Policing and Crime Bill

Briefing and suggested amendments for Report Stage House of Commons

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1. JUSTICE is a British-based human rights and law reform organisation, whose mission is to advance justice, human rights and the rule of law. It is also the British section of the International Commission of Jurists.

2. This briefing is intended to highlight JUSTICE's main concerns regarding the Policing and Crime Bill. Due to the limited time for debate at Report stage we have concentrated on amendments highlighting our most pressing concerns about the Bill's provisions. Further and consequential amendments may be needed if our suggested amendments are adopted.

3. In short, we are particularly concerned that:

- **The Bill fails to decriminalise child victims of sexual exploitation;**
- **Many of the provisions on prostitution will be counter-productive and will make conditions less safe for sex workers, leading to a greater risk of violence against them;**
- **Dispersal of 10-15 year olds from the streets may be used arbitrarily and will put children at risk;**
- **'Gang injunctions' may contravene fair trial provisions;**
- **The 'gang injunction' provisions are extremely vague; 'gang' is not defined;**
- **They are not reserved for serious cases, and include 'violence against property' in the definition of 'gang-related violence';**
- **They can be used in order to protect an individual; in the case of adults this is an inappropriate use of an injunction;**
- **Persons should not be returned under Part 6 to states where they are at risk of human rights abuses;**
- **A person who may be returned under Part 6 is entitled to make representations in order to raise any human rights concerns. The Secretary of State should not be the sole decision-maker as to the compatibility of the return and decisions must be subject to judicial scrutiny;**
- **Extended periods of detention under provisional arrest where a European Arrest Warrant has not even been issued should not be entertained;**
- **Live links should not be used in extradition proceedings, in particular at initial hearings.**

Part 2 – Sexual Offences and sex establishments

Clauses 13 and 14: Paying for sexual services of a controlled prostitute

Amendments

Page **15**, [*Clause 13*] leave out lines 33 to 37 and insert –

(1) A person (A) commits an offence if –

(a) A makes or promises payment for the sexual services of a prostitute (B), and

(b) Any of B's activities relating to the provision of those services are intentionally controlled for gain by a third person (C), and

(c) A is aware, or ought to be aware, that B's activities are controlled for gain.

(1A) Whether A ought to be aware that B's activities are controlled for gain is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B is controlled for gain.

(2) It is irrelevant where in the world the sexual services are to be provided and whether those services are provided.

Page **16**, [*Clause 14*] leave out lines 14-18 and insert –

(1) A person (A) commits an offence if –

(a) A makes or promises payment for the sexual services of a prostitute (B), and

(b) any of B's activities relating to the provision of those services are intentionally controlled for gain by a third person (C), and

(c) A is aware, or ought to be aware, that B's activities are controlled for gain.

(1A) Whether A ought to be aware that B's activities are controlled for gain is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B is controlled for gain.

(2) It is irrelevant where in the world the sexual services are to be provided and whether those services are provided.

Briefing

Clauses 13 and 14 of the Bill would create new offences in England and Wales and Northern Ireland, respectively, where a person pays or promises payment for the sexual services of a prostitute whose provision of such services is controlled for gain by a third person. The offences are of strict liability, in that it is irrelevant whether or not the client was aware that the prostitute was controlled for gain. It is important to note that the definition of 'controlled for gain' is not confined to circumstances where a prostitute is subject to violence, threats, or has been trafficked into or within the UK for the purposes of prostitution against his or her will (see *R v Massey* [2008] 1 WLR 937). It may therefore be difficult for a client to discover whether a prostitute fulfils the definition of being 'controlled for gain'.

While strict liability offences may be appropriate in certain contexts (such as regulatory offences or environmental pollution) we do not believe that a strict liability offence is appropriate here, particularly considering the damage to reputation that would be done by a conviction for this offence. We therefore agree with the Joint Committee on Human Rights (JCHR) that there should be a requirement that the defendant was aware or at least ought to have been aware that the prostitute was controlled. We suggest amendments in the format that has also been suggested by the JCHR in its report on the Bill.[1]

[1] Joint Committee on Human Rights, *Legislative Scrutiny: Policing and Crime Bill*, Tenth Report of Session 2008-09, HL Paper 68, HC 395, p14.

