

SCHEDULE III

EXTRADITION AND FUGITIVE OFFENDERS LEGISLATION OF COMMONWEALTH COUNTRIES WHICH HAVE NOT PASSED ANY LEGISLATION ON EXTRADITION OR FUGITIVE OFFENDERS AS A RESULT OF THE 1966 LAW OFFICERS' CONFERENCE AND TO WHICH THE UNITED KINGDOM POST-1966 LEGISLATION HAS NOT BEEN EXTENDED.

1. BRUNEI DARUSSALAM

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| (1) Extradition Act (Cap.8). | (1) Applies to foreign states. Revised in accordance with the Law Revision Act 1984. |
| (2) Fugitive Offenders Enactment (Cap.9, Laws R.E. 1961). | (2) Made provision, complementary to the United Kingdom Fugitive Offenders Act, 1881 with regard to fugitive offenders from the United Kingdom, British possessions and places to which the Act may be extended in its application. Note: Enactment was omitted from the Revised Edition of the Laws of Brunei Darussalam. |
| (3) The Emergency (Extradition (Malaysia and Singapore)) Order 1984. | (3) Applies to the extradition of fugitive criminals to and from Malaysia and the Republic of Singapore. Came into force in respect of Malaysia on 23 October 1984 and in respect of the Republic of Singapore on 19 May 1984. |

2. CANADA

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| (1) Extradition Act, C.E.-23, R.S.C. 1985. | (1) Applies to foreign states. |
| (2) Fugitive Offenders Act, C. F-32, R.S.C. 1985. | (2) Relates to fugitive offenders in Canada from other parts of Her Majesty's realms and territories. It does not make the U.K. Fugitive Offenders Act, 1881 applicable to Canada. |

3. THE GAMBIA

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| (1) The Extradition Act, 1986 (No.10 of 1986). | (1) Provides for the extradition of fugitive persons to and from Commonwealth countries and foreign States. Regulates the treatment of persons accused or convicted of offences in The Gambia who are |
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extradited from Commonwealth countries or foreign States. The Act also repeals the Extradition (Banjul and Kombo Saint Mary) Act 1953; The Extradition (Provinces) Act, 1905 and the (U.K.) Fugitive Offenders Act, 1881 and the (U.K.) Extradition Acts 1870 to 1935.

4. GHANA

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| <p>(1) Extradition Act, 1960 (No.22 of 1960).</p> | <p>(1) Repealed the United Kingdom Extradition Acts, 1870 to 1932 and the United Kingdom Fugitive Offenders Act, 1881 as part of the law of Ghana.</p> <p>Also repealed the Extradition (Southern Ghana) Ordinance (Cap.12); and the Extradition Act, 1959 (No.56 of 1959). Section 3(1) provides for the continuation of existing provisions relating to extradition generally (Part I) in the case of countries to which Part I of the Fugitive Offenders Act 1881 (return of fugitive offenders from Commonwealth countries) applied immediately before the commencement of this Act.</p> <p>Similarly, under section 3(2) the provisions of this Act continue to apply in the case of foreign countries with which arrangements were in force under the United Kingdom Extradition Acts, 1870 to 1932. Section 3(3) empowers the President to declare, by legislative instrument, the designation of or arrangement with other countries.</p> |
| <p>(2) Extradition Act 1960 (Additional Crimes) Instrument, 1962 (Ghana L.I. No.173 of 1962).</p> | <p>(2) Amended the 1960 Act by adding "any other offences punishable on indictment" to the list of Extraditable Crimes in the First Schedule.</p> |
| <p>(3) Extradition Act 1960 (Amendment) Decree 1966 (Ghana N.L.C.D. 65 of 1966).</p> | <p>(3) Amended certain sections of the 1960 Act.</p> |
| <p>(4) Extradition Act 1960 (Commencement) Order, 1961 (Ghana L.I. 114 of 1961).</p> | <p>(4) Provided for the Commencement of the 1960 Act as from 22 April 1961.</p> |

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| <p>(5) Extradition Act 1960 (Extension of Application of Federal Republic of Germany) Order, 1966 (Ghana L.I. 516 of 1966).</p> <p>(6) Extradition Act, 1960 (Extension of Application to People's Republic of Benin, Federal Republic of Nigeria and Republic of Togo) Order, 1986 (Ghana L.I. 1331 of 1986).</p> | <p>(5)</p> <p>(6) Extended the application of the Extradition Act, 1960 to the People's Republic of Benin, Federal Republic of Nigeria and the Republic of Togo subject to certain conditions, exceptions and qualifications specified in the Extradition Treaty between the People's Republic of Benin, the Republic of Ghana, the Federal Republic of Nigeria and the Republic of Togo.</p> |
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5. GUYANA

