

EXPLANATORY MEMORANDUM ON THE CONVENTION ON EXTRADITION BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF MOROCCO

TITLE OF TREATY

Convention on Extradition between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Morocco.

Command Paper Number: 8682

SUBJECT MATTER

The Convention between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Morocco provides a basis for extradition between the two states. The Convention allows extradition to be requested for any offence which attracts a maximum penalty of at least 12 months' imprisonment in the UK and Morocco. Extradition can also be sought where a person has been convicted and sentence of imprisonment of a term of 4 months or more has been imposed and the conduct is punishable under the laws of the requested State by a maximum sentence of at least 12 months' imprisonment or more. The evidential requirements set out in the Convention mean that the requesting state must establish a prima facie evidential case in respect of any person whom they wish to extradite. The Convention specifically refers to a number of grounds on which extradition may be refused; these include where extradition would breach the human rights of the person whose extradition is sought.

MINISTERIAL RESPONSIBILITY

The Secretary of State for the Home Department has overall responsibility for policy on judicial co-operation. Scottish Government Ministers also have an interest as decision-makers on requests made to Scotland. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for UK policy relating to the UK's relations with the Kingdom of Morocco.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

Both the Scottish Government and the Northern Ireland Office have seen the Convention and are content.

POLICY CONSIDERATIONS

GENERAL

The English text of the Convention was agreed in June 2012. The Arabic text was agreed in April 2013. The Convention will provide a comprehensive framework which should streamline and speed up the extradition processes between the UK and Morocco. The introduction of a formal bilateral basis for extradition for conduct covered by the Convention will lead to a more efficient and effective process for extradition between the two countries. The Kingdom of Morocco is an important partner for the UK and this package of measures will enhance our ability to work in close co-operation with Morocco on important issues.

REGULATORY IMPACT ASSESSMENT

No Regulatory Impact Assessment is required.

FINANCIAL

The Convention is not expected to pose any additional financial burden on the United Kingdom.

RESERVATIONS AND DECLARATIONS

None.

CONSULTATIONS

The Convention was negotiated on behalf of the United Kingdom by the Home Office and on behalf of the Kingdom of Morocco by officials from the Ministries of Justice and Foreign Affairs. The Home Office consulted across government before negotiating the Convention. This included discussions with the Devolved Administrations, law enforcement partners and the Foreign and Commonwealth Office.

IMPLEMENTATION

No additional legislation is required in order to implement the Convention. Secondary legislation, which will be subject to the affirmative resolution procedure, will, however, be needed in order to

provide that requests for extradition received from the Kingdom of Morocco are dealt with directly in accordance with Part 2 of the Extradition Act 2003.



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Minister of State for Immigration
HOME OFFICE