Clause 15 – Amendment to offence of loitering etc for purposes of prostitution

Amendment

Page **16**, line **28** [*Clause 15*] after 'person' insert 'aged 18 and over'.

Briefing

This amendment is intended to decriminalise child prostitutes, who as victims of sexual exploitation should be subject to protection and support, not arrest and prosecution. The Joint Committee on Human Rights has also suggested this amendment.[2] This amendment would leave the government's changes to the offence of loitering or soliciting in place for those aged 18 or over (making loitering or soliciting an offence only if it is persistent), but would mean that section 1 of the Street Offences Act 1959 did not apply to children and young people under 18. In its latest set of concluding observations on the UK's compliance with the United Nations Convention on the Rights of the Child, the UN Committee on the Rights of the Child emphasised that:[3]

> *The State party should always consider, both in legislation and in practice, child victims of these criminal practices, including child prostitution, exclusively as victims in need of recovery and reintegration and not as offenders.*

This policy was acknowledged by the government in 2008 during the passage of the Criminal Justice and Immigration Bill, when the Minister said that he wished to give the:[4]

> *clear message that child sexual exploitation is a grave crime that will not be tolerated and that the child is always the victim.*

We believe that the continued criminalisation of children involved in prostitution is likely to deter them from seeking assistance from the authorities and plays into the hands of abusers. We draw attention in this context to the Report Stage briefing of the Standing Committee for Youth Justice (SCYJ), of which JUSTICE is a member. We therefore believe that even if the offence of loitering/soliciting is retained for adult prostitutes it should be repealed for children.

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[2] Ibid, pp23-25.
[3] UN Doc CRC/C/GBR/CO/4, 20 October 2008, para 74.
[4] *Hansard*, House of Commons Tuesday 27th November. Column 537ff

Clauses 18 and 19 - Soliciting

Amendments

Clause **18**, page **19**, leave out clause.
Clause **19**, page **19**, leave out clause.

New clause

Abolition of offences of soliciting and persistently soliciting for the purpose of prostitution

(1) Sections 1 and 2 and subsection 4(1) of the Sexual Offences Act 1985 (c. 44) are repealed.

Briefing

Clauses 18 and 19 of the Bill would create an offence of soliciting (ie by potential clients of street prostitutes) in England and Wales and Northern Ireland, respectively. While we recognise the negative impact that kerb crawling may have upon an area and the concerns that local residents may understandably have about it, we do not support the creation of these offences. Criminalisation of kerb-crawlers will not deter those with little respect for the law and is likely to lead to an increase in violence against sex workers. Like other prohibitory measures, it is likely to push street prostitution into more isolated areas. We believe that these provisions will make prostitutes less safe. We also emphasise that the measures against brothels in this Bill are likely to make more prostitutes engage in street work, thus further undermining the intention of these provisions.

We therefore suggest this stand part amendment and also a new clause that would repeal existing criminal offences of persistent or nuisance kerb-crawling. We emphasise that we do not condone such conduct but are concerned that its criminalisation is counter-productive. We recognise that decriminalisation should be accompanied by powers to enforce appropriate zoning so that street prostitution and kerb crawling could take place only in designated areas.

Clause 20 and Schedule 2 - Closure orders

Amendment

Schedule **2**, paragraph **1**, page **137**, leave out lines 4-7.

Briefing

Under the provisions of Schedule 2 to the Bill the closure powers created could be applied not only for premises used for the sexual exploitation of children but also for brothels where adult prostitution takes place. Again, the legislation fails to distinguish between premises where violent or coercive pimps and traffickers are forcing people into sex work, and brothels where adult prostitutes are working of their own free will. In relation to trafficking and coercion, the appropriate remedy again lies in criminal proceedings against the pimps and traffickers concerned; undercover policing, surveillance and other techniques should suffice to facilitate prosecution of those responsible. We question whether a closure order would do more than force determined traffickers or violent pimps to move the sex workers to other premises (perhaps further away from the public eye, where they may be even less safe).

Where a brothel is operating with the free consent of those working within it, a closure order is likely to have counter-productive effects: forcing some prostitutes into street prostitution, or into working in their own homes or client's homes, which is likely to be less safe and will also expose children of prostitutes to risk; pushing other brothels 'underground' into further connection with organised criminals and in less safe, more isolated locations. Like other provisions related to prostitution, therefore, these orders are likely to be counter-productive. If the government wishes to remove brothels from residential areas for understandable reasons, they should provide a safe alternative (for example, licensed brothels in designated non-residential areas).

