or as an offence connected with a political offence, and

(b) **[**...**]**

(2) The purposes referred to in subsection (1) are—

(a) the purposes of Part II of the Act of 1965 in relation to any request for the surrender of a person made after the commencement of this Act by any convention country in relation to which that Part applies;

[(aa) the purposes of Part II of the Act of 1965 in relation to any request for the surrender of a person made after the passing of the Extradition (European Union Conventions) Act, 2001, by any country that—

(i) has adopted the Convention of 1996, and

(ii) is a country to which the said Part II applies.**]**

(b) the purposes of Part III of the Act of 1965 in relation to any warrant for the arrest of a person issued after the commencement of this Act in a place in relation to which that Part applies;

(c) **[** ...**]**

(3) (a) This section applies to—

(i) an offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on the 16th day of December, 1970,

(ii) an offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on the 23rd day of September, 1971,

[(iia) an offence within the scope of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva on the 12th day of August, 1949,

(iib) an offence within the scope of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, done at Geneva on the 12th day of August, 1949,

(iic) an offence within the scope of the Geneva Convention Relative to the Treatment of Prisoners of War done at Geneva on the 12th day of August, 1949,

(iid) an offence within the scope of the Geneva Convention Relative to the Protection of Civilian Persons in time of War done at Geneva on the 12th day of August, 1949,**]**

(iii) a serious offence involving an attack against the life, physical integrity or liberty of an internationally protected person,

(iv) an offence involving kidnapping, the taking of a hostage or serious false imprisonment,

(v) an offence involving the use of an explosive or an automatic firearm, if such use endangers persons, **[**...**]**

[(vi) any serious offence (other than an offence to which subparagraphs (i) to (v) apply)—

(I) involving an act of violence against the life, physical integrity or liberty of a person, or

(II) involving an act against property if the act created a collective danger for persons, and

(vii) any offence of attempting or conspiring to commit any of the foregoing offences.**]**

(b) References in this subsection to an offence include references to participation as an accomplice of a person who commits the offence.

[(3A) Without prejudice to subsection (3), this section applies to any offence which, if the act constituting the offence took place in the State, would be an offence specified in the First Schedule to the Extradition (Amendment) Act, 1994.**]**

...

Certain other offences not to be regarded as political offences in certain circumstances.

4. [...**]**

Application of Part II.

8.—F16**[**(1) Where by any international agreement or convention to which the State is a party an arrangement (in this Act referred to as an extradition agreement) is made with another country for the surrender by each country to the other of persons wanted for prosecution or punishment or where the Minister is satisfied that reciprocal facilities to that effect will be afforded by another country, the Minister for Foreign Affairs may, after consultation with the Minister, by order apply this Part—

(*a*) in relation to that country, or

(*b*) in relation to a place or territory for whose external relations that country is (in whole or in part) responsible.

(1A) Where at any time after the making of an order under *subsection (1)*, a country becomes a party to an extradition agreement to which that order applies, the Minister for Foreign Affairs may, after consultation with the Minister, by order so declare, and this Part shall, upon the making of the second-mentioned order, apply—

(*a*) to that country, or

(*b*) if that country became a party to the extradition agreement concerned for the purpose only of its applying in relation to a place or territory for whose external relations that country is (in whole or in part) responsible, to that place or territory.**]**

(2) Where the Government have made an arrangement amending an extradition agreement the F17**[**Minister for Foreign Affairs may, after consultation with the Minister**]** by order so declare and the extradition agreement shall thereupon have effect as so amended.

F18**[**(3) An order relating to an extradition agreement (other than an order under *subsection (1A)* (inserted by section 23*(a)* of the Extradition (European Union Conventions) Act, 2001)) shall recite or embody the terms of the agreement and shall be evidence of the making of the agreement and of its terms.**]**

F19**[**(3A) An order under *subsection (1A)* shall in relation to the extradition agreement concerned recite or embody the terms of any reservation or declaration entered to that agreement by a country to which the order applies, and shall be evidence of the reservation or declaration (if any) and of its terms.

(3B) An order under *subsection (2)* shall recite or embody the terms of the amendment and shall be evidence of the making of the arrangement amending the extradition agreement concerned and of the terms of the amendment.**]**

(4) An order applying this Part in relation to any country otherwise than in pursuance of an extradition agreement may be made subject to such conditions, exceptions and qualifications as may be specified in the order.

(5) Every extradition agreement and every order applying this Part otherwise than in pursuance of an extradition agreement shall, subject to the provisions of this Part, have the force of law in accordance with its terms.

(6) The F17**[**Minister for Foreign Affairs may, after consultation with the Minister,**]** by order revoke or amend an order under this section.

(7) On the revocation of an order applying this Part in relation to any country, this Part shall cease to apply in relation to that country.

F18**[**(8) A notice of the making of each order under this section shall be published in *Iris Oifigiúil* as soon as may be after it is made.**]**

F20**[**(9) An order under this section in force immediately before the commencement of the European Arrest Warrant Act 2003 shall continue in force after such commencement as if made under this section (as amended by section 49 of that Act), and may be amended or revoked accordingly.**]**

Annotations

Amendments:

F16 Substituted (8.03.2005) by *Criminal Justice (Terrorist Offences) Act 2005* (2/2005), s. 57(3), commenced on enactment.

F17 Substituted (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 49(c), (d), commenced as per s. 1(2).

F18 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 23(b), (c), S.I. No. 85 of 2002.

F19 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 23(b), S.I. No. 85 of 2002.

F20 Inserted (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 49(e), commenced as per s. 1(2).

Editorial Notes:

E13 Power pursuant to section exercised (18.05.2025) by *Extradition (United Arab Emirates) Order 2025* (S.I. No. 205 of 2025), in effect as per art. 1(2).

E14 Power pursuant to section exercised (14.10.2024) by *Extradition (United Arab Emirates) Order 2024* (S.I. No. 530 of 2024).

E15 Power pursuant to section exercised (30.03.2022) by *Extradition (Australia) Order 2022* (S.I. No. 134 of 2022), in effect as per art. 1(2).

E16 Power pursuant to section exercised (22.07.2019) by *Extradition (United Nations Convention Against Illicit Traffic In Narcotic Drugs And Psychotropic Substances) Order 2019* (S.I. No. 396 of 2019), in effect as per art. 1(2).

E17 Power pursuant to section exercised (22.07.2019) by *Extradition (Hong Kong) Order 2019* (S.I. No. 395 of 2019), in effect as per art. 1(2).

E18 Power pursuant to section exercised (22.07.2019) by *Extradition (Convention For The Suppression Of Unlawful Acts Against The Safety Of Maritime Navigation And Protocol For The Suppression Of Unlawful Acts Against The Safety Of Fixed Platforms Located On The Continental Shelf) Order 2019* (S.I. No. 394 of 2019), in effect as per art. 1(2).

E19 Power pursuant to section exercised (22.07.2019) by *Extradition (United States Of America) Order 2019* (S.I. No. 393 of 2019), in effect as per art. 1(2).

E20 Power pursuant to section exercised (22.07.2019) by *Extradition (International Convention For The Suppression Of The Financing Of Terrorism) Order 2019* (S.I. No. 391 of 2019), in effect as per art. 1(2).

E21 Power pursuant to section exercised (22.07.2019) by *Extradition (International Convention For The Suppression Of Terrorist Bombings) Order 2019* (S.I. No. 390 of 2019), in effect as per art. 1(2).

E22 Power pursuant to section exercised (22.07.2019) by *Extradition (Convention On The Prevention And Punishment Of Crimes Against Internationally Protected Persons, Including Diplomatic Agents) Order 2019* (S.I. No. 389 of 2019), in effect as per art. 1(2).

E23 Power pursuant to section exercised (22.07.2019) by *Extradition (International Convention Against The Taking Of Hostages) Order 2019* (S.I. No. 388 of 2019), in effect as per art. 1(2).

E24 Power pursuant to section exercised (22.07.2019) by *Extradition (Criminal Law Convention On Corruption) Order 2019* (S.I. No. 387 of 2019), in effect as per art. 1(2).

E25 Power pursuant to section exercised (22.07.2019) by *Extradition (Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment) Order 2019* (S.I. No. 386 of 2019), in effect as per art. 1(2).

E26 Power pursuant to section exercised (22.07.2019) by *Extradition (Convention On Combating Bribery Of Foreign Public Officials In International Business Transactions) Order 2019* (S.I. No. 384 of 2019), in effect as per art. 1(2).

E27 Power pursuant to section exercised (22.07.2019) by *Extradition (Convention On The Safety Of United Nations And Associated Personnel) Order 2019* (S.I. No. 383 of 2019), in effect as per art. 1(2).

E28 Power pursuant to section exercised (22.07.2019) by *Extradition (European Convention On The Suppression Of Terrorism) Order 2019* (S.I. No. 382 of 2019), in effect as per art. 1(2).

E29 Power pursuant to section exercised (22.07.2019) by *Extradition (Convention On The Physical Protection Of Nuclear Material) Order 2019* (S.I. No. 381 of 2019), in effect as per art. 1(2).

E30 Power pursuant to section exercised (22.07.2019) by *Extradition (Convention For The Suppression Of Unlawful Acts Against The Safety Of Civil Aviation And Protocol For The Suppression Of Unlawful Acts Of Violence At Airports Serving International Civil Aviation) Order 2019* (S.I. No. 379 of 2019), in effect as per art. 1(2).

E31 Power pursuant to section exercised (22.07.2019) by *Extradition (Convention For The Suppression Of Unlawful Seizure Of Aircraft) Order 2019* (S.I. No. 376 of 2019), in effect as per art. 1(2).

E32 Power pursuant to section exercised (22.07.2019) by *Extradition (European Convention On Extradition) Order 2019* (S.I. No. 374 of 2019), in effect as per art. 1(2).

E33 Power pursuant to subs. (6) exercised (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), in effect as per art. 1(2).

E34 Power pursuant to section exercised (10.07.2019) by *Extradition (Second Additional Protocol To The European Convention on Extradition) Order 2019* (S.I. No. 339 of 2019), in effect as per art. 1(2).

E35 Power pursuant to section exercised (21.06.2019) by *Extradition (United Nations Convention Against Corruption) Order 2019* (S.I. No. 275 of 2019), in effect as per art. 1(2).

E36 Power pursuant to section exercised (17.08.2018) by *Extradition (Protocol to The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict) Order 2018* (S.I. No. 301 of 2018), in effect as per art. 1(2).

E37 Power pursuant to subs. (1) exercised (1.11.2013) by *Extradition Act 1965 (Application of Part II) Order 2013* (S.I. No. 416 of 2013), in effect as per art. 2.

E38 Power pursuant to subs. (1) exercised (3.02.2011) by *Extradition Act 1965 (Application of Part II) Order 2011* (S.I. No. 59 of 2011), in effect as per art. 2.

E39 Power pursuant to section exercised (15.12.1984) by *Extradition Act 1965 (Part II) (No. 20) Order 1984* (S.I. No. 300 of 1984), in effect as per art. 1(3).

E40 Previous affecting provision: power pursuant to section exercised (22.07.2019) by *Extradition (Australia) Order 2019* (S.I. No. 392 of 2019), in effect as per art. 1(2); revoked (30.03.2022) by *Extradition (Australia) Order 2022* (S.I. No. 134 of 2022), art. 5, in effect as per art. 1(2).

E41 Previous affecting provision: power pursuant to section exercised (1.02.2010) by *Extradition Act 1965 (Application of Part II) (Amendment) Order 2010* (S.I. No. 45 of 2010), in effect as per art. 1(2); revoked (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), art. 2(i), in effect as per art. 1(2).

E42 Previous affecting provision: power pursuant to section exercised (14.01.2009) by *Extradition Act 1965 (Application of Part II) (Amendment) Order 2009* (S.I. No. 9 of 2009), in effect as per art. 1(2); revoked (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), art. 2(h), in effect as per art. 1(2).

E43 Previous affecting provision: power pursuant to section exercised (15.07.2005) by *Extradition Act 1965 (Application of Part II) (Amendment) Order 2005* (S.I. No. 374 of 2005), in effect as per art. 1(2); revoked (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), art. 2(g), in effect as per art. 1(2).

E44 Previous affecting provision: power pursuant to section exercised (24.11.2004) by *Extradition Act 1965 (Application of Part II) (Amendment) (No. 2) Order 2004* (S.I. No. 725 of 2004), in effect as per art. 1(2); revoked (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), art. 2(f), in effect as per art. 1(2).

E45 Previous affecting provision: power pursuant to section exercised (29.09.2004) by *Extradition Act 1965 (Application of Part II) Order 2000* (S.I. No. 587 of 2004), in effect as per art. 1(2); revoked (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), art. 2(e), in effect as per art. 1(2).

E46 Previous affecting provision: subss. (1), (1A) amended (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 49(a), (b), commenced as per s. 1(2); subsections substituted as per F-note above.

E47 Previous affecting provision: power pursuant to section exercised (19.11.2003) by *Extradition Act 1965 (Application of Part II) (Amendment) Order 2003* (S.I. No. 649 of 2003), in effect as per art. 1(2); revoked (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), art. 2(d), in effect as per art. 1(2).

E48 Previous affecting provision: power pursuant to section exercised (8.10.2003) by *Extradition Act 1965 (Application of Part II) (Amendment) Order 2003* (S.I. No. 479 of 2003), in effect as per art. 1(2); revoked (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), art. 2(c), in effect as per art. 1(2).

E49 Previous affecting provision: power pursuant to section exercised (18.04.2002) by *Extradition Act 1965 (Application of Part II) (Amendment) Order 2002* (S.I. No. 173 of 2002), in effect as per art. 1(2); revoked (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), art. 2(b), in effect as per art. 1(2).

E50 Previous affecting provision: subs. (1A) inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 23(a), S.I. No. 85 of 2002; subsection substituted as per E-note above.

E51 Previous affecting provision: power pursuant to section exercised (20.12.2000) by *Extradition Act 1965 (Application of Part II) Order 2000* (S.I. No. 474 of 2000), in effect as per art. 1(2); revoked (22.07.2019) by *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019), art. 2(a), in effect as per art. 1(2).