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| <p>(1) Fugitive Offenders Act.</p> <p>(2) Summary Jurisdiction Magistrates) Act (Act 10 of 1893; Cap.3:05, Laws R.E. 1973).</p> | <p>(1) Came into operation on 1 January 1989. Repealed the Extradition Acts, 1870 to 1935 and the Fugitive Offenders Act, 1881 (U.K.) as extended to Guyana. The Extradition (French Guyana) Act (Cap.10: of Laws R.E. 1973) was also repealed.</p> <p>(2) Section 32(3) vested powers exercised under the United Kingdom Extradition Acts, 1870 to 1932, and any Act or Acts replacing or amending the same, in relation to the surrender of fugitive criminals, in the Magistrates of Guyana.</p> |
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6. INDIA

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| <p>(1) Extradition Act, 1962 (No.34 of 1962).</p> <p>(2) Notification under the 1962 Act (G.S.R. No.55 of 5.1.63).</p> | <p>(1) Repealed the United Kingdom Extradition Acts, 1870 to 1932, and the Fugitive Offenders Act, 1881 as part of the law of India. Also repealed the Indian Extradition Act, 1903. Under section 2(a) and the First Schedule designated Australia, Canada, Ceylon, Cyprus, Federation of Malaysia, Ghana, New Zealand, Nigeria, Pakistan, Sierra Leone, Singapore, Tanganyika and the United Kingdom.</p> <p>(2) 5th January 1963 appointed as the date when the Act would come into force.</p> |
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| <p>(3) Order under the 1962 Act (G.S.R. No.56 of 5.1.63).</p> <p>(4) Order under the 1962 Act (G.S.R. No.325 of 22.2.1963).</p> <p>(5) Order under the 1962 Act (G.S.R. No.1817 of 1963).</p> <p>(6) Order under the 1962 Act (G.S.R. No.1739 of 1964).</p> <p>(7) Order under the 1972 Act (G.S.R. No.493 of 1.4.1966).</p> <p>(8) Order under the 1962 Act (G.S.R. No.1294 of 1966).</p> <p>(9) Order under the 1962 Act (G.S.R. No.1976 of 1969).</p> <p>(10) Order under the 1963 Act (G.S.R. No.1977 of 1969).</p> <p>(11) Order under the 1962 Act (G.S.R. No.2093 of 26.8.1969).</p> | <p>(3) Extended the application of the provisions of the Act, other than Chapter III to Switzerland, Sweden and the U.S.S.R.</p> <p>(4) Extended the application of the provisions of the Act, other than Chapter III, to Nepal with effect from 22.2.63. The text of the Treaty of Extradition between India and Nepal, 1953 is embodied in the Order.</p> <p>(5) Added the offences of "abetment of" and "criminal conspiracy to commit" an extradition offence to the list of Extradition Offences in the Second Schedule.</p> <p>(6) Added the offences relating to "smuggling of watches" to the list of Extradition Offences in the Second Schedule.</p> <p>(7) Extended the application of the provisions of the Act, other than Chapter III, to the U.S.A. with effect from 1 April 1966. The text of the Extradition Treaty between the U.S.A. and the United Kingdom of 22 December 1931 which was acceded to by India on 9 March 1942 is embodied in the Order.</p> <p>(8) Extended the application of the provisions of the Act, other than Chapter III, to Tanzania.</p> <p>(9) Added the offences of "voluntarily causing grievous hurt" and "public servant taking gratification other than legal remuneration in respect of an official act" to the list of Extradition Offences in the Second Schedule.</p> <p>(10) Extended the application of the provisions of the Act, other than Chapter III, to Uganda.</p> <p>(11) Extended the application of the provisions of the Act, other than Chapter III, to Bhutan with effect from 26 August 1969. Text of the</p> |
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relevant Articles of the Extradition Treaty between India and Bhutan is embodied in the Order.