This suggested amendment would therefore leave the closure orders regime in place in relation to child sexual exploitation but remove adult brothels from the ambit of the provisions.

Part 3 – Alcohol misuse

Clause 30 - Directions to individuals who represent a risk of disorder

Amendments

Clause **30**, page **25**, leave out clause.

Page **25**, line **33** [*Clause 30*], at end insert –

'(2) In section 27 of the Violent Crime Reduction Act 2006, after subsection (2) insert –

"(2A) In making a direction under this section to an individual aged under 16, a constable in uniform must consider the effect of making the direction on the individual's welfare and safety.".'.

Briefing

Clause 30 extends the police's powers to issue 'directions to leave' under s. 27(1) of the Violent Crime Reduction Act 2006 so that they can be issued to children and young people aged 10-15. Section 27 of the 2006 Act grants a power for a police constable to issue an individual with a direction to leave a locality for up to 48 hours. A direction may be issued if an individual in the locality is likely, in all the circumstances, to cause or contribute to the occurrence, repetition or continuance of alcohol-related crime or disorder in that locality and the direction is necessary to remove or reduce that likelihood. There is no requirement in the 2006 Act that those subject to the power are in fact consuming alcohol or are themselves drunk or disorderly.

Where children in the 10-15 age group, particularly at the younger end of that age group, are drinking or drunk in public, we believe that this raises serious concerns as to their welfare. A power that merely displaces them to another location – perhaps away from a town centre or other busy public place to a more isolated location such as industrial land or a park at night – may compromise their safety even further. If they are genuinely likely to commit offences it may well make it easier for them to do so by removing them from the location where police are patrolling.

We do not support the extension of this power to individuals in the 10-15 age group. However, if it is to be so extended then as a minimum there should be a requirement that their safety and welfare be considered before so doing. We therefore support the amendments above, which were suggested by the Joint Committee on Human Rights (JCHR).[5]

[5] JCHR, n2 above, pp26-27.

Part 4 – Injunctions: gang-related violence

Clause 32: Injunctions to prevent gang-related violence

Amendments

Page **26**, line **2**, [*Clause 32*] leave out 'on the balance of probabilities' and insert 'to the criminal standard of proof'.

Page **26**, [*Clause 32*] leave out line 13.

Page **26**, [*Clause 32*] leave out line 17.

Page **26**, line **19**, [*Clause 32*] before 'gang' insert 'criminal'.

Briefing

The first of these amendments addresses the standard of proof for a relevant injunction. In the well-known case of *McCann*[6] the House of Lords held in relation to anti-social behaviour orders (ASBOs), that given the seriousness of the matters involved, at least some reference to the heightened civil standard of proof – *which was all but indistinguishable from the criminal standard* – should apply. They decided that as a matter of pragmatism, the criminal standard of proof should be applied in ASBO cases.

'Injunctions to prevent gang-related violence' will in many cases involve more serious matters than those raised in ASBO applications – which can address relatively minor issues involving nuisance neighbours and minor disorder. They represent a much more serious slight upon the reputation of a respondent. It is therefore inappropriate for a lower standard of proof to apply. Further, while ASBOs can only impose prohibitions, these injunctions could include mandatory requirements of indefinite duration – equivalent or more serious than many community sentences following criminal convictions. The procedural guarantees of the criminal process as guaranteed under Article 6(3) European Convention on Human Rights (ECHR), and the criminal standard of proof – should therefore apply.

[6] *R v Manchester Crown Court, ex parte McCann* [2002] UKHL 39

The second amendment here would prevent the use of an injunction against a person to protect him from gang-related violence. We do not believe that adults, outside the mental health or mental capacity context, should be the subject of compulsory protective interventions of this nature. We understand that there are no plans to use these injunctions against children and young people under 18 at present because of difficulties in enforcement but would welcome ministerial clarification on this point.

The third amendment would remove the capacity of the injunction to impose positive requirements. This extremely open-ended power would allow courts to impose requirements equivalent to a community sentence, including curfews; attending certain programmes; etc. Such sentences should not be imposed without a criminal conviction; the fact that their stated purpose is to prevent violence, or the assistance or encouragement of violence, is not determinative of whether they amount to a criminal sanction for the purposes of the ECHR.