E52 Previous affecting provision: power pursuant to subs. (1) exercised (29.03.1989) by *Extradition Act 1965 (Part II) (No. 24) Order 1989* (S.I. No. 48 of 1989), in effect as per art. 1(3); revoked (20.12.2000) by *Extradition Act 1965 (Application of Part II) Order 2000* (S.I. No. 474 of 2000), art. 7(d), in effect as per art. 1(2).

E53 Previous affecting provision: power pursuant to section exercised (13.01.1989) by *Extradition Act 1965 (Part II) (No. 25) Order 1989* (S.I. No. 10 of 1989), in effect as per art. 1(2); revoked (20.12.2000) by *Extradition Act 1965 (Application of Part II) Order 2000* (S.I. No. 474 of 2000), art. 7(c), in effect as per art. 1(2).

E54 Previous affecting provision: power pursuant to section exercised (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), in effect as per art. 1(2); revoked (20.12.2000) by *Extradition Act 1965 (Application of Part II) Order 2000* (S.I. No. 474 of 2000), art. 7(b), in effect as per art. 1(2).

E55 Previous affecting provision: power pursuant to section exercised (12.02.1987) by *Extradition Act 1965 (Part II) (No. 22) Order 1987* (S.I. No. 33 of 1987), in effect as per art. 1(3); revoked (20.12.2000) by *Extradition Act 1965 (Application of Part II) Order 2000* (S.I. No. 474 of 2000), art. 7(a), in effect as per art. 1(2).

E56 Previous affecting provision: power pursuant to section exercised (22.05.1986) by *Extradition Act 1965 (Part II) (No. 21) Order 1986* (S.I. No. 220 of 1986), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(k), in effect as per art. 1(2).

E57 Power pursuant to subs. (1) exercised (26.10.1984) by *Extradition Act, 1965 (Part II) (No. 19) Order 1984* (S.I. No. 271 of 1984), in effect as per art. 1(3); revoked (29.03.1989) by *Extradition Act 1965 (Part II) (No. 24) Order 1989* (S.I. No. 48 of 1989), art. 4, in effect as per art. 1(3).

E58 Previous affecting provision: power pursuant to section exercised (18.09.1984) by *Extradition Act 1965 (Part II) (No. 18) Order 1984* (S.I. No. 238 of 1984), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(j), in effect as per art. 1(2).

E59 Previous affecting provision: power pursuant to section exercised (21.01.1983) by *Extradition Act 1965 (Part II) (No. 17) Order 1983* (S.I. No. 10 of 1983), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(i), in effect as per art. 1(2).

E60 Previous affecting provision: power pursuant to subs. (1) exercised (1.12.1982) by *Extradition Act, 1965 (Part II) (No. 16) Order 1982* (S.I. No. 349 of 1982), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 25) Order 1989* (S.I. No. 10 of 1989), art. 3(f), in effect as per art. 1(2).

E61 Previous affecting provision: power pursuant to subs. (1) exercised (5.03.1982) by *Extradition Act, 1965 (Part II) (No. 15) Order 1982* (S.I. No. 47 of 1982); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 25) Order 1989* (S.I. No. 10 of 1989), art. 3(e), in effect as per art. 1(2).

E62 Previous affecting provision: power pursuant to subs. (1) exercised (28.03.1977) by *Extradition Act, 1965 (Part II) (No. 14) Order 1977* (S.I. No. 102 of 1977), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 25) Order 1989* (S.I. No. 10 of 1989), art. 3(d), in effect as per art. 1(2).

E63 Previous affecting provision: power pursuant to subs. (1) exercised (18.02.1977) by *Extradition Act, 1965 (Part II) (No. 13) Order 1977* (S.I. No. 62 of 1977), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(h), in effect as per art. 1(2).

E64 Previous affecting provision: power pursuant to subs. (1) exercised (1.01.1977) by *Extradition Act, 1965 (Part II) (No. 12) Order 1976* (S.I. No. 323 of 1976), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(g), in effect as per art. 1(2).

E65 Previous affecting provision: power pursuant to subs. (1) exercised (17.12.1976) by *Extradition Act, 1965 (Part II) (No. 11) Order 1976* (S.I. No. 322 of 1976); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 25) Order 1989* (S.I. No. 10 of 1989), art. 3(c), in effect as per art. 1(2).

E66 Previous affecting provision: power pursuant to subs. (1) exercised (11.11.1976) by *Extradition Act, 1965 (Part II) (No. 10) Order 1976* (S.I. No. 251 of 1976), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 25) Order 1989* (S.I. No. 10 of 1989), art. 3(b), in effect as per art. 1(2).

E67 Previous affecting provision: power pursuant to subs. (1) exercised (24.12.1975) by *Extradition Act, 1965 (Part II) (No. 9) Order 1975* (S.I. No. 334 of 1975), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 25) Order 1989* (S.I. No. 10 of 1989), art. 3(a), in effect as per art. 1(2).

E68 Previous affecting provision: power pursuant to subs. (1) exercised (1.01.1977) by *Extradition Act, 1965 (Part II) (No. 8) Order 1971* (S.I. No. 229 of 1971), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(f), in effect as per art. 1(2).

E69 Previous affecting provision: power pursuant to subs. (1) exercised (22.04.1971) by *Extradition Act. 1965 (Part II) (No. 7) Order 1971* (S.I. No. 145 of 1971), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(e), in effect as per art. 1(2).

E70 Previous affecting provision: power pursuant to subs. (1) exercised (24.02.1970) by *Extradition Act, 1965 (Part II) (No. 6) Order 1970* (S.I. No. 33 of 1970); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(d), in effect as per art. 1(2).

E71 Previous affecting provision: power pursuant to subs. (1) exercised (19.08.1969) by *Extradition Act, 1965 (Part II) (No. 5) Order 1969* (S.I. No. 151 of 1969), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(c), in effect as per art. 1(2).

E72 Previous affecting provision: power pursuant to subs. (1) exercised (15.05.1969) by *Extradition Act, 1965 (Part II) (No. 4) Order 1969* (S.I. No. 76 of 1969), in effect as per art. 1(3); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(b), in effect as per art. 1(2).

E73 Previous affecting provision: power pursuant to subs. (1) exercised (26.12.1967) by *Extradition Act, 1965 (Part II) (No. 3) Order 1967* (S.I. No. 286 of 1967), in effect as per art. 1(2); revoked (13.01.1989) by *Extradition Act 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989), art. 3(a), in effect as per art. 1(2).

E74 Previous affecting provision: power pursuant to subs. (1) exercised (20.03.1967) by *Extradition Act, 1965 (Part II) (No. 2) Order 1967* (S.I. No. 52 of 1967), in effect as per art. 1(3); revoked (26.12.1967) by *Extradition Act, 1965 (Part II) (No. 3) Order 1967* (S.I. No. 286 of 1967), art. 3, in effect as per art. 1(2).

E75 Previous affecting provision: power pursuant to subs. (1) exercised (31.07.1966) by *Extradition Act, 1965 (Part II) (No. 1) Order 1966* (S.I. No. 161 of 1966), in effect as per art. 1(3); revoked (26.12.1967) by *Extradition Act, 1965 (Part II) (No. 3) Order 1967* (S.I. No. 286 of 1967), art. 3, in effect as per art. 1(2).

Obligation to extradite.

[Art. 1]

9.—Where a country in relation to which this Part applies duly requests the surrender of a person who is being proceeded against in that country for an offence or who is wanted by that country for the carrying out of a sentence, that person shall, subject to and in accordance with the provisions of this Part, be surrendered to that country.

Extraditable offences.

[Art. 2]

10.—(1) Subject to subsection (2), extradition shall be granted only in respect of an offence which is punishable under the laws of the requesting country and of the State by imprisonment for a maximum period of at least one year or by a more severe penalty and for which, if there has been a conviction and sentence in the requesting country, imprisonment for a period of at least four months or a more severe penalty has been imposed.

F21**[**(1A) Subject to *subsection (2A)*, extradition to a requesting country that is a Convention country shall be granted only in respect of an offence that is punishable—

(*a*) under the laws of that country, by imprisonment or detention for a maximum period of not less than one year or by a more severe penalty, and

(*b*) under the laws of the State, by imprisonment or detention for a maximum period of not less than 6 months or by a more severe penalty,

and for which, if there has been a conviction and sentence in the requesting country, imprisonment for a period of not less than 4 months or a more severe penalty has been imposed.**]**

(2) If a request is made for extradition in respect of an offence to which subsection (1) applies and the request includes also any other offence which is punishable under the laws of the requesting country and of the State but does not comply with the conditions as to the period of imprisonment which may be, or has been, imposed, then extradition may, subject to the provisions of this Part, be granted also in respect of the latter offence.

F21**[**(2A) If a request is made by a Convention country for extradition for—

(*a*) an offence to which *subsection (1A)* applies, and

(*b*) an offence punishable under the laws of that country and of the State in respect of which there is a failure to comply with *subsection (1A)*,

extradition may, subject to this Part, be granted in respect of the second-mentioned offence, but where extradition is refused for the first-mentioned offence it shall be refused for the second-mentioned offence also.**]**

F22**[**(3) In this section "an offence punishable under the laws of the State" means—

(*a*) an act that, if committed in the State on the day on which the request for extradition is made, would constitute an offence, or

(*b*) in the case of an offence under the law of a requesting country consisting of the commission of one or more acts including any act committed in the State (in this paragraph referred to as "the act concerned"), such one or more acts, being acts that, if committed in the State on the day on which the act concerned was committed or alleged to have been committed would constitute an offence,

and cognate words shall be construed accordingly.**]**

F23**[**(4) In this section "an offence punishable under the laws of the requesting country" means an offence punishable under the laws of the requesting country on—

(*a*) the day on which the offence was committed or is alleged to have been committed, and

(*b*) the day on which the request for extradition is made,

and cognate words shall be construed accordingly.**]**

Annotations

Amendments:

F21 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 11(a), (b), S.I. No. 85 of 2002.

F22 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 11(c), S.I. No. 85 of 2002.

F23 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 11(d), S.I. No. 475 of 2018.

Political offences. [Art. 3]

11.—(1) Extradition shall not be granted for an offence which is a political offence or an offence connected with a political offence.

(2) The same rule shall apply if there are substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion or that that person's position may be prejudiced for any of these reasons.

F24**[**(2A) The same rule shall apply if there are substantial grounds for believing that if the request for extradition is granted the person claimed may be subjected to torture.**]**

F25**[**(3) (*a*) This subsection applies to an offence of which a person is accused or has been convicted outside the State and the act constituting which would, if done within the State, constitute an offence under—

(i) section 3 (grave breaches of Scheduled Conventions) of the Geneva Conventions Act 1962, as amended by section 3 of the Geneva Conventions (Amendment) Act 1998, and

(ii) section 7 (genocide, crimes against humanity and war crimes) or 8 (ancillary offences) of the International Criminal Court Act 2006.

(*b*) For the purposes of this Part and without prejudice to section 3 (certain offences not to be regarded as political offences) of the Extradition (European Convention on the Suppression of Terrorism) Act 1987, an offence to which

this subsection applies shall not be regarded as a political offence or an offence connected with a political offence.**]**

Annotations

Amendments:

F24 Inserted (14.06.2000) by *Criminal Justice (United Nations Convention Against Torture) Act 2000* (11/2000), s. 7(b), commenced on enactment.

F25 Inserted (31.10.2006) by *International Criminal Court Act 2006* (30/2006), s. 66 and sch. 3 para. 3, commenced on enactment.

Military offences.
[Art. 4]

12.—Extradition shall not be granted for offences under military law which are not offences under ordinary criminal law.

Annotations

Modifications (not altering text):

C5 Application of section restricted (17.01.2000) by *Geneva Conventions (Amendment) Act 1998* (35/1998), s. 15, S.I. No. 6 of 2000.

Restriction of application of section 12 of Extradition Act, 1965 (military offences).

15.—The restriction on granting extradition contained in section 12 of the Extradition Act, 1965, does not apply in the case of an offence involving a grave or minor breach of any of the Scheduled Conventions or Protocol I or a minor breach of Protocol II.

Revenue offences.
[Art. 5]

F26**[13.**—Extradition shall not be granted for revenue offences unless the relevant extradition provisions otherwise provide.**]**

Annotations

Amendments:

F26 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001*, s. 13(b), S.I. No. 85 of 2002.

Modifications (not altering text):

C6 Application of section restricted (1.08.2002) by *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001), s. 47, S.I. No. 252 of 2002.

Extradition for revenue offences.

47.—For the purposes of the application in the State of Article 5.3 of the Convention, as applied by Article 12.1 of the Second Protocol, extradition for the offence of fraud against the European Communities' financial interests or money laundering shall not be refused, notwithstanding section 13 of the Extradition Act, 1965, solely on the ground that the offence constitutes a revenue offence as defined in that Act.

Irish citizens.

F27**[14.** Extradition shall not be granted where a person claimed is a citizen of Ireland, unless—

(*a*) the relevant extradition provisions or this Act otherwise provide, or

(*b*) the law of the requesting country does not prohibit the surrender by the requesting country of a citizen of that country to the State for prosecution or punishment for an offence.**]**

Annotations

Amendments:

F27 Substituted (31.12.2020 at 11 p.m.) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 110, S.I. No. 687 of 2020.

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E76 Previous affecting provision: section substituted by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), s. 93, not commenced; repealed (17.12.2020) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 4(a), S.I. No. 634 of 2020.

E77 Previous affecting provision: section substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 6(a), S.I. No. 85 of 2002; substituted as per F-note above.

F28**[**Proceedings in State for same offence.

15.— (1) Extradition shall not be granted for an offence which is also an offence under the law of the State if—

(*a*) the Director of Public Prosecutions or the Attorney General is considering, but has not yet decided, whether to bring proceedings for the offence against the person claimed, or

(*b*) proceedings for the offence are pending in the State against the person claimed.

(2) Extradition may be refused by the Minister for an offence which is also an offence under the law of the State if the Director of Public Prosecutions or the Attorney General has decided either not to institute or to terminate proceedings against the person claimed in respect of the offence.**]**

Annotations

Amendments:

F28 Substituted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 27, commenced on enactment.