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| (12) Order under the 1962 Act (G.S.R. No.1381 of 30.8.1971). | (12) Extended the application of the provisions of the Act, other than Chapter III, to Australia (with effect from 30 August, 1971). |
| (13) Order under the 1962 Act (G.S.R. No.34(B) of 20.2.1972). | (13) Extended the application of the provisions of the Act, other than Chapter III, to the United Kingdom (with effect from 20 January 1972). |
| (14) Order under the 1962 Act (G.S.R. No.35(E) of 20.1.1972). | (14) Extended the application of the provisions of the Act, other than Chapter III, to Singapore (with effect from 20 January 1972). |
| (15) Notification under the 1962 Act (G.S.R. No.434(E) of 17.8.1978). | (15) Papua New Guinea was added to the list of Commonwealth countries in the First Schedule to the Act (with effect from 1 September 1978). |
| (16) Order under the 1962 Act (G.S.R. No.433(E) of 17.8.1978). | (16) Extended the application of the provisions of the Act, other than Chapter III, to Papua New Guinea (with effect from 1 September, 1978). |
| (17) Order under the 1962 Act (G.S.R. No.434(E) of 17.8.1978). | (17) Extended the application of the provisions of the Act, other than Chapter III, to Sri Lanka (with effect from 1 September 1968). |
| (18) Notification under the 1962 Act (G.S.R. No.37(E) of 22.1.1979). | (18) Fiji was added to the list of Commonwealth countries in the First Schedule to the Act (with effect from 1 February 1979). |
| (19) Order under the 1962 Act (G.S.R. No. 38(E) of 22.1.1979). | (19) Extended the application of the provisions of the Act, other than Chapter III, to Fiji (with effect from 1 February 1979). |
| (20) Order under the 1962 Act (G.S.R. 416(E) of 17.5.1982). | (20) Extended the application of the provisions of the Act, other than Chapter III, to Thailand (with effect from 17 May 1982). |
| (21) Order under the 1962 Act (G.S.R. 585(E) of 25.7.1983). | (21) Extended the application of the provisions of the Act, other than Chapter III, to Belgium (with effect from 25 July 1983). The text of treaty between Great Britain and Belgium for the Mutual Extradition |

of Fugitive Criminals of 29 October 1901 as amended by the Conventions dated 5 March 1907 and 3 March 1911 and by Exchange of Letters dated 30 May 1958 and 30 December 1958 which was considered to be in force between India and Belgium by Exchange of Letter dated 3 August 1954 and 6 November 1954, is embodied in the Order.

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| <p>(22) Notification under the 1962 Act (G.S.R. 349(E) of 30 March 1985).</p> <p>(23) Notification under the 1962 Act (G.S.R. 46(E) of 15.1.1986).</p> <p>(24) Notification under the 1962 Act (G.S.R. 415(E) of 22.4.1987).</p> <p>(25) Notification under the 1962 Act (G.S.R. 689(E) of 7.5.1987).</p> <p>(26) Notification under the 1962 Act (G.S.R. 755 (E) of 3.9.1987).</p> | <p>(22) Added offences relating to "Currency Notes and Bank Notes" as Extradition Offences to the list of Extradition Offences in the Second Schedule.</p> <p>(23) Specified offences under the Anti-Hijacking Act, 1982 and the Suppression of Unlawful Acts against the Safety of Civil Aviation Act, 1982 as extradition offences.</p> <p>(24) Specified offences on the part of public servants in relation to escapes from confinement or custody; resistance to or obstruction of apprehension; causing hurt to extort property; and poisoning etc. as extradition offences.</p> <p>(25) Extended the application of the provisions of the Act, other than Chapter III, to Canada, with effect from 7 may 1987.</p> <p>(26) Extended the application of the provisions of the Act, other than Chapter III, to the Federal Republic of Germany with effect from the 3 September 1987.</p> |
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7. JAMAICA

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| <p>(1) Fugitive Offenders Act 1881 (United Kingdom).</p> | <p>(1) Provides for the surrender of fugitive offenders to and from other parts of the Commonwealth. A Bill to provide for the extradition of fugitive offenders to and from both Commonwealth and non-Commonwealth countries is now before Parliament. These new provisions are intended to replace the Fugitive Offenders Act 1881 and the Extradition Acts 1870 and 1932 of the United Kingdom in so far as they</p> |
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form part of the law of Jamaica, and the local Extradition Act.

(2) Extradition Act.

(2) Provides for the vesting in, and exercise, by, any Resident Magistrate of all powers vested in and acts authorised or required to be done by a Police magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under the Extradition Acts 1870 to 1932. A (United Kingdom) Order in Council dated 11 June 1942 provided that the Extradition Law, 1942 (Cap.123), (now the Extradition Act), should have effect in Jamaica as if it were part of the Extradition Act, 1870. (S.R. & O. 1942/1178 Rev. IX. p.502.

