

ADVOCATE GENERAL FOR SCOTLAND



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Rt. Hon. Sir Scott Baker
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Dear Sir Scott,

Review of Extradition

Thank you for your letter inviting me to make representations to the Home Office Review of Extradition.

In Scotland the responsibility for implementation of extradition requests lies with the Crown Agent as designated authority for 'category 1' territory requests, ie European Arrest Warrant states. In relation to 'category 2' territory requests, e.g. USA, Zimbabwe, etc, the functions of the Secretary of State are executively devolved to Scottish Ministers. In either case the proceedings are conducted by the Lord Advocate.

The Advocate General for Scotland only becomes aware of proceedings if a 'devolution issue' is raised in the course of proceedings. There are no specific rules of court dealing with the raising/intimation of devolution issues in extradition proceedings and therefore no time limits. This can mean that issues only reach the Office of the Advocate General for Scotland late in the day.

In general the Office of the Solicitor to the Advocate General recognise that the majority of challenges relate to prison conditions, and these almost exclusively arise in European Arrest Warrant cases.



The Rt Hon the Lord Wallace of Tankerness QC