Modifications (not altering text):

C7 Application of section restricted by *Air Navigation and Transport Act 1975* (9/1975), s. 5 as substituted (22.06.1988) by *Air Navigation and Transport Act 1988* (15/1988), s. 51(b), commenced on enactment.

[Application of the Extradition Act, 1965, to persons arrested under this Act.

5.—(1) Any person arrested under section 4 (1) of this Act shall—

(a) if the aircraft concerned is registered in a state to which Part II of the Act of 1965 applies, or if the aerodrome concerned is in a state to which that Part of that Act applies, and (in the case of a citizen of Ireland) the extradition of the person is not prohibited by section 14 of that Act, be deemed to have been arrested pursuant to a warrant issued under section 27 of that Act, and

(b) if the aircraft concerned is registered in a place to which Part III of that Act applies, or if the aerodrome concerned is in a place to which that Part of that Act applies, be deemed to have been arrested pursuant to a warrant issued under section 49 of that Act.

(2) Section 15 of the Act of 1965 shall not apply in relation to the extradition of a person to whom subsection (1) of this section applies.**]**

C8 Application of section restricted (20.12.1973) by *Air Navigation and Transport Act 1973* (29/1973), s. 12, S.I. No. 343 of 1973.

Application of Act of 1965 to persons arrested or delivered under this Act.

12.—Any person arrested under section 11 of this Act or delivered to a member of the Garda Síochána under section 7 (1) of this Act shall, in addition—

(a) if the aircraft concerned is registered in a state to which Part II of the Act of 1965 applies and (if he is a citizen of Ireland) the extradition of the person is not prohibited by section 14 of that Act, be deemed to have been arrested pursuant to a warrant issued under section 27 of that Act, and

(b) if the aircraft concerned is registered in a place to which Part III of that Act applies, be deemed to have been arrested pursuant to a warrant issued under section 49 of that Act,

and section 15 of the Act of 1965 shall not apply in relation to the extradition of a person to whom this section applies.

F29**[**Persons convicted *in absentia.*

16.— Extradition shall not be granted where the person claimed is being requested for the carrying out of a sentence and he or she did not appear in person at the trial resulting in the sentence, unless the requesting country has given an undertaking in writing to the Minister that the person claimed may have his or her conviction set aside and will, upon being surrendered, be given the opportunity of a retrial in respect of that offence.**]**

Annotations

Amendments:

F29 Substituted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 27, commenced on enactment.

F30**[***Non bis in idem.*

17.— Extradition shall not be granted if final judgment has been passed in the State or, in accordance with the law of a third country, in that third country, upon the person claimed in respect of the offence for which extradition is requested.**]**

Annotations

Amendments:

F30 Substituted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 27, commenced on enactment.

Lapse of time.

[Art. 10]

18.—Extradition shall not be granted when the person claimed has, according to the law of either the requesting country or the State, become immune by reason of lapse of time from prosecution or punishment.

F31**[**Pardon or amnesty.

18A. (1) Extradition shall not be granted where the person claimed has been granted a pardon under Article 13.6 of the Constitution in respect of an offence consisting of an act that constitutes in whole or in part the offence under the law of the requesting country in respect of which extradition is sought.

(2) Extradition shall not be granted where the person claimed has, in accordance with the law of the requesting country, become immune, by virtue of any amnesty or pardon, from prosecution or punishment for the offence concerned.

(3) Extradition shall not be granted where the person claimed has, by virtue of any Act of the Oireachtas, become immune from prosecution or punishment for any offence consisting of an act that constitutes in whole or in part the offence under the law of the requesting country in respect of which extradition is sought.**]**

Annotations

Amendments:

F31 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 14, S.I. No. 85 of 2002.

Editorial Notes:

E78 The section heading is taken from the amending section in the absence of one included in the amendment.

Capital punishment.

[Art. 11]

19.—Extradition shall not be granted for an offence which is punishable by death under the law of the requesting country but is of a category for which the death penalty is not provided for by the law of the State or is not generally carried out unless the requesting country gives such assurance as the Minister considers sufficient that the death penalty will not be carried out.

Rule of specialty.

[Art. 14]

20.—(1) F32**[**Subject to subsection (1A) (inserted by section 15(b) of the Extradition (European Union Conventions) Act, 2001), extradition shall not be granted unless provision is made by the law of the requesting country or by the extradition agreement—**]**

(*a*) that the person claimed shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, or otherwise restricted in his personal freedom, for any offence committed prior to his surrender other than that for which his extradition is requested, except in the following cases—

F33**[**(i) subject to section 20A (inserted by section 7(b) of the Extradition (European Union Conventions) Act, 2001), with the consent of the Minister, or**]**

(ii) where that person, having had an opportunity to leave the territory of that country, has not done so within forty-five days of his final discharge in respect of the offence for which he was extradited or has returned to the territory of that country after leaving it, and

(*b*) that where the description of the offence charged in the requesting country is altered in the course of proceedings, he shall only be proceeded against or sentenced in so far as the offence under its new description is shown by its constituent elements to be an offence which would allow extradition.

F34**[(1A)** Extradition to a Convention country of a person claimed shall not be refused on the grounds only that it is intended—

(*a*) to proceed against him in that country for an offence alleged to have been committed by him before his surrender (other than an offence to which the request for extradition relates) provided that—

(i) upon conviction he is not liable to a term of imprisonment or detention, or

(ii) in circumstances where upon conviction he is liable to a term of imprisonment or detention and such other penalty as does not involve a restriction of his personal liberty, the High Court is satisfied that the said other penalty only will be imposed should he be convicted of the offence concerned,

(*b*) to impose in the Convention country concerned a penalty (other than a penalty consisting of the restriction of the person's liberty) including a financial penalty in respect of an offence—

(i) of which the person claimed has been convicted,

(ii) that was committed before his surrender, and

(iii) that is not an offence to which the request relates,

notwithstanding that where such person fails or refuses to pay the penalty concerned (or, in the case of a penalty that is not a financial penalty, fails or refuses to submit to any measure or comply with any requirements of which the penalty consists), he may under the law of that Convention country be detained or otherwise deprived of his personal liberty, or

(*c*) to proceed against or detain him in the Convention country concerned for the purpose of executing a sentence or order of detention in respect of an offence—

(i) of which the person claimed has been convicted,

(ii) that was committed before his surrender, and

(iii) that is not an offence to which the request relates,

or otherwise restrict his personal liberty as a consequence of being convicted of such offence, provided that—

(I) after his surrender he consents to such execution or to his personal liberty being so restricted and, in the case of an Irish citizen, the Minister so consents also, and

(II) under the law of the Convention country, such consent shall be given before the competent judicial authority in that country and be recorded in accordance with the law of that country.**]**

(2) Notwithstanding anything in subsection (1), the fact that the law of the requesting country permits the taking of any measures necessary to remove the person from its territory or any measures necessary under its law, including proceedings by default, to prevent any legal effects of lapse of time shall not of itself prevent his extradition.

(3) The consent of the Minister shall not be given unless a request for consent is submitted by the requesting country, supported by the documents mentioned in section 25 and a legal record of any statement made by the extradited person in respect of the offence concerned.

(4) The consent of the Minister shall be given if the offence for which it is requested is itself one for which there is an obligation to grant extradition.

Annotations

Amendments:

F32 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 15(a), S.I. No. 85 of 2002.

F33 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 7(a), S.I. No. 85 of 2002.

F34 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 15(b), S.I. No. 85 of 2002.

Modifications (not altering text):

C9 Section applied with modifications (22.08.1994) by *Extradition (Rule of Specialty and Re-Extradition For Purposes of Part III of Extradition Act, 1965) Order 1994* (S.I. No. 221 of 1994), arts. 3, 7, 8, in effect as per art. 1(2).

3. Subject to the provisions of this Order, section 20 (which subjects the power to grant the extradition of a person under Part II to certain restrictions relating to the taking of proceedings against and the sentencing or restricting of the personal freedom of the person concerned in the requesting country in respect of offences other than the offence for which he is extradited) shall apply in relation to the delivery of a person under Part III into the custody of a member of a police force of a place in relation to which Part III applies, with the following adaptations and modifications:

(a) in subsection (1)—

(i) "An order shall not be made under section 47 (1) if it is shown that provision is not made by the law in force in the place in relation to which Part III applies in which the relevant warrant was issued" shall be substituted for "Extradition shall not be granted unless provision is made by the law of the requesting country or by the extradition agreement",

(ii) in paragraph (a)—

(I) "or otherwise dealt with in any of the places in relation to which Part III applies" shall be inserted after "freedom",

(II) "delivery other than the offence specified in the relevant warrant" shall be substituted for "surrender other than that for which his extradition is requested",

(III) in subparagraph (ii)—

(A) "to go to the territory of any country outside the places in relation to which Part III applies" shall be substituted for "to leave the territory of that country",

(B) "for which he was delivered up" shall be substituted for "for which he was extadited", and

(C) "has, after going to any such territory, gone, or gone back, to any of those places, or" shall be substituted for "has returned to the territory of that country after leaving it, and",

and

(IV) the following subparagraph shall be inserted after subparagraph (ii):

"(iii) where, in proceedings in relation to the offence for which that person was delivered up, he could be convicted for that other offence under the law in force in the place in relation to which Part III applies in which the relevant warrant was issued, and",

and

(iii) in paragraph (b)—

(I) "the place in relation to which Part III applies in which the proceedings for the offence are taking place" shall be substituted for "the requesting country",

(II) ", sentenced or detained with a view to the carrying out of a sentence or detention order, or otherwise restricted in his personal freedom or otherwise dealt with," shall be substituted for "or sentenced", and

(III) "for which the person could be delivered up under Part III" shall be substituted for "which would allow extradition",

(b) subsections (2) and (4) shall be deleted, and

(c) the following subsection shall be substituted for subsection (3):

"(3) A request for the consent of the Minister shall be supported by such documents as the Minister thinks necessary in order to enable the Minister to decide whether to comply with or refuse the request.",

and the said subsection (1), as adapted and modified by this Article, is set out in the Table to this Article.

TABLE

(1) An order shall not be made under section 47 (1) if it is shown that provision is not made by the law in force in the place in relation to which Part III applies in which the relevant warrant was issued—

(a) that the person claimed shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, or otherwise restricted in his personal freedom or otherwise dealt with in any of the places in relation to which Part III applies, for any offence committed prior to his delivery other than the offence specified in the relevant warrant, except in the following cases—

(i) with the consent of the Minister, or

(ii) where that person, having had an opportunity to go to the territory of any country outside the places in relation to which Part III applies, has not done so within forty-five days of his final discharge in respect of the offence for which he was delivered up or has, after going to any such territory, gone, or gone back, to any of those places, or

(iii) where, in proceedings in relation to the offence for which that person was delivered up, he could be convicted for that other offence under the law in force in the place in relation to which Part III applies in which the relevant warrant was issued, and

(b) that where the description of the offence charged in the place in relation to which Part III applies in which the proceedings for the offence are taking place is altered in the course of proceedings, he shall only be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, or otherwise restricted in his personal freedom or otherwise dealt with, in so far as the offence under its new description is shown by its constituent elements to be an offence for which the person could be delivered up under Part III.

...

7. (1) For the purposes of the application of subsection (1) of section 20 or subsection (1) of section 21 to a person referred to in that subsection, the law in force in a place in relation to which Part III applies shall not be regarded as making the provision specified in that subsection if it is shown that it does not provide that such a person delivered up to that place shall not, while he is on bail, be regarded as having had an opportunity to go to the territory of any country outside the places in relation to which Part III applies or as having, after going to any such territory, gone, or gone back, to any of those places.

(2) For the purposes of the application of subsection (3) of section 21 or subsection (2) of section 39 to a person referred to in that subsection, a person shall not, while he is on bail, be regarded as having had an opportunity to leave the State or as having returned to the State after leaving it.

(3) References in paragraphs (1) and (2) of this Article to sections 20, 21 and 39 are references to those sections as modified and adapted by this Order.

8. This Order applies in cases where the warrant concerned is endorsed on or after the commencement of this Order for execution in the State under section 43 or in a place in relation to which Part III applies under corresponding arrangements in force in that place.

F35[Waiver of rule of specialty.

20A.—(1) The Minister may, where a person whose extradition is sought by a Convention country consents—

(*a*) under section 29A to his being surrendered to that country, and

(*b*) voluntarily before the High Court to the Minister giving his consent under section 20(1)(*a*)(i), and is aware of the consequences of the Minister so doing,

give his consent under the said section 20(1)(*a*)(i).

(2) A person who has consented in accordance with subsection (1) to the Minister giving his consent under section 20(1)(*a*)(i) may at any time thereafter, but before the giving of such consent by the Minister, withdraw his consent, and if the person so withdraws his consent the Minister shall not give his consent under section 20(1)(*a*)(i).

(3) The Minister shall not give his consent under section 20(1)(*a*)(i) in accordance with this section on a day that is before the day on which he makes an order under section 33 in respect of the person concerned.**]**

Annotations

Amendments:

F35 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 7(b), S.I. No. 85 of 2002.

Editorial Notes:

E79 The section heading is taken from the amending section in the absence of one included in the amendment.

Re-extradition to a third country.

[Art. 15]

21.—(1) Extradition shall not be granted unless provision is made by the law of the requesting country or by the extradition agreement that that country shall not surrender to another country a person surrendered to the requesting country and sought by the other country for an offence committed before his surrender to the requesting country, except in the following cases—

(*a*) with the consent of the Minister, or

(*b*) where that person, having had an opportunity to leave the territory of that country, has not done so within forty-five days of his final discharge in respect of the offence for which he was extradited or has returned to the territory of that country after leaving it.

(2) Before acceding to a request for consent to the extradition of a person to whom subsection (1) applies, the Minister may request the production of the documents mentioned in section 25.