Finally, the fourth amendment would require that the 'violence' complained of relate to the activities of a 'criminal gang'. We are concerned that 'gang' alone is too broad a term and could be used to refer to groups of generally law-abiding young people.

Clause 33: Contents of injunctions

Amendments

Page **26**, [*Clause 33*], leave out from line 32 to line 3 on page 27.

Page **27**, [*Clause 33*], leave out 'and requirements'.

Page **27**, [*Clause 33*], line 9, leave out 'or (3)'.

Briefing

These amendments would remove the references to positive requirements from the contents of the injunctions, for the reasons outlined above. They would therefore be able to contain only prohibitions.

Clause 34: Contents of injunctions: supplemental

Amendments

Page **27**, [*Clause 34*], line **3**, leave out 'or requirement'.

Page **27**, [*Clause 34*], line **16**, at end insert –

"except that

() no injunction shall remain in force for a period longer than 2 years from the date it is made."

Page **27**, [*Clause 34*], line **23**, leave out paragraph (b).

Page **27**, [*Clause 34*], line **26**, leave out 'or requirement'.

Briefing

The first, third and fourth of these amendments would remove the reference to positive requirements from this clause for the reasons given above. The second addresses the duration of these injunctions. There are no time limits in these provisions, raising the extremely worrying prospect of indefinite regimes of requirements and prohibitions being imposed upon people, with no recourse to the criminal courts. The amendment would provide that the maximum duration for such an injunction should be two years.

Clause 47: Interpretation

Amendments

Page **31**, [*Clause 47*], leave out line 33.

Briefing

Line 33 of this clause provides that 'violence' for the purposes of these provisions can include violence against property. The use of such extreme coercive measures, without recourse to the criminal courts, is particularly inappropriate if used to restrain not violence against people but property damage – or indeed the encouragement or assistance of property damage. If the concern is that property damage is used to intimidate victims of crime, then either this should be deemed to fall within the 'threat of violence' against the person for the purposes of clause 32, or specific provision should be made for these circumstances. Ordinary criminal damage is insufficient in our view to trigger these powers.

Part 6 – Extradition

Clauses 66– 68: Deferral of extradition

Amendments

Clause **66**, page **79**, line **6**, after 'were a reference to six months' insert:

8C When proceeding under this section the judge must consider whether the extradition is barred under sections 11, 21, or 25.

Clause **67**, page **80**, line **6**, after 'were a reference to six months' insert:

76C When proceeding under this section the judge must consider whether the extradition is barred under sections 11, 21, or 25.

Clause **68**, page **80**, line **9**, after 'in section 22(3) (power to adjourn extradition hearing in Part 1 case)' insert:

(a) [lines **9** to **11**];
(b) after subsection (3) insert:
(3A) When proceeding under this section the judge must consider whether the extradition is barred under sections 11, 21, or 25.

Clause **68**, page **80**, line **11**, after '(whether on license or otherwise)' insert:

(c) after subsection (2) insert:
"(3) When proceeding under this section the judge must consider whether the extradition is barred under sections 11, 21, or 25".

Clause **68**, page **80**, line **17**, after 'in section 88(3) (power to adjourn extradition hearing in Part 2 case)' insert:

(a) [lines **17** to **19**]**;**
(b) after subsection (3) insert:
(3A) When proceeding under this section the judge must consider whether the extradition is barred under sections 79, 87, or 91.

Clause **68**, page **80**, line **24**, after '(whether on license or otherwise)' insert:

(c) after subsection (2) insert:

"(3) When proceeding under this section the judge must consider whether the extradition is barred under sections 79, 87, or 91".

Clause **68**, page **80**, line **25**, after '(power to defer decision on extradition)' insert:

(a) [lines **25** to **27**];

(b) after subsection (3) insert:

(4) When proceeding under this section the Secretary of State must consider whether the extradition is barred under section 93, or in accordance with the person's Convention rights within the meaning of the Human Rights Act or any other treaty obligation.

Clause **68**, page **80**, line **32**, after '(whether on license or otherwise)' insert:

(3) When proceeding under this section the Secretary of State must consider whether the extradition is barred under section 93, or in accordance with the person's Convention rights within the meaning of the Human Rights Act or any other treaty obligation.

