



OUTER HOUSE, COURT OF SESSION

[2018] CSOH 118

P287/18

OPINION OF LORD MALCOLM

in the Petition of

CHRISTOPHER JOHN THOMSON

Petitioner

against

LORD KEEN OF ELIE QC, ADVOCATE GENERAL FOR SCOTLAND,
as representative of the UK government in Scotland

First Respondent

and

THE SCOTTISH MINISTERS

Second Respondents

for judicial review of decisions of the UK and Scottish governments concerning the extradition forum bar provisions of section 50 of, and schedule 20 to, the Crime and Courts Act 2013

Petitioner: O'Neill QC, Mackintosh; Balfour + Manson LLP

First Respondent: Webster QC; Office of the Advocate General

Second Respondents: Johnston QC, O'Neill (sol adv); Scottish Government Legal Directorate

12 December 2018

[1] This petition for judicial review was heard at the same time as a petition brought by James Craig. They are based on a complaint that the UK government has failed to commence in Scotland the extradition forum bar provisions in section 50 of, and schedule 20

to, the Crime and Courts Act 2013. Both petitioners are challenging extradition requests made by the government of the USA. For the reasons given in the contemporaneous opinion in Mr Craig's petition, decree of declarator will be pronounced in Mr Thomson's petition to the effect that, in its continuing failure to bring into force in Scotland the extradition forum bar provisions in section 50 of, and schedule 20 to, the Crime and Courts Act 2013, the UK government is acting unlawfully, and contrary to its duties under section 61 of the Act. The other orders sought will be refused on the same basis and for the same reasons as expressed in the other opinion.