(3) A person who has been surrendered to the State by a requested country shall not be surrendered to a third country for an offence committed before his surrender, except in the following cases—

F36**[**(*a*) with the consent of the requested country signified under the seal of a minister of state, ministry or department of state of that country or such other person as performs in that country functions the same as or similar to those performed by the Minister under this Act, as may be appropriate, which seal shall be judicially noticed, or**]**

(*b*) where that person, having had an opportunity to leave the State, has not done so within forty-five days of his final discharge in respect of the offence for which he was surrendered to the State or has returned to the State after leaving it.

Annotations

Amendments:

F36 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 25(a), S.I. No. 85 of 2002.

Modifications (not altering text):

C10 Section applied with modifications (22.08.1994) by *Extradition (Rule of Specialty and Re-Extradition For Purposes of Part III of Extradition Act, 1965) Order 1994* (S.I. No. 221 of 1994), arts. 4, 5, 7, 8, in effect as per art. 1(2).

4. Subsections (1) and (2) of section 21 (which subject the power to grant the extradition of a person to a country under Part II to certain restrictions as to the re-extradition of the person concerned by that country to a third country) shall apply in relation to the delivery of a person under Part III into the custody of a member of a police force of a place in relation to which Part III applies, with the following adaptations and modifications:

(a) in subsection (1)—

(i) "An order shall not be made under section 47 (1) if it is shown that provision is not made by the law in force in the place in relation to which Part III applies in which the relevant warrant was issued that there will not be surrendered from that place to any country outside the places in relation to which Part III applies, other than the State, a person delivered up to the said place" shall be substituted for "Extradition shall not be granted unless provision is made by the law of the requesting country or by the extradition agreement that that country shall not surrender to another country a person surrendered to the requesting country",

(ii) "that country" shall be substituted for "the other country" and "delivery to the said place" shall be substituted for "surrender to the requesting country", and

(iii) in paragraph (b)—

(I) "to go to the territory of any country outside the places in relation to which Part III applies" shall be substituted for "to leave the territory of that country",

(II) "the offence for which he was delivered up" shall be substituted for "the offence for which he was extradited", and

(III) "has, after going to any such territory, gone, or gone back, to any of those places" shall be substituted for "has returned to the territory of that country after leaving it",

and

(b) in subsection (2), "such documents as the Minister thinks necessary in order to enable the Minister to decide whether to comply with or refuse the request" shall be substituted for "the documents mentioned in section 25",

and the said subsections (1) and (2), as adapted and modified by this Article, are set out in the Table to this Article.

TABLE.

(1) An order shall not be made under section 47 (1) if it is shown that provision is not made by the law in force in the place in relation to which Part III applies in which the relevant warrant was issued that there will not be surrendered from that place to any country outside the places in relation to which Part III applies, other than the State, a person delivered up to the said place and sought by that country for an offence committed before his delivery to the said place, except in the following cases—

(a) with the consent of the Minister, or

(b) where that person, having had an opportunity to go to the territory of any country outside the places in relation to which Part III applies, has not done so within forty-five days of his final discharge in respect of the offence for which he was delivered up or has, after going to any such territory, gone, or gone back, to any of those places.

(2) Before acceding to a request for consent to the extradition of a person to whom subsection (1) applies, the Minister may request the production of such documents as the Minister thinks necessary in order to enable the Minister to decide whether to comply with or refuse the request.

5. Subsection (3) of section 21 (which, in the case of a person extradited to the State under Part II, prohibits, subject to certain exceptions, his re-extradition to a third country for an offence committed prior to his surrender) shall apply in relation to a person who has been delivered up to the State under a law corresponding to Part III, with the following adaptations and modifications:

(a) "has been delivered up" shall be substituted for "has been surrendered" and "delivery" shall be substituted for "surrender",

(b) "under a law corresponding to Part III" shall be substituted for "by a requested country" where it first occurs,

(c) in paragraph (a)—

(i) "the Secretary of State in the Government of the United Kingdom of Great Britain and Northern Ireland" shall be substituted for "the requested country",

(ii) "by a certificate purporting to be given by him or on his behalf" shall be substituted for "under the seal of a minister of state of that country", and

(iii) "which certificate" shall be substituted for "which seal", and

(d) in paragraph (b), "delivered up" shall be substituted for "surrendered", and the said subsection (3), as adapted and modified by this Article, is set out in the Table to this Article.

TABLE

(3) A person who has been delivered up to the State under a law corresponding to Part III shall not be surrendered to a third country for an offence committed before his delivery, except in the following cases—

(a) with the consent of the Secretary of State in the Government of the United Kingdom of Great Britain and Northern Ireland signified by a certificate purporting to be given by him or on his behalf, which certificate shall be judicially noticed, or

(b) where that person, having had an opportunity to leave the State, has not done so within forty-five days of his final discharge in respect of the offence for which he was delivered up to the State or has returned to the State after leaving it.

...

7. (1) For the purposes of the application of subsection (1) of section 20 or subsection (1) of section 21 to a person referred to in that subsection, the law in force in a place in relation to which Part III applies shall not be regarded as making the provision specified in that subsection if it is shown that it does not provide that such a person delivered up to that place shall not, while he is on bail, be regarded as having had an opportunity to go to the territory of any country outside the places in relation to which Part III applies or as having, after going to any such territory, gone, or gone back, to any of those places.

(2) For the purposes of the application of subsection (3) of section 21 or subsection (2) of section 39 to a person referred to in that subsection, a person shall not, while he is on bail, be regarded as having had an opportunity to leave the State or as having returned to the State after leaving it.

(3) References in paragraphs (1) and (2) of this Article to sections 20, 21 and 39 are references to those sections as modified and adapted by this Order.

8. This Order applies in cases where the warrant concerned is endorsed on or after the commencement of this Order for execution in the State under section 43 or in a place in relation to which Part III applies under corresponding arrangements in force in that place.

Evidence of commission of offence by person claimed.

22.—Where the relevant extradition provisions require the production by the requesting country of evidence as to the commission by the person claimed of the offence for which extradition is requested, extradition shall not be granted unless sufficient evidence is produced to satisfy the requirement.

Request for extradition.

[Art. 12.1]

23.—F37**[**(1)**]** A request for the extradition of any person shall be made in writing and shall be communicated by—

(*a*) a diplomatic agent of the requesting country, accredited to the State, F38**[**...**]**

F37**[**(*aa*) the means specified in an order under subsection (2), or**]**

(*b*) any other means provided in the relevant extradition provisions.

F37**[**(2) The Minister for Foreign Affairs may, after consultation with the Minister, by order provide that a request for the extradition of any person by a country, being a country in relation to which this Part applies that is specified in the order, may be communicated—

(*a*) directly to the Minister, and

(*b*) by electronic or other methods, or both, or by such a combination of both, as may be specified in the order,

where such means of communication have been arranged with that country by direct agreement.

(3) An order under subsection (2), in addition to the matters referred to in that subsection and in relation to a country specified in the order—

(a) shall specify the authority of, or other person in, the country, by which or by whom a request for extradition may be made (in this section referred to as the 'sender'), and

(b) may provide for any other relevant or ancillary matters in relation to the means of communication of requests for extradition that have been arranged by direct agreement.

(4) An order under subsection (2) shall be evidence that the means of communication, and the sender, specified in it have been arranged by direct agreement with the country concerned.

(5) Where a request for extradition, communicated by the means provided in a relevant order under subsection (2), includes a document that is an electronic copy of a source document—

(*a*) the sender shall provide the Minister with an electronic copy of a certificate of the sender stating that the electronic copy of the source document corresponds to the source document (and in this subsection the electronic copy of the source document, so certified, shall be referred to as the 'corresponding electronic copy'),

(*b*) the corresponding electronic copy, and any reproduction by electronic means thereof in paper or similar format in legible form, shall, subject to subsection (6), be deemed to be the source document, and

(*c*) where the source document would be received in evidence without further proof in proceedings to which this Part applies, the corresponding electronic copy, or any reproduction thereof, that is deemed to be that source document in accordance with paragraph (b), shall, subject to subsection (6), be received in evidence without further proof and, where the source document has been sealed, judicial notice shall be taken of the image of that seal in that corresponding electronic copy or the said reproduction thereof.

(6) If the Minister is not satisfied that a corresponding electronic copy within the meaning of subsection (5), or any reproduction by electronic means thereof as referred to in subsection (5), corresponds to the source document concerned, he or she may require the sender to cause the source document, or a true copy thereof, to be provided directly to him or her within such period as he or she may specify.

(7) For the purposes of subsection (6), a true copy of a source document is a document that purports to be certified by—

(*a*) the judicial authority in the requesting country that issued the source document, or

(*b*) an officer of the requesting country duly authorised to so do,

to be a true copy of the source document and, where a source document would be received in evidence without further proof in proceedings to which this Part applies, the true copy thereof shall be received in evidence without further proof, and where the seal of the judicial authority or the officer concerned has been affixed to the true copy, judicial notice shall be taken of that seal.

(8) In this section, a reference to a request for extradition includes a reference to the documents referred to in paragraphs (a) to (e) of section 25(1) supporting the request.

(9) In this section, 'source document', in relation to an electronic copy, means the document, required by or under this Act to be provided in a request for extradition, of which the electronic copy is made.**]**

Annotations

Amendments:

F37 Inserted (31.12.2020 at 11 p.m.) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 111(a), (b)(ii), (c), S.I. No. 687 of 2020.

F38 Deleted (31.12.2020 at 11 p.m.) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 111(b)(i), S.I. No. 687 of 2020.

Editorial Notes:

E80 Previous affecting provision: section amended by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), s. 94, not commenced; repealed (17.12.2020) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 4(a), S.I. No. 634 of 2020.

F39**[**Facsimile transmission of documents.

23A.—(1) For the purposes of a request for extradition from a Convention country, a facsimile copy of a document to which paragraph (*a*), (*b*), (*c*), (*d*) or (*e*) of section 25(1) applies may be transmitted by the Central Authority of the Convention country concerned to the Central Authority in the State by means of the use of a facsimile machine fitted with a cryptographic device that is in operation during the transmission.

(2) The facsimile copy of a document transmitted in accordance with subsection (1) shall include—

(*a*) a copy of a certificate of the Central Authority of the Convention country concerned stating that the copy of the document so transmitted corresponds to the original document,

(*b*) a description of the pagination of that document, and

(*c*) a statement that the cryptographic device fitted to the facsimile machine that was used to transmit that facsimile copy was in operation during the transmission concerned.

(3) If the Central Authority in the State is not satisfied that the facsimile copy of a document transmitted to him in accordance with subsection (1) corresponds to the document of which it purports to be a facsimile copy, he may require the Central

Authority of the requesting country to cause the original document or a true copy thereof to be provided to him by—

(*a*) a diplomatic agent of the requesting country, accredited to the State, or

(*b*) any other means agreed by the Central Authority in the State and the Central Authority of the Convention country concerned,

within such period as he may specify.**]**

Annotations

Amendments:

F39 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 18, S.I. No. 85 of 2002.

Editorial Notes:

E81 The section heading is taken from the amending section in the absence of one included in the amendment.

Conflicting requests.

[Art. 17]

24.—If extradition is requested concurrently by more than one country, either for the same offence or for different offences, the Minister shall decide which, if any, of the requests is to be proceeded with under this Part, having regard to all the circumstances and especially the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality of the person claimed and the possibility of subsequent surrender to another country.

Documents to support request.

[Art. 12.2]

25.—F40**[**(1)**]**A request for extradition shall be supported by the following documents—

(*a*) the original or an authenticated copy of the conviction and sentence or detention order immediately enforceable or, as the case may be, of the warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of the requesting country;

(*b*) a statement of each offence for which extradition is requested specifying, as accurately as possible, the time and place of commission, its legal description and a reference to the relevant provisions of the law of the requesting country;

(*c*) a copy F41**[**or reproduction**]** of the relevant enactments of the requesting country or, where this is not possible, a statement of the relevant law;

(*d*) as accurate a description as possible of the person claimed, together with any other information which will help to establish his identity and nationality, F41**[**including, where available, any fingerprint, palmprint or photograph,**]** and

(*e*) any other document required under the relevant extradition provisions.

F42**[**(2) For the purposes of a request for extradition from a Convention country, a document shall be deemed to be an authenticated copy if it has been certified as a true copy by the judicial authority that issued the original or by an officer of the Central Authority of the Convention country concerned duly authorised to so do.**]**

Annotations

Amendments:

F40 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 17(a), S.I. No. 85 of 2002.

F41 Inserted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 28(a), (b), commenced on enactment.

F42 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 17(a), S.I. No. 85 of 2002.

Warrant of arrest.

26.—F43**[**(1) (*a*) If the Minister receives a request made in accordance with this Part for the extradition of any person, he shall, subject to the provisions of this section, certify that the request has been made.

(*b*) On production to a F44**[**judge of the High Court**]** of a certificate of the Minister under paragraph (*a*) stating that a request referred to in that paragraph has been made, the judge shall issue a warrant for the arrest of the person concerned unless a warrant for his arrest has been issued under section 27.**]**

F45**[**(2) A warrant issued under this section may be executed by any member of the Garda Síochána in any part of the State and may be so executed notwithstanding that it is not in the possession of the member at the time; and the warrant shall be shown to, and a copy of same given to, the person arrested at the time of such arrest or, if the warrant is not then in the possession of the member, within 24 hours thereafter.**]**

(3) If the Minister is of opinion that the information communicated to him in pursuance of section 25 is insufficient, he may request the requesting country to furnish such further information as he thinks proper and may fix a time-limit for the receipt thereof.

(4) The Minister may refuse extradition if he is of opinion that the case is one in which extradition is prohibited under any provision of this Part or under the relevant extradition, provisions.

F46**[**(5) A person arrested under a warrant issued under this section shall be brought as soon as may be before a F44**[**judge of the High Court**]**.**]**

F47**[**(6) Where a person has been arrested under a warrant issued under this section, then, in any proceedings it shall be presumed, unless the contrary is proved, that a request for the extradition of the person has been duly made and has been duly received by the Minister.**]**

Annotations

Amendments:

F43 Substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 7(a), S.I. No. 220 of 1994.

F44 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1))(b), S.I. No. 85 of 2002.

F45 Substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 6(a), S.I. No. 220 of 1994.

F46 Substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 7(b), S.I. No. 220 of 1994.