<u>Briefing</u>

The Bill's proposed amendments in clauses 50 to 52 deal with a gap in the application of the EA to circumstances where it is discovered that a person arrested has charges pending or is serving a sentence in the UK. The current power to defer exists only at the time of the extradition hearing and not before. We welcome the identification of this omission.

However, we consider it imperative that bars to extradition must be addressed *at the point when the request is made*, not once the domestic matter has been resolved at some date in the future. There may be any number of reasons why the extradition request definitively cannot be entertained: the requesting country retains the death penalty or torture for which there is reasonable belief that the defendant will face these; there is a passage of time bar; the crime has already been tried here or in another country; the defendant suffers from a physical or mental condition through which it would be oppressive or unjust to extradite; Article 6 or 8 reasons pertinent to the individual concerned. Bars such as these are not going

to resolve in the intervening period. The ensuing uncertainty to the defendant of adjourning a warrant where there are clear bars to extradition is unconscionable. If the requesting State wishes to pursue the warrant at a later stage when there are no domestic proceedings, they should re-issue and provide representations as to how the circumstances have changed in their favour. It should not be to the detriment of the defendant that proceedings are adjourned.

Our amendment obligates the judge or the Minister to consider bars or human rights implications at this stage where the current and proposed legislation does not allow them to do so.

Clause 71: Extradition to UK

Amendments

Clause **71**, page **86**, line **19**, leave out 'Secretary of State is not satisfied that the return' and insert 'the return is not'.

Clause **71**, page **86**, line **20**, after 'compatible with' insert 'human rights, including'.

Clause **71**, page **86**, line **21** at end insert ', the Refugee Convention and the International Covenant on Civil and Political Rights'.

Clause **71**, page **86**, line **21** at end insert new clause:

(1A) In furtherance of subsection (1) the Secretary of State must ensure that the person, or a representative acting on their behalf is,

(a) informed of the requested undertaking;

(b) given an opportunity to make representations in writing to the Secretary of State;

(c) informed of the decision expeditiously;

Briefing

We welcome and adopt the Joint Committee on Human Rights' tabled amendment to extend the consideration of human rights bars to undertakings to international treaties, and welcome the Minister's indication that the obligations in this clause will be further considered.

The proviso in section 153D is particularly important given that the proposed amendments provide no limit on which territories may be granted an undertaking. By extending the ambit of the undertaking to territories outside the Council of Europe, many countries will not be signatories to the European Convention on Human Rights (ECHR). The decision maker must be required to consider the type of regime that is requesting the undertaking, likely procedure, prison conditions and sentence. Furthermore, there is no consideration built into section 153C as to how the sentence passed in the UK will be served in the executing territory, whether early release will be available and what body permits release. A requirement to ensure Convention rights alone are complied with will not guarantee that the procedure and sentence will be carried out in accordance with UK law.

Furthermore, it is disappointing that, despite the aims of the Framework Decision[7] to abolish extradition between EU Member States and to replace this with a system of surrender through judicial process, the Secretary of State is to be given this power rather than a judge at a hearing. We consider that as a minimum, the Secretary of State must consider the representations of the defendant. Logically, the Secretary of State will have to be informed that there are human rights implications before these can be raised as a bar. Whilst it may be possible to obtain routine information on the regime in place in the requesting country, it will not be possible to obtain information on the particular circumstances pertaining to the individual unless he is given an opportunity to raise representations in that regard.

[7] Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA), O.J. l 190, 18.7.02 P. 1

Clause 74: Provisional arrest

Amendments

Clause **74**, page **87**, leave out clause.

Briefing

The provision affords the presiding judge discretion to allow an extension of *provisional* arrest where they consider that the initial 48-hour period could not reasonably be complied with. The Explanatory Notes do not justify why this additional 48-hour period is necessary, nor has evidence been produced at Committee Stage.

At the point of provisional arrest, no warrant has been issued, and consequently, there are no established grounds for arrest. Section 5 of the Extradition Act (EA) simply requires an officer to arrest without a warrant if he has *reasonable grounds for believing that a warrant has been or will be issued*. The British police are making the arrest on the basis of mutual cooperation with the requesting Member State at this stage, yet Article 5(2) ECHR requires every arrested person (irrespective of whether it is an extradition matter) to be informed promptly of the reasons for his arrest and charges against him.

The Minister suggested at Committee Stage that the provision was to grapple with the time it takes to get a case together prior to issuing a warrant, during which a person may leave the jurisdiction. It goes against the fundamental principle of legal certainty to suggest that arrest can be effected even if a case cannot be founded on the evidence available at that time. The Police and Criminal Evidence Act 1984 (PACE) requires an officer to hold reasonable suspicion in order to effect an arrest. JUSTICE considers that greater protection should be afforded to a suspect where a foreign request is being made; if the requesting state has not put its case together, it should not be making the request.

Furthermore, the amendment will allow weekends and public holidays to be excluded from the time calculation. There is no such exception under section 41 of PACE, which allows 24 hours post-arrest detention. This could lead to a period in custody without reasonable suspicion for 144 hours over the Easter holiday! The same could occur for Christmas if the days fell appropriately. A bank holiday gives 120 hours, and a weekend 96 hours! These periods are astonishing and frightening and replicate the approach to liberty taken in previous legislative proposals.

We believe that attention should be paid to narrowing section 5, not extending section 6. No amendment that further restricts the liberty of the person can in our view be justified and we oppose clause 74 in its entirety.

Clause 75: Use of live link in extradition proceedings

Amendments

Clause **75**, page **89**, line **8**, leave out lines 8 and 9 and insert:

(i) an initial hearing;

(ii) an extradition hearing within the meaning of that Part;

(iii) an appeal under section 26 or 32

(iv) a hearing under section 54 or 56

Clause **75**, page **89**, line **12** after 'that Part' insert: 'a hearing pursuant to section 75, or an appeal pursuant to section 103, 105, 108, 110 or 114.'

Clause **75**, page **89**, line **26** after 'to give the direction' insert 'and an interpreter is not required.'

Briefing

The increasing use of live links in criminal proceedings have no doubt been fostered by the 'CJSSS' ('*Criminal Justice: Simple, Speedy, Summary*') objective of efficiency savings in court hearings. They reduce the risks of delay in persons being transported from prison to court and the pressure placed on cells in court centres. However, this push for expediency should not be to the detriment of a defendant receiving a fair hearing.

We are concerned at the risk inherent in live link proceedings that ill-treatment, misconduct by public officials or other issues such as self-harm, illness, fitness to plead etc will not be noted by the court or lawyer and/or that the detainee may feel inhibited from confiding in the court or lawyer as to such matters. The European Committee for the Prevention of Torture (CPT) criticised the use of live links in the report following its 2007 visit to the UK, regarding pre-charge detention in terrorism offence cases for these reasons.[8]

We also question the suitability of live links for extradition proceedings in particular. Firstly this is because of the complex nature of the proceedings, where the legal representative has to explain the intricacies of both the UK and issuing territory's legal systems. Secondly, extradition cases are far more likely to involve persons who require an interpreter. The technical difficulties of attempting to interpret with a live link are numerous.

[8] CPT/Inf (2008) 27, paras 9-10.

We welcome the necessary provisos contained in the proposed section 206A(5) that the judge must be satisfied that it is in the interests of justice to give a direction for a live link, and the proposed section 206B(2) that a judge must not give a direction until parties have been able to make representations. However, we consider that the provisions should not apply to initial hearings, as this is where instructions and advice are likely to be given for the first time. We wonder when a judge is going to give a live link direction and where the representations are to be made about a live link being unsuitable, other than at the initial hearing, where (as currently drafted) the person is going to appear on live link! If a lawyer has not yet had chance to speak with their client, they will still have to do this through the live link in order to make representations that a live link is not suitable! Even if a lawyer has been appointed previously, they may not have had an opportunity to fully advise their client (particularly where an interpreter is required).

Furthermore, an initial hearing under Part 1 is not simply administrative. Rather, the presiding judge is obliged to inform the person as to consent pursuant to section 8 EA. Their lawyer must therefore explain this process and take instructions. If the person does consent, the 10-day period for surrender is triggered.

JUSTICE considers that the initial hearing should accordingly be excluded from the reach of the provision. If not, these hearings may regularly be adjourned off to a day when the person can be brought to the court, thereby delaying the surrender period and extending the time the person is remanded in custody. Finally, cases requiring an interpreter, and appeals should be excluded since these are akin to an extradition hearing, which are themselves excluded under proposed section 206A(1)(a).

JUSTICE

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