F47 Inserted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 7(b), S.I. No. 220 of 1994.

Provisional arrest.

[Art. 16]

27.—F48**[**(1) A judge of the F49**[**High Court**]** may, without a certificate of the Minister under section 26 (1) (*a*), issue a warrant for the arrest of any person on the sworn information of a member of the Garda Síochána not below the rank of inspector that a request for the provisional arrest of that person has been made, on the ground of urgency, on behalf of a country in relation to which this Part applies and on being satisfied that the request complies with the requirements of this section.**]**

(2) A request for the provisional arrest of any person shall—

(*a*) state that one of the documents mentioned in paragraph (*a*) of section 25 exists in respect of that person and that it is intended to send a request for his extradition,

(*b*) specify the nature of the offence and the time at which and the place where the offence is alleged to have been F50**[**committed,**]**

(*c*) give a description of the person whose arrest is F51**[**sought, and**]**

F52**[**(*d*) include a statement setting out the ground of urgency concerned.**]**

F53**[**(2A) A request for the provisional arrest of a person made on behalf of a requesting country that is a Convention country shall—

(*a*) state that one of the documents mentioned in paragraph (*a*) of section 25(1) exists in respect of that person,

(*b*) be accompanied by a statement of the offences to which the request relates specifying the nature and description under the law of the requesting country of the offences concerned,

(*c*) specify the circumstances in which the offences were committed or alleged to have been committed including the time and place of their commission or alleged commission, and the degree of involvement or alleged degree of involvement of the person to whom the request relates in their commission or alleged commission, and

(*d*) specify the penalties to which that person would be liable if convicted of the offences concerned or, where he has been convicted of those offences, the penalties that have been imposed or, where he has been convicted of those offences but not yet sentenced, the penalties to which he is liable,

hereafter in this section referred to as 'information furnished under subsection (2A)'.

(2B) A member of the Garda Síochána not below the rank of inspector shall provide a person, who is provisionally arrested pursuant to a warrant issued on foot of a request to which subsection (2A) applies, with the information furnished under subsection (2A) and shall inform him of his right to consent to his surrender under section 29A(1) (inserted by section 6(b) of the Extradition (European Union Conventions) Act, 2001) and inquire of him whether he wishes to so consent.**]**

(3) A request for provisional arrest may be transmitted F54**[**in writing, or by any means capable of producing a written record under conditions allowing its authenticity to be established**]**.

F55**[**(3A) For the purposes of this section an alert shall be deemed to constitute a request for provisional arrest of the person named therein and the provisions of subsection (2) of this section shall not apply.

(3B) (*a*) The Director of Public Prosecutions shall be a judicial authority for the purposes of requesting the entry of an alert in the SIS for the arrest and extradition of the person named therein.

(*b*) The issue of a request for extradition by the Director of Public Prosecutions shall be deemed to constitute a request by the Director of Public Prosecutions for entry of an alert in the SIS for the arrest and extradition of the person named therein. **]**

F56**[**(4) A warrant issued under this section may be executed by any member of the Garda Síochána in any part of the State and may be so executed notwithstanding that it is not in the possession of the member at the time; and the warrant shall be shown to, and a copy of same given to, the person arrested at the time of such arrest or, if the warrant is not then in the possession of the member, within 24 hours thereafter.**]**

(5) Where a justice issues a warrant under subsection (1) he shall forthwith inform the Minister of the issue of the warrant and the Minister may, if he thinks fit, order the warrant to be cancelled and the person arrested thereunder released.

F57**[**(6) A person arrested under a warrant issued under this section shall, unless the warrant is cancelled under subsection (5), be brought as soon as may be before a judge of the High Court and the judge shall remand the said person in custody or on bail pending—

(*a*) the receipt by him of a certificate of the Minister under section 26(1)(*a*) (inserted by section 7(*a*) of the Act of 1994) stating that the request for extradition has been duly made, or

(*b*) (in circumstances where the person is remanded in custody) the release of that person under F58**[**under section 35**]**

F59**[**...**]]**

F60**[**(7) If, within the period of 18 days after such person's arrest, no such certificate is produced, he shall be released.**]**

(8) The release of any person under subsection (5) or (7) shall not prejudice his re-arrest and extradition if a request for his extradition is afterwards made.

F61**[**(9) A warrant for the arrest of a person may be issued under subsection (1) notwithstanding that, previously—

(*a*) a warrant for the arrest of that person has been issued, or

(*b*) the issue of such a warrant has been refused.

(10) Where an information is sworn by a member of the Garda Síochána not below the rank of inspector before a judge of the F49**[**High Court**]** stating that a request for the provisional arrest of a person has been made, on the ground of urgency, on behalf of a country in relation to which this Part applies, then, in any proceedings it shall be presumed, unless the contrary is proved, that a request for the provisional arrest of the person has been made on the ground of urgency on behalf of a country in relation to which this Part applies.

(11) Where a person has been arrested under a warrant issued under this section and a certificate of the Minister under section 26 (1) (*a*) stating that a request for the extradition of the person has been duly made, has been produced to a F62**[**judge of the High Court**]**, then, in any proceedings it shall be presumed, unless the contrary is proved, that a request in accordance with this Part for the extradition of the person has been duly made and has been duly received by the Minister.**]**

F55**[**(12) In this section—

"alert" means an alert entered in the SIS for the arrest and extradition, on foot of an extradition warrant, of the person named therein;

"Council Decision" means Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System;

"Schengen Convention" means the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders done at Schengen on 19 June 1990 and includes any amendment to or modification of that Convention whether before or after the passing of this Act but does not include the Council Decision;

"SIS" means the system referred to in Title IV of the Schengen Convention or, as appropriate, the system established under Chapter 1 of the Council Decision.**]**

Annotations

Amendments:

F48 Substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 8(a), S.I. No. 220 of 1994.

F49 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1))(a), S.I. No. 85 of 2002.

F50 Substituted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 29(a)(i), commenced on enactment.

F51 Substituted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 29(a)(ii), commenced on enactment.

F52 Inserted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 29(a)(iii), commenced on enactment.

F53 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 5, S.I. No. 85 of 2002.

F54 Substituted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 29(b), commenced on enactment.

F55 Inserted (1.05.2020) by *Criminal Justice (Miscellaneous Provisions) Act 2009* (28/2009), s. 24, S.I. No. 152 of 2020.

F56 Substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 6(b), S.I. No. 220 of 1994.

F57 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1)(d), S.I. No. 85 of 2002.

F58 Substituted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 29(c), commenced on enactment.

F59 Deleted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 29(c), commenced on enactment.

F60 Substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 8(b), S.I. No. 220 of 1994.

F61 Inserted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 8(c), S.I. No. 220 of 1994.

F62 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1))(b), S.I. No. 85 of 2002.

Editorial Notes:

E82 Previous affecting provision: subs. (6) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 8(b), S.I. No. 220 of 1994; substituted as per F-note above.

F63**[**Power of adjournment and remand.

28. (1) The High Court may, if it considers it appropriate to do so in the interests of justice, adjourn any proceedings under this Act either on application or of its own motion, and may remand the person concerned in custody or on bail for the period of the adjournment or such other period as it considers appropriate.

(2) The High Court shall have and may exercise the same powers of remand in relation to any person appearing before it under this Act as it would have if the person were a person brought before it and charged with an indictable offence, including the power to remand the person pending determination of an appeal to the Supreme Court against a decision of the High Court.**]**

Annotations

Amendments:

F63 Inserted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 30, commenced on enactment.

Editorial Notes:

E83 Previous affecting provision: section repealed (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 16 and sch., S.I. No. 220 of 1994; section re-inserted as per F-note above.

Committal or discharge of person whose extradition is requested.

29.—(1) Where a person is before the F64**[**High Court**]** under section 26 or 27 and the Court is satisfied that—

(*a*) the extradition of that person has been duly requested, and

(*b*) this Part applies in relation to the requesting country, and

(*c*) extradition of the person claimed is not prohibited by this Part or by the relevant extradition provisions, and

(*d*) the documents required to support a request for extradition under section 25 have been produced,

the Court shall make an order committing that person to a prison (or, if he is not more than twenty-one years of age, to a remand institution) there to await the order of the Minister for his extradition.

F65**[**(2) For the avoidance of doubt, the Court, if satisfied that no injustice would be caused to the person by making an order under subsection (1), may make that order even if—

(*a*) there is a defect in, or an omission of, a non-substantial detail in the request for extradition or any document supporting the request,

(*b*) there is a variance between any such document and the evidence adduced before the Court, so long as the Court is satisfied that the variance is explained by the evidence, or

(*c*) there has been a technical failure to comply with a provision of this Act, so long as the Court is satisfied that the failure does not impinge on the merits of the request for extradition.**]**

(3) The Court, on making an order under subsection (1), shall—

(*a*) inform the person to whom it relates that he will not be surrendered, except with his consent, until after the expiration of fifteen days from the date of his committal and inform him also of the provisions of section 4.2° of Article 40 of the Constitution (which relates to the making of a complaint to the High Court by or on behalf of any person alleging that that person is unlawfully detained), and

(*b*) cause a certificate of the committal to be sent forthwith to the Minister.

(4) Where the person claimed is not committed under subsection (1) the Court shall order him to be discharged.

F66**[**(5) No appeal shall lie to the Supreme Court from an order of the High Court under this section, except on a point of law.**]**

(6) Sections 10 and 11 of the Criminal Justice Act, 1960, shall apply to a person committed to a remand institution under this section.

Annotations

Amendments:

F64 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1))(a), S.I. No. 85 of 2002.

F65 Substituted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 31, commenced on enactment.

F66 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1)(f), S.I. No. 85 of 2002.

Editorial Notes:

E84 Previous affecting provision: subs. (2) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 9, S.I. No. 220 of 1994; substituted as per F-note above.

F67**[**Consent to surrender.

29A.—(1) Where a person is brought before the High Court—

(*a*) under section 26, pursuant to a request from a Convention country for his extradition, or

(*b*) under section 27, pursuant to a request from a Convention country for his provisional arrest,

he may consent to his being surrendered to the Convention country concerned.

(2) Notwithstanding section 29, where a person is brought before the High Court under section 27, pursuant to a request from a Convention country to which this Part applies for the provisional arrest of that person, and the court is satisfied that—

(*a*) there has been compliance with subsection (2A) of the said section 27 (inserted by section 5 of the Extradition (European Union Conventions) Act, 2001),

(*b*) it is intended that a request will be made by or on behalf of the Convention country for the person's extradition, unless he consents to being surrendered,

(*c*) the person consents voluntarily to his being surrendered to the Convention country and is aware of the consequences of his so consenting,

(*d*) extradition of the person claimed is not prohibited by this Part or by the relevant extradition provisions,

(*e*) where the person claimed is a citizen of Ireland, the Minister consents to the person being surrendered to the Convention country concerned,

the court shall make an order committing that person to a prison (or, if he is not more than 21 years of age, to a remand institution) there to await the order of the Minister for his extradition.

(3) Notwithstanding section 29, where a person is brought before the High Court under section 26, pursuant to a request from a Convention country for the extradition of that person, and the court is satisfied that—

(*a*) the extradition of that person has been duly requested,

(*b*) this Part applies in relation to that Convention country,

(*c*) extradition of the person claimed is not prohibited by this Part or by the relevant extradition provisions,

(*d*) the documents required to support a request for extradition under section 25 have been produced,

(*e*) the person consents voluntarily to his being surrendered to the Convention country and is aware of the consequences of his so consenting, and

(*f*) where the person is a citizen of Ireland, the Minister consents to the person being surrendered to the Convention country concerned,

the court shall make an order committing that person to a prison (or, if he is not more than 21 years of age, to a remand institution) there to await the order of the Minister for his extradition.

(4) Where a person consents to his being surrendered under subsection (1), the High Court shall record in writing the giving of such consent and shall cause a copy thereof to be sent forthwith to the Minister.

(5) (*a*) If a person arrested under section 27 consents under subsection (1) to his being surrendered to the Convention country concerned, the Minister shall so inform that country not later than 10 days after the person is so arrested.

(*b*) Where a person arrested under section 27 does not consent under the said subsection to his being surrendered to the Convention country concerned, the Minister shall so inform that country not later than 10 days after the person is so arrested.

(6) A person who has consented under subsection (1) to his being surrendered to the Convention country concerned may, at any time thereafter but before the making of an order by the Minister under section 33, withdraw his consent and, if he withdraws his consent, the period between the giving of such consent before the High Court and the withdrawal of such consent by him shall not be taken into account for the purpose of calculating the period of 18 days specified in section 27(7).

(7) Where a person in respect of whom the High Court has made an order of committal under subsection (2) withdraws his consent to being surrendered to the Convention country concerned, he shall, as soon as may be after a request for his extradition has been received by the Minister from that Convention country, be brought before the High Court and the court shall affirm the said order of committal provided that, in relation to that request, there has been compliance with this Act.

(8) Subsection (2) of section 29 (inserted by section 9 of the Act of 1994) and subsections (4) and (6) of that section shall apply for the purposes of this section, subject to the modification that references in subsection (4) to subsection (1) shall be construed as references to subsection (2) or (3) of this section.**]**

Annotations

Amendments:

F67 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 6(b), S.I. No. 85 of 2002.

Editorial Notes:

E85 The section heading is taken from the amending section in the absence of one included in the amendment.

Removal of committed person to hospital or other place.

30.—The Minister may by order cause a person committed under section 29 to be removed to a hospital or any other place if the Minister thinks it necessary so to do in the interests of his health and that person shall, while detained in that hospital or place, be in lawful custody.

Lapse of time before surrender.

F68**[31.** A person committed under section 29 shall not be surrendered, except with his consent, given before a F69**[**judge of the High Court**]**, to the requesting country until the expiration of 15 days from the date of his committal or until the conclusion of any habeas corpus proceedings brought by him or on his behalf, whichever is the later.**]**

Annotations

Amendments:

F68 Substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 4(a), S.I. No. 220 of 1994.

F69 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1))(b), S.I. No. 85 of 2002.

Postponement of surrender.

[Art. 19.1]

32.—The Minister may postpone the surrender of a person claimed in order that he may be proceeded against in the State, or (if he has already been convicted) in order that he may serve any sentence imposed on him in the State, for an offence other than that for which his extradition is requested.

Surrender of prisoner under order of Minister.

[Art. 21.6]

33.—(1) Subject to sections 31 and 32, the Minister may, if the person committed is not discharged by the decision of the High Court in habeas corpus proceedings, by order direct the person to be surrendered to such other person as in his opinion is duly authorised by the requesting country to receive him and he shall be surrendered accordingly.

(2) Any person to whom an order under subsection (1) directs a person to be surrendered may receive, hold in custody, and convey out of the State the person so surrendered and if the person so surrendered escapes from any custody to which he has been delivered in pursuance of the said order he shall be liable to be retaken in the same manner as any person who escapes from lawful custody.

(3) The Minister shall not make an order under subsection (1) if he is of the opinion that the extradition of the person whose surrender is requested would involve transit through any territory where there is reason to believe that his life or his freedom may be threatened by reason of his race, religion, nationality or political opinion F70**[**or that he may be subjected to torture**]**.

Annotations

Amendments:

F70 Inserted (14.06.2000) by *Criminal Justice (United Nations Convention Against Torture) Act 2000* (11/2000), s. 7(c), commenced on enactment.

F71**[**Surrender.

33A.—(1) Where the High Court makes an order under section 29A (inserted by section 6(b) of the Extradition (European Union Conventions) Act, 2001) in relation to a person whose surrender is sought by a Convention country, the Minister shall, not later than 20 days after the giving by that person of his consent to being surrendered to that country before that Court, so notify the Convention country in writing.

(2) Subject to subsection (3), the Minister shall make an order under section 33 in respect of a person to whom subsection (1) applies not later than 20 days after the giving of notification to the Convention country concerned under the said subsection (1).

(3) Where, for reasons beyond the control of the Minister, the Minister is unable to comply with subsection (2), he shall so notify the Convention country concerned and shall make an order under the said section 33 on such day as may be agreed by the Minister and that country.

(4) Where a day for the making of an order under section 33 is agreed in accordance with subsection (3), the person whose surrender is sought shall be surrendered to the Convention country concerned not later than 20 days after such day and if surrender is not effected before the expiration of such period of 20 days the person shall be released.

(5) Subsections (1), (2), (3) and (4) shall not apply where the Minister proposes to postpone the surrender of a person claimed in accordance with section 32.**]**

Annotations

Amendments:

F71 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 8, S.I. No. 85 of 2002.

Editorial Notes:

E86 The section heading is taken from the amending section in the absence of one included in the amendment.

Discharge of prisoner if not conveyed out of State.

[Art. 18, in pt.]

34.—(1) Subject to section 32 and to subsection (2) of this section, if any person awaiting his surrender under this Part is not surrendered and conveyed out of the State within one month after the committal, or within one month after the conclusion of habeas corpus proceedings brought by him or on his behalf, whichever is the later, the High Court may, on application made by or on behalf of that person and upon proof that reasonable notice of the intention to make the application has been given to the Minister, order the person to be discharged from custody.

(2) Where, on application to the High Court under subsection (1), the Court is satisfied—

(*a*) that the state of health of the person claimed or other circumstances beyond the control of the State or the requesting country have prevented the person claimed from being conveyed out of the State, and

(*b*) that it is likely that within a reasonable time such circumstances will no longer prevent his removal, the Court may fix a period within which he may be surrendered and he shall be released if not conveyed out of the State within that period.

General power of Minister to release.

35.—(1) Whenever the Minister is of opinion, in relation to a person who is for the time being on remand or awaiting his surrender under this Part, that extradition is prohibited under any provision of this Part or of the relevant extradition provisions, the Minister may at any time refuse extradition and shall thereupon order the person, if in custody, to be released.

(2) In case it appears to the Minister that the request or intended request for extradition is not being proceeded with, the Minister may order that the said person, if in custody, shall be released.

Seizure and handing over of property.

[Art. 20]

36.—(1) A member of the Garda Síochána executing a warrant under section 26 or 27 may seize and retain any property—

(*a*) which appears to him to be reasonably required as evidence for the purpose of proving the offence alleged, or

(*b*) which appears to him to have been acquired as a result of the alleged offence and which—

(i) is found at the time of arrest in the possession of the person arrested under the warrant, or

(ii) is discovered subsequently.

(2) Subject to the provisions of this section, any property seized under subsection (1) shall, if an order is issued by the Minister under section 33 for the surrender of the person claimed, be handed over to any person who appears to the Minister to be duly authorised by the requesting country to receive it as soon as may be after the issue of the order and the said property shall be so handed over notwithstanding that the extradition in question cannot be carried out by reason of the death or escape of the person claimed.

(3) Any property so seized may, if any criminal proceedings to which the property relates are pending in the State, be retained in the State in accordance with law until the conclusion of the said proceedings or may, if the Minister so directs, be handed over on condition that the requesting country shall return the property.

(4) Nothing in this section shall prejudice or derogate from any rights that may lawfully have been acquired by the State or any person in the State in any property to be handed over under this section and where any such rights exist the property shall not be handed over except upon condition that the requesting country shall return it as soon as may be after the trial of the person surrendered and without charge to the State or person having such rights.

F72[Identification procedures.

36A.— (1) Where a member of the Garda Síochána arrests a person under any power conferred by this Act, the member of the Garda Síochána may, in order to assist in verifying or establishing the person's identity for the purpose of proceedings under this Act and for no other purpose—

(*a*) take, or cause to be taken, his or her fingerprint,

(*b*) take, or cause to be taken, his or her palmprint,

(*c*) photograph him or her or cause him or her to be photographed.

(2) Where a fingerprint, palmprint or photograph taken pursuant to subsection (1) is lost or damaged, or is otherwise unsuitable for use for the purpose referred to in that subsection, it may be taken on a second or any further occasion.

(3) The powers conferred by subsection (1) shall not be exercised except on the authority of a member of the Garda Síochána not below the rank of inspector.

(4) A member of the Garda Síochána may, where a person fails or refuses to allow his or her fingerprint, palmprint or photograph to be taken pursuant to subsection (1), use such force as he or she reasonably considers necessary to take the fingerprint, palmprint or photograph or to cause the fingerprint, palmprint or photograph to be taken.

(5) (*a*) The powers conferred by subsection (4) shall not be exercised except on the authorisation of a member of the Garda Síochána not below the rank of superintendent.

(*b*) An authorisation pursuant to paragraph (*a*) may be given orally or in writing and, if given orally, shall be confirmed in writing as soon as practicable.

(6) Where a member of the Garda Síochána intends to exercise a power conferred by subsection (4), he or she shall inform the person—

(*a*) of that intention, and

(*b*) that an authorisation to do so has been given pursuant to subsection (5)(*a*).

(7) Every fingerprint, palmprint or photograph taken pursuant to subsection (4) shall be taken in the presence of a member of the Garda Síochána not below the rank of inspector.

(8) The taking of every fingerprint, palmprint or photograph pursuant to subsection (4) shall be video-recorded.

(9) Every fingerprint, palmprint or photograph of a person taken in pursuance of a power conferred by this section and every copy and record thereof shall be destroyed within the period of 12 months from the date of the taking of the fingerprint, palmprint or photograph, as the case may be, or on the conclusion of proceedings under this Part in relation to the person, whichever occurs later.

(10) A person who obstructs a member of the Garda Síochána in the exercise of a power under this section shall be guilty of an offence and shall, on summary conviction, be liable to a class A fine or to imprisonment for a term not exceeding 12 months or to both.

(11) Where a fingerprint, palmprint or photograph is transmitted by or on behalf of a requesting country, such fingerprint, palmprint or photograph shall be received in evidence without further proof.**]**

Annotations

Amendments:

F72 Inserted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 32, commenced on enactment.

Authentication.

F73**[37.**—(1) In proceedings to which this Part applies, F74**[**a document supporting a request for extradition, and any evidence in writing received, from a requesting country**]** (other than a Convention country) shall be received in evidence without further proof if it purports—

(*a*) to be F75**[**sealed or**]** signed by a judge, magistrate or officer of the requesting country, and

(*b*) to be certified by being sealed with the seal of a minister of state, ministry, department of state or such other person as performs in that country functions the same as or similar to those performed by the Minister under this Act, as may be appropriate, and judicial notice shall be taken of such seal.

(2) In proceedings to which this Part applies, a document purporting to be a copy of a document supporting a request for extradition from a Convention country shall, subject to subsection (3), be received in evidence without further proof.

(3) In proceedings to which this Part applies, a document that purports to be certified by—

(*a*) the judicial authority in a Convention country that issued the original, or

(*b*) an officer of the Central Authority of such a country duly authorised to so do,

to be a true copy of a conviction and sentence or detention order immediately enforceable or, as the case may be, the warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of that country, shall be received in evidence without further proof, and where the seal of the judicial authority or Central Authority concerned has been affixed to the document, judicial notice shall be taken of that seal.**]**

Annotations

Amendments:

F73 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 17(b), S.I. No. 85 of 2002.

F74 Substituted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 33(a), commenced on enactment.

F75 Inserted (24.07.2012) by *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), s. 33(b), commenced on enactment.

Offences committed abroad by Irish citizens.

[cf. Art. 6.2]

38.—(1) Where any citizen of Ireland does any act outside the State which constitutes an offence for which he would be liable to extradition but for the fact that he is a citizen of Ireland he shall be guilty of the like offence and be liable on conviction to the like punishment as if the act were done within the State.

(2) No proceedings for an offence under subsection (1) shall be taken except by direction of the Attorney General, given following a request to that effect made in the manner provided for in section 23 by the country within whose territory the act is alleged to have been committed.

(3) This section shall apply only to acts committed after the commencement of this Act.

(4) For the purpose of the exercise of jurisdiction, in relation to an offence to which subsection (1) applies, by any court of competent jurisdiction the act constituting the offence shall be deemed to have been committed within the area of the Dublin Metropolitan District.

Annotations

Modifications (not altering text):

C11 Application of section restricted (1.08.2002) by *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001), s. 46(4), S.I. No. 252 of 2002.

Restriction on certain proceedings.

46. ...

(4) Proceedings shall not be taken under section 38 of the Extradition Act, 1965, in respect of an act that is an offence under both that section and section 45 of this Act.

C12 Application of section restricted (28.06.2000) by *Criminal Justice (Safety of United Nations Workers) Act 2000* (16/2000), s. 5(2), commenced on enactment.

Proceedings under Act.

5. ...

(2) No proceedings shall be taken under section 38 of the Act of 1965 in respect of an act that constitutes an offence by virtue of that section and also an offence under this Act.

...

C13 Application of section restricted (14.06.2000) by *Criminal Justice (United Nations Convention Against Torture) Act 2000* (11/2000), s. 5(3), commenced on enactment.

Proceedings under Act.

5. ...

(3) No proceedings shall be taken under section 38 of the Act of 1965 in respect of an act that constitutes an offence under—

(a) that section, and

(b) this Act.

...

C14 Application of section restricted (11.05.1991) by *Radiological Protection Act 1991* (9/1991), s. 39(4), commenced on enactment.

Proceedings by virtue of section 38 of this Act.

39.—(1) Proceedings for an offence under section 38 of this Act which is an offence by virtue of subsection (2) or (3) of the said section may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place.

...

(4) No proceedings shall be taken under section 38 of the Extradition Act, 1965, in respect of an act that constitutes an offence by virtue of that section and also an offence referred to in subsection (1) of this section.

C15 Application of section restricted (1.12.1987) by *Extradition (European Convention on the Suppression of Terrorism) Act 1987* (1/1987), s. 6(5), commenced as per s. 13.

Proceedings by virtue of section 5.

6.—(1) Proceedings for an offence which is an offence by virtue of section 5 may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place.

...

(5) No proceedings shall be taken— ...

(b) under section 38 of the Act of 1965 in respect of an act that constitutes an offence by virtue of that section and also an offence referred to in subsection (1).

Editorial Notes:

E87 Previous affecting provision: reference to the Attorney General construed in certain circumstances relating to ss. 44A and 44B (14.12.1987) by *Extradition (Amendment) Act 1987* (25/1987), s. 5(4), commenced on enactment; ss. 44A, 44B repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Rule of specialty as applied by the State.

[Art. 14]

39.—(1) This section applies to a person who has been surrendered to the State by a requested country.

(2) F76**[**Subject to subsection (2A) (inserted by section 16(b) of the Extradition (European Union Conventions) Act, 2001), a person to whom this section applies shall not be proceeded against, sentenced or imprisoned or otherwise restricted in his personal freedom for any offence committed before his surrender other than that for which he was surrendered, except in the following cases**]**—

(*a*) with the consent of the requested country, signified under the seal of a F77**[**a minister of state, ministry or department of state of that country or such other person as performs in that country functions the same as or similar to those performed by the Minister under this Act, as may be appropriate,**]**, which seal shall be judicially noticed, or

(*b*) where that person, having had an opportunity to leave the State, has not done so within forty-five days of his final discharge in respect of the offence for which he was surrendered or has returned to the State after leaving it.

(3) Where the description of the offence charged is altered in the course of proceedings, he shall only be proceeded against or sentenced in so far as the offence under its new description is shown by its constituent elements to be an offence for which he would be liable to be surrendered to the State.

F78**[**(2A) A person to whom this section applies, who has been surrendered to the State by a Convention country pursuant to a request for his extradition from the Central Authority in the State, may—

(*a*) be proceeded against for an offence alleged to have been committed by him before his surrender (other than that for which he has been surrendered) provided that—

(i) upon conviction he is not liable to a term of imprisonment or detention,

(ii) in circumstances where, upon conviction, he would be liable to a term of imprisonment or detention or such penalty as does not involve a restriction of his personal liberty, the said other penalty only shall be imposed should he be convicted of the offence concerned,

(*b*) be subjected to a penalty (other than a penalty consisting of the restriction of his personal liberty) including a financial penalty, where apart from this section the law so provides in respect of an offence—

(i) of which he has been convicted,

(ii) that was committed before his surrender, and

(iii) that is not an offence for which he has been surrendered,

notwithstanding that where such person fails or refuses to pay the penalty concerned (or, in the case of a penalty that is not a financial penalty, fails or refuses to comply with the order of the court by which the penalty has been imposed), he may in accordance with law and apart from this section be detained or otherwise deprived of his personal liberty, or

(*c*) be proceeded against or, where apart from this section the law so provides, be detained for the purpose of executing a sentence of imprisonment or detention in respect of an offence—

(i) of which he has been convicted,

(ii) that was committed before his surrender, and

(iii) that is not an offence for which he has been surrendered,

or, where apart from this section the law so provides, be otherwise restricted in his personal liberty as a consequence of being convicted of such offence, provided that he has consented to such execution or his personal liberty being so restricted before the High Court which shall, upon being satisfied that the person so consents voluntarily and is aware of the consequences of his so consenting, record that consent.**]**

Annotations

Amendments:

F76 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 16(a), S.I. No. 85 of 2002.

F77 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 25(b), S.I. No. 85 of 2002.

F78 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 16(b), S.I. No. 85 of 2002.

Modifications (not altering text):

C16 Section applied with modifications (22.08.1994) by *Extradition (Rule of Specialty and Re-Extradition For Purposes of Part III of Extradition Act, 1965) Order 1994* (S.I. No. 221 of 1994), arts. 6-8, in effect as per art. 1(2).

6. Subject to the provisions of this Order, section 39 (which, in the case of a person extradited to the State under Part II, prohibits, subject to certain exceptions, the taking of proceedings against and the sentencing or restricting of the personal freedom of the person for any offence committed prior to his surrender other than that for which he was surrendered) shall apply to a person who has been delivered up to the State under a law corresponding to Part III, with the following adaptations and modifications:

(a) in subsection (1), "delivered up to the State under a law corresponding to Part III" shall be substituted for "surrendered to the State by a requested country",

(b) in subsection (2)—

(i) ", imprisoned or detained with a view to the carrying out of a sentence or order for detention," shall be substituted for "or imprisoned",

(ii) "or otherwise dealt with," shall be inserted after "freedom",

(iii) "delivery" shall be substituted for "surrender" and "delivered up" shall be substituted for "surrendered",

(iv) in paragraph (a)—

(I) "the Secretary of State in the Government of the United Kingdom of Great Britain and Northern Ireland" shall be substituted for "the requested country,",

(II) "by a certificate purporting to be given by him or on his behalf" shall be substituted for "under the seal of a minister of state of that country", and

(III) "which certificate" shall be substituted for "which seal",

(v) in paragraph (b), "after leaving it, or" shall be substituted for "after leaving it." and "delivered up" shall be substituted for "surrendered", and

(vi) the following paragraph shall be inserted after paragraph (b):

"(c) where, in proceedings in relation to the offence for which that person was delivered up, he could be convicted for that other offence under the law of the State.",

and

(c) in subsection (3)—

(i) "in the State" shall be inserted after "the offence charged",

(ii) ", sentenced, imprisoned or detained with a view to the carrying out of a sentence or order for detention, or otherwise restricted in his personal freedom or otherwise dealt with," shall be substituted for "or sentenced", and

(iii) "delivered up to the State under a law corresponding to Part III" shall be substituted for "surrendered to the State",

and the said section 39, as adapted and modified by this Article, is set out in the Table to this Article.

TABLE

39. (1) This section applies to a person who has been delivered up to the State under a law corresponding to Part III.

(2) He shall not be proceeded against, sentenced, imprisoned or detained with a view to the carrying out of a sentence or order for detention, or otherwise restricted in his personal freedom or otherwise dealt with, for any offence committed prior to his delivery other than that for which he was delivered up, except in the following cases—

(a) with the consent of the Secretary of State in the Government of the United Kingdom of Great Britain and Northern Ireland signified by a certificate purporting to be given by him or on his behalf, which certificate shall be judicially noticed, or

(b) where that person, having had an opportunity to leave the State, has not done so within forty-five days of his final discharge in respect of the offence for which he was delivered up or has returned to the State after leaving it, or

(c) where, in proceedings in relation to the offence for which that person was delivered up, he could be convicted for that other offence under the law of the State.

(3) Where the description of the offence charged in the State is altered in the course of proceedings, he shall only be proceeded against, sentenced, imprisoned or detained with a view to the carrying out of a sentence or order for detention, or otherwise restricted in his personal freedom or otherwise dealt with, in so far as the offence under its new description is shown by its constituent elements to be an offence for which he would be liable to be delivered up to the State under a law corresponding to Part III.

7. (1) For the purposes of the application of subsection (1) of section 20 or subsection (1) of section 21 to a person referred to in that subsection, the law in force in a place in relation to which Part III applies shall not be regarded as making the provision specified in that subsection if it is shown that it does not provide that such a person delivered up to that place shall not, while he is on bail, be regarded as having had an opportunity to go to the territory of any country outside the places in relation to which Part III applies or as having, after going to any such territory, gone, or gone back, to any of those places.

(2) For the purposes of the application of subsection (3) of section 21 or subsection (2) of section 39 to a person referred to in that subsection, a person shall not, while he is on bail, be regarded as having had an opportunity to leave the State or as having returned to the State after leaving it.

(3) References in paragraphs (1) and (2) of this Article to sections 20, 21 and 39 are references to those sections as modified and adapted by this Order.

8. This Order applies in cases where the warrant concerned is endorsed on or after the commencement of this Order for execution in the State under section 43 or in a place in relation to which Part III applies under corresponding arrangements in force in that place.

Transit.
[Art. 21]

40.—F79**[**(1) Transit through the State of a person being conveyed from one country to another upon his surrender pursuant to an agreement in the nature of an extradition agreement may, subject to—

(*a*) any relevant extradition provisions,

(*b*) such conditions, if any, as the Minister thinks proper, and

(*c*) in circumstances where the country to which he is being conveyed is a Convention country, compliance with subsection (1A) (inserted by section 19(b) of the Extradition (European Union Conventions) Act, 2001),

be granted by the Minister upon a request to that effect by the country to which he is being conveyed.**]**

F80**[**(1A) Where a request to which subsection (1) applies is made by a Convention country, the following information shall be provided by or on behalf of the Central Authority in that country in writing to the Central Authority in the State, that is to say:

(*a*) such information as will enable the person to be identified by the Central Authority in the State,

(*b*) whether—

(i) there exists an arrest warrant or other document having the same effect as an arrest warrant under the law of the Convention country issued by a judicial authority in that country in respect of the person, or

(ii) the person has been convicted in the Convention country of an offence in respect of which he has been surrendered,

(*c*) the nature, and description under the law of the Convention country, of the offence in respect of which the person has been surrendered, and

(*d*) a description of the circumstances in which the offence—

(i) was committed, or

(ii) where the person has not yet been convicted of the offence concerned, is alleged to have been committed,

and the date and place of its commission or alleged commission, as may be appropriate.**]**

(2) The Minister may arrange for the supervision of such transit by the Garda Síochána and the person concerned shall be deemed to be in the custody of any member of the Garda Síochána accompanying him pursuant to such arrangement.

F80**[**(2A) (*a*) This subsection applies to an aircraft that has taken off from a place (other than the State) and that is scheduled to land in a place (other than the State) and on board which there is a person who is being conveyed to a Convention country upon his surrender to that country pursuant to an agreement in the nature of an extradition agreement.

(*b*) Where an aircraft to which this subsection applies, for whatever reason, lands in the State, the Central Authority of the Convention country referred to in paragraph (*a*) shall, upon its landing or as soon as may be after it lands, comply with subsection (1A) and the said subsection (1A) shall apply subject to any necessary modifications.

(*c*) While an aircraft to which this subsection applies is in the State, a person referred to in paragraph (*a*) who is on board that aircraft shall be deemed to be in transit through the State and subsection (2) shall apply accordingly.**]**

Annotations

Amendments:

F79 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 19(a), S.I. No. 85 of 2002.

F80 Inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 19(b), (c), S.I. No. 85 of 2002.

PART III

Endorsement and Execution of Certain Warrants

Annotations

Editorial Notes:

E88 Previous affecting provision: treatment of offences under the law of Northern Ireland provided for purposes of Part (26.05.1999) by *Criminal Justice Act 1999* (10/1999), s. 31, commenced on enactment; Part repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

E89 Previous affecting provision: certain offences not to be regarded as political offences for purposes of Part as provided (1.12.1987) by *Extradition (European Convention on the Suppression of Terrorism) Act 1987* (1/1987), ss. 3, 4, commenced as per s. 13; Part repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

E90 Previous affecting provision: offences under the laws of the Channel Islands construed for purposes of Part (13.06.1967) by *Criminal Procedure Act 1967*, s. 38, commenced on enactment; Part repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

E91 Previous affecting provision: offences under the law of Scotland construed for purposes of Part (13.06.1967) by *Criminal Procedure Act 1967*, s. 37, commenced on enactment; s. 37 repealed (26.05.1999) by *Criminal Justice Act 1999* (10/1999), s. 32(5), commenced on enactment.

E92 Previous affecting provision: references to "imprisonment" construed for purposes of Part (13.06.1967) by *Criminal Procedure Act 1967*, s. 36, commenced on enactment; Part repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Places in relation to which Part III applies.

41.—F81**[...]**

Annotations

Amendments:

F81 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Definitions.

42.—F82**[...]**

Annotations

Amendments:

F82 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E93 Previous affecting provisions: subss. (2) and (3) inserted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 26, S.I. No. 85 of 2002; section repealed as per F-note above.

Endorsement of warrants.

43.—F83**[**...**]**

Annotations

Amendments:

F83 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E94 Previous affecting provision: subs. (1)(b) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 10, S.I. No. 220 of 1994; section repealed as per F-note above.

Restrictions on endorsement.

44.—F84**[**...**]**

Annotations

Amendments:

F84 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E95 Previous affecting provision: subs. (2) amended (20.03.2002) by *Extradition (European Union Conventions) Act* 2001 (49/2001), s. 13(c), S.I. No. 85 of 2002; section repealed as per F-note above.

E96 Previous affecting provision: subs. (2)(ii) amended (14.06.2000) by *Criminal Justice (United Nations Convention Against Torture) Act 2000* (11/2000), commenced on enactment; subsection amended as per E-note above.

E97 Previous affecting provision: subs. (2) amended (1.12.1987) by *Extradition (European Convention on the Suppression of Terrorism) Act 1987* (1/1987), s. 8, commenced as per s. 13; subsection amended as per E-note above.

F85**[**Power of AG to direct refusal of endorsement of warrant

44A.—F86**[**...**]]**

Annotations

Amendments:

F85 Inserted (14.12.1987) by *Extradition (Amendment) Act 1987* (25/1987), s. 2(a), commenced on enactment.

F86 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced on enactment, subject to transitional provision in subs. (2).

Editorial Notes:

E98 Previous affecting provision: power of Attorney General to direct performance of his or her functions under section in certain circumstances provided (14.12.1987) by *Extradition (Amendment) Act 1987* (25/1987), s. 5, commenced on enactment; section repealed as per F-note above.

E99 The section heading is taken from the content of the new section in the absence of one included in the amendment.

F87[Power of AG to revoke a direction

44B.—F88[...]]

Annotations

Amendments:

F87 Inserted (14.12.1987) by *Extradition (Amendment) Act 1987* (25/1987), s. 2(1), commenced on enactment.

F88 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E100 Previous affecting provision: power of Attorney General to direct performance of his or her functions under section in certain circumstances provided by (14.12.1987) by *Extradition (Amendment) Act 1987* (25/1987), s. 5, commenced on enactment; section repealed as per F-note above.

E101 The section heading is taken from the content of the new section in the absence of one included in the amendment.

F89[Proof

44C.—F90[...]]

Annotations

Amendments:

F89 Inserted (14.12.1987) by *Extradition (Amendment) Act 1987* (25/1987), s. 2(1), commenced on enactment.

F90 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E102 Previous affecting provision: subs. (3) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 11, S.I. No. 220 of 1994; section repealed as per F-note above.

E103 The section heading is taken from the content of the new section in the absence of one included in the amendment.

F91[Section 44A restricted

44D.—F92[...]]

Annotations

Amendments:

F91 Inserted (14.12.1987) by *Extradition (Amendment) Act 1987* (25/1987), s. 2(1), commenced on enactment.

F92 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E104 The section heading is taken from the content of the new section in the absence of one included in the amendment.

Execution of warrants.

45.—(1) F93[...]

(2) F93[...]

(3) F94[...]

Annotations

Amendments:

F93 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

F94 Repealed (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 16 and sch. 2, S.I. No. 220 of 1994.

Editorial Notes:

E105 Previous affecting provision: subs. (1) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 6(c), S.I. No. 220 of 1994; section repealed as per F-note above.

E106 Previous affecting provision: subs. (2) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 4(1)(b), S.I. No. 220 of 1994; section repealed as per F-note above.

Remand of arrested person to District Court.

46.—F95[...]

Annotations

Amendments:

F95 Repealed (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 16 and sch., S.I. No. 220 of 1994.

Proceedings before F96[High Court].

47.—F97[...]

Annotations

Amendments:

F96 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1))(a), S.I. No. 85 of 2002.

F97 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E107 Previous affecting provision: subs. (5) substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1)(g), S.I. No. 85 of 2002; section repealed as per F-note above.

E108 Previous affecting provision: subs. (1), (4) substituted and subs. (1A) inserted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 12(a), (b), S.I. No. 220 of 1994; section repealed as per F-note above.

E109 Previous affecting provision: application of section restricted (1.06.1976) by *Criminal Law (Jurisdiction) Act 1976* (14/1976), s. 47(4), (5), S.I. No. 112 of 1976; section repealed as per F-note above.

Lapse of time before delivery of arrested person.

48.—F98[...]

Annotations

Amendments:

F98 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E110 Previous affecting provision: subs. (1) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 4(1)(c), S.I. No. 220 of 1994; section repealed as per F-note above.

E111 Previous affecting provision: subs. (2) substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 20(1)(e), S.I. No. 85 of 2002; section repealed as per F-note above.

Provisional warrants.

49.—F99[...]

Annotations

Amendments:

F99 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E112 Previous affecting provision: subs. (1)(c) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 13(a), S.I. No. 220 of 1994; section repealed as per F-note above.

E113 Previous affecting provision: subs. (3) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 4(1)(d), S.I. No. 220 of 1994; section repealed as per F-note above.

E114 Previous affecting provision: subs. (4) repealed (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 16 and sch., S.I. No. 220 of 1994.

E115 Previous affecting provision: subss. (5), (6), (8) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 13(b), S.I. No. 220 of 1994; section repealed as per F-note above.

Release of persons arrested.

50.—F100**[...]**

Annotations

Amendments:

F100 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E116 Previous affecting provision: subs. (2)(a)(iii) deleted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 13(d), S.I. No. 85 of 2002.

E117 Previous affecting provision: subs. (2)(bb) amended (14.06.2000) by *Criminal Justice (United Nations Convention Against Torture) Act 2000*, s. 7, commenced on enactment; section repealed as per F-note above.

E118 Previous affecting provision: subs. (2)(bbb) inserted (14.12.1987) by *Extradition (Amendment) Act 1987* (25/1987), s. 2(1)(b), commenced on enactment; section repealed as per F-note above.

E119 Previous affecting provision: subs. (2)(bb) inserted (1.12.1987) by *Extradition (European Convention on the Suppression of Terrorism) Act* 1987 (1/1987), s. 9, commenced as per s. 13; subsection amended as per E-note above.

Special provisions for summary offences.

51.—F101**[...]**

Annotations

Amendments:

F101 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Remand.

52.—F102**[...]**

Annotations

Amendments:

F102 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E120 Previous affecting provision: subs. (2), (2A), (3), (4), (5) repealed (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 16 and sch., S.I. No. 220 of 1994.

E121 Previous affecting provision: subs. (2A) inserted (13.06.1967) by *Criminal Procedure Act 1967* (12/1967), s. 35, commenced on enactment; subsection repealed as per E-note above.

Discharge of persons not taken out of State.

53.—F103**[**...**]**

Annotations

Amendments:

F103 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E122 Previous affecting provision: subs. (2) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 4(1)(e), S.I. No. 220 of 1994; section repealed as per F-note above.

Acceptance of documents by Commissioner of Garda Síochána.

54.—F104**[**...**]**

Annotations

Amendments:

F104 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Evidence in proceedings.

55.—F105**[**...**]**

Annotations

Amendments:

F105 Repealed (1.01.2004) by *European Arrest Warrant Act 2003* (45/2003), s. 50(1), commenced as per s. 1(2), subject to transitional provision in subs. (2).

Editorial Notes:

E123 Previous affecting provision: subs. (3) substituted (22.08.1994) by *Extradition (Amendment) Act 1994* (6/1994), s. 14, S.I. No. 220 of 1994; section repealed as per F-note above.

E124 Previous affecting provision: subs. (3) inserted (14.12.1987) by *Extradition (Amendment) Act 1987* (25/1987), s. 2(1)(c), commenced on enactment; section substituted as per E-note above.

Section 6.

SCHEDULE

Repeals

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Vict. c. 42.	Indictable Offences Act, 1848.	Sections 12 and 15.
11 & 12 Vict. c. 43.	Summary Jurisdiction Act, 1848.	Section 3.
12 & 13 Vict. c. 69.	Indictable Offences (Ir.) Act, 1849.	Sections 12, 13, 14 and 15.
14 & 15 Vict. c. 93.	Petty Sessions (Ir.) Act, 1851.	Subsection (3) of section 27; section 29.
31 & 32 Vict. c. 107.	Indictable Offences Act Amendment Act, 1868.	The whole Act.
33 & 34 Vict. c. 52.	Extradition Act, 1870.	The whole Act, except section 24.
36 & 37 Vict. c. 60.	Extradition Act, 1873.	The whole Act, except section 5.
36 & 37 Vict. c. 88.	Slave Trade Act, 1873.	Section 27.
44 & 45 Vict. c. 69.	Fugitive Offenders Act, 1881.	The whole Act.
58 & 59 Vict. c. 33.	Extradition Act, 1895.	The whole Act.
6 Edw. 7. c. 15.	Extradition Act, 1906.	The whole Act.
5 & 6 Geo. 5 c. 39.	Fugitive Offenders (Protected States) Act, 1915.	The whole Act.

Number 17 *of* 1965

EXTRADITION ACT 1965

REVISED

Updated to 18 May 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Extradition Acts 1965 to 2020: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 1(7)). The Acts in this group are:

- *Extradition Act 1965* (17/1965)
- *Extradition (European Convention on the Suppression of Terrorism) Act 1987* (1/1987)
- *Extradition (Amendment) Act 1987* (25/1987)
- *Extradition (Amendment) Act 1994* (6/1994)
- *Extradition (European Union Conventions) Act 2001* (49/2001)
- *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012), Part 4
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), Part 13
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2012), Part 16

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2022)
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020)
- *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020* (13/2020)
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019)
- *Prisons Act 2015* (57/2015)
- *European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012* (30/2012)
- *Criminal Justice (Miscellaneous Provisions) Act 2009* (28/2009)
- *International Criminal Court Act 2006* (30/2006)
- *Criminal Justice (Terrorist Offences) Act 2005* (2/2005)
- *European Arrest Warrant Act 2003* (45/2003)
- *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001)
- *Extradition (European Union Conventions) Act 2001* (49/2001)
- *Criminal Justice (Safety of United Nations Workers) Act 2000* (16/2000)
- *Criminal Justice (United Nations Convention Against Torture) Act 2000* (11/2000)
- *Criminal Justice Act 1999* (10/1999)
- *Geneva Conventions (Amendment) Act 1998* (35/1998)
- *Extradition (Amendment) Act 1994* (10/1994)
- *Radiological Protection Act 1991* (9/1991)
- *Air Navigation and Transport Act 1988* (15/1988)
- *Extradition (Amendment) Act 1987* (25/1987)
- *Extradition (European Convention on the Suppression of Terrorism) Act 1987* (1/1987)
- *Criminal Law (Jurisdiction) Act 1976* (14/1976)
- *Air Navigation and Transport Act 1975* (9/1975)
- *Air Navigation and Transport Act 1973* (29/1973)
- *Genocide Act 1973* (28/1973)
- *Criminal Procedure Act 1967* (12/1967)

All Acts up to and including the *Finance (Provision of Access to Cash Infrastructure) Act 2025* (4/2025), enacted 20 May 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Extradition (United Arab Emirates) Order 2025* (S.I. No. 205 of 2025)
- *Extradition (United Arab Emirates) Order 2024* (S.I. No. 530 of 2024)
- *Extradition (Australia) Order 2022* (S.I. No. 134 of 2022)
- *Extradition (United Nations Convention Against Illicit Traffic In Narcotic Drugs And Psychotropic Substances) Order 2019* (S.I. No. 396 of 2019)
- *Extradition (Hong Kong) Order 2019* (S.I. No. 395 of 2019)
- *Extradition (Convention For The Suppression Of Unlawful Acts Against The Safety Of Maritime Navigation And Protocol For The Suppression Of Unlawful Acts Against The Safety Of Fixed Platforms Located On The Continental Shelf) Order 2019* (S.I. No. 394 of 2019)
- *Extradition (United States Of America) Order 2019* (S.I. No. 393 of 2019)
- *Extradition (Australia) Order 2019* (S.I. No. 392 of 2019)
- *Extradition (International Convention For The Suppression Of The Financing Of Terrorism) Order 2019* (S.I. No. 391 of 2019)
- *Extradition (International Convention For The Suppression Of Terrorist Bombings) Order 2019* (S.I. No. 390 of 2019)

- *Extradition (Convention On The Prevention And Punishment Of Crimes Against Internationally Protected Persons, Including Diplomatic Agents) Order 2019* (S.I. No. 389 of 2019)
- *Extradition (International Convention Against The Taking Of Hostages) Order 2019* (S.I. No. 388 of 2019)
- *Extradition (Criminal Law Convention On Corruption) Order 2019* (S.I. No. 387 of 2019)
- *Extradition (Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment) Order 2019* (S.I. No. 386 of 2019)
- *Extradition (Convention On Combating Bribery Of Foreign Public Officials In International Business Transactions) Order 2019* (S.I. No. 384 of 2019)
- *Extradition (Convention On The Safety Of United Nations And Associated Personnel) Order 2019* (S.I. No. 383 of 2019)
- *Extradition (European Convention On The Suppression Of Terrorism) Order 2019* (S.I. No. 382 of 2019)
- *Extradition (Convention On The Physical Protection Of Nuclear Material) Order 2019* (S.I. No. 381 of 2019)
- *Extradition (Convention For The Suppression Of Unlawful Acts Against The Safety Of Civil Aviation And Protocol For The Suppression Of Unlawful Acts Of Violence At Airports Serving International Civil Aviation) Order 2019* (S.I. No. 379 of 2019)
- *Extradition (Convention For The Suppression Of Unlawful Seizure Of Aircraft) Order 2019* (S.I. No. 376 of 2019)
- *Extradition (European Convention On Extradition) Order 2019* (S.I. No. 374 of 2019)
- *Extradition Act 1965 (Application Of Part II) (Revocation) Order 2019* (S.I. No. 372 of 2019)
- *Extradition (Second Additional Protocol To The European Convention on Extradition) Order 2019* (S.I. No. 339 of 2019)
- *Extradition (United Nations Convention Against Corruption) Order 2019* (S.I. No. 275 of 2019)
- *Extradition (Protocol to The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict) Order 2018* (S.I. No. 301 of 2018)
- *Extradition Act 1965 (Application of Part II) Order 2013* (S.I. No. 416 of 2013)
- *Extradition Act 1965 (Application of Part II) Order 2011* (S.I. No. 59 of 2011)
- *Extradition Act 1965 (Application of Part II) (Amendment) Order 2010* (S.I. No. 45 of 2010)
- *Extradition Act 1965 (Application of Part II) (Amendment) Order 2009* (S.I. No. 9 of 2009)
- *Extradition Act 1965 (Application of Part II) (Amendment) Order 2005* (S.I. No. 374 of 2005)
- *Extradition Act 1965 (Application of Part II) (Amendment) (No. 2) Order 2004* (S.I. No. 725 of 2004)
- *Extradition Act 1965 (Application of Part II) (Amendment) Order 2004* (S.I. No. 587 of 2004)
- *Extradition Act 1965 (Application of Part II) (Amendment) (No. 2) Order 2003* (S.I. No. 649 of 2003)
- *Extradition Act 1965 (Application of Part II) (Amendment) Order 2003* (S.I. No. 479 of 2003)
- *Extradition Act 1965 (Application of Part II) (Amendment) Order 2002* (S.I. No. 173 of 2002)
- *Extradition Act 1965 (Application of Part II) (Amendment) Order 2002* (S.I. No. 474 of 2000)
- *Extradition (Rule of Specialty and Re-Extradition For Purposes of Part III of Extradition Act, 1965) Order 1994* (S.I. No. 221 of 1994)
- *Extradition Act, 1965 (Part II) (No. 24) Order 1989* (S.I. No. 48 of 1989)
- *Extradition Act, 1965 (Part II) (No. 25) Order 1989* (S.I. No. 10 of 1989)
- *Extradition Act, 1965 (Part II) (No. 23) Order 1989* (S.I. No. 9 of 1989)
- *Extradition Act, 1965 (Part II) (No. 22) Order 1987* (S.I. No. 33 of 1987)
- *Extradition Act, 1965 (Part II) (No. 21) Order 1986* (S.I. No. 220 of 1986)
- *Extradition Act, 1965 (Part II) (No. 20) Order 1984* (S.I. No. 300 of 1984)
- *Extradition Act, 1965 (Part II) (No. 19) Order 1984* (S.I. No. 271 of 1984)
- *Extradition Act, 1965 (Part II) (No. 18) Order 1984* (S.I. No. 238 of 1984)
- *Extradition Act, 1965 (Part II) (No. 17) Order 1983* (S.I. No. 10 of 1983)
- *Extradition Act, 1965 (Part II) (No. 16) Order 1982* (S.I. No. 349 of 1982)
- *Extradition Act, 1965 (Part II) (No. 15) Order 1982* (S.I. No. 47 of 1982)
- *Extradition Act, 1965 (Part II) (No. 14) Order 1977* (S.I. No. 102 of 1977)
- *Extradition Act, 1965 (Part II) (No. 13) Order 1977* (S.I. No. 62 of 1977)

- *Extradition Act, 1965 (Part II) (No. 12) Order 1976* (S.I. No. 323 of 1976)
- *Extradition Act, 1965 (Part II) (No. 11) Order 1976* (S.I. No. 322 of 1976)
- *Extradition Act, 1965 (Part II) (No. 10) Order 1976* (S.I. No. 251 of 1976)
- *Extradition Act, 1965 (Part II) (No. 9) Order 1975* (S.I. No. 334 of 1976)
- *Extradition Act, 1965 (Part II) (No. 8) Order 1971* (S.I. No. 229 of 1971)
- *Extradition Act. 1965 (Part II) (No. 7) Order 1971* (S.I. No. 145 of 1971)
- *Extradition Act, 1965 (Part II) (No. 6) Order 1970* (S.I. No. 33 of 1970)
- *Extradition Act, 1965 (Part II) (No. 5) Order 1969* (S.I. No. 151 of 1969)
- *Extradition Act, 1965 (Part II) (No. 4) Order 1969* (S.I. No. 76 of 1969)
- *Extradition Act, 1965 (Part II) (No. 3) Order 1967* (S.I. No. 286 of 1967)
- *Extradition Act, 1965 (Part II) (No. 2) Order 1967* (S.I. No. 52 of 1967)
- *Extradition Act, 1965 (Part II) (No. 1) Order 1966* (S.I. No. 161 of 1966)
- *Extradition Act, 1965 (Commencement) Order 1965* (S.I. No. 161 of 1965)

All statutory instruments up to and including the *Extradition (United Arab Emirates) Order 2025* (S.I. No. 205 of 2025), made 13 May 2025, were considered in the preparation of this revision.