8. NEW ZEALAND

Note: As regards costs see Appendix.

(1) Fugitive Offenders Act 1881
(U.K.)

(1) Part II of the Act was extended in its application to New Zealand by the United Kingdom 1925. The 1881 Act and the 1925 Order in Council have always been in force in New Zealand as part of the law of New Zealand (section 4 of the 1976 Amendment Act).

(2) Fugitive Offenders Amendment Act 1976 (No.2 of 1976).

(2) Amended the United Kingdom Fugitive Offenders Act 1881, in its application to New Zealand as part of the law of New Zealand. Added new section 29A which incorporated into the 1881 Act so far as it applies to New Zealand those restrictions on surrender set out in the 1966 Commonwealth Scheme relating to political offences and prosecution of the offender. Amended sections 3, 4, 5, 6, 7, 8, 9, 18, 29, 33, 35 and 39 of the principal Act. Repealed sections 11, 20, 21, 23, 25, 27, 32, 36 and 38 of the principal Act.

- (3) Extradition Act 1965 (No.44 of 1965) as amended by Extradition Amendment Act 1969 (No.76 of 1969), Misuse of Drugs Act 1975 (No.116 of 1975) and Foreign Affairs and Overseas Service Act 1983 (No.128 of 1983).
- (3) Repealed the United Kingdom Extradition Acts 1870 to 1932, the New Zealand Extradition Order 1941, section 27 of the Slave Trade Act 1873, and section 4 of the Counter-felt Currency (Convention) Act 1935 as part of the law of New Zealand. Also repealed the New Zealand Extradition Act 1908; and the Extradition Amendment Act 1924. Note: This Act applies only to extradition between New Zealand and foreign countries. Surrender of offenders to Commonwealth countries is dealt with under the United Kingdom Fugitive Offenders Act 1881, as amended by the New Zealand Fugitive Offenders Amendment Act 1976.
- (4) Aviation Crimes Act 1972 (No. 137 of 1972).
- (4) Implements in New Zealand Law the Tokyo, The Hague and Montreal Conventions relating to Hijacking and related crimes. Section 6 amends the Extradition Act 1965 by including in the Schedule of Extradition Offences the specific crimes created by the 1972 Act while section 7 deems such crimes to be extradition offences under existing Extradition Treaties with foreign countries which are parties to the relevant hijacking Convention. Section 8 provides that where surrender of any person is sought by another country under the Extradition Act 1965 or the Fugitive Offenders Act 1881 (United Kingdom) in respect of any act or omission which amounts to such a crime and which could be tried and punished in the country seeking surrender and that other country is a party to the relevant conventions, that act or omission will be deemed to have been committed within the jurisdiction of that country notwithstanding that in fact it was committed outside the territory of that country.
- (5) Crimes (Internationally Protected Persons and Hostages) Act 1980 (No.44 of 1980, in force 12 December 1985).
- (5) Implements in New Zealand Law the Internationally Protected Persons Convention and the Hostages Convention. Section 9 amends the Extradition Act 1965 by including in the Schedule of Extradition Offences the

specific crimes created by the 1980 Act while section 10 deems such crimes to be extradition offences under existing Extradition Treaties with foreign countries which are parties to the relevant Convention. Section 11 provides that where the surrender of any person is sought by another country under the Extradition Act 1965 or the Fugitive Offenders Act 1881 (United Kingdom) in respect of any act or omission which amounts to such a crime and which could be tried and punished in the country seeking surrender and that other country is a party to the relevant Convention, that act or omission will be deemed to have been committed within the jurisdiction of that other country notwithstanding that in fact it was committed outside the territory of that country.

9. NORFOLK ISLAND

(1) Fugitive Offenders (Jurisdiction) Ordinance 1923-1964 (Laws R.E. 1914-1964, p.349) as amended by Ordinance Revision Ordinance, 1979 (No.13 of 1979).

(1) Provided for the jurisdiction under Part 1 of the United Kingdom Fugitive Offenders Act, 1881, to be exercised in Norfolk Island by the Court of Petty Session.

10. TANZANIA

(1) Extradition Act, 1965 (Cap.585, Laws R.E. Suppl. 1965).

(1) Repealed the United Kingdom Fugitive Offenders Act, 1881, as part of the law of Tanzania.
Also repealed the Fugitive Criminal Surrender Ordinance of Tanganyika; the Fugitive Criminals Surrender Decree of Zanzibar; and the Fugitive Offenders Decree of Zanzibar.

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| <p>(2) Extradition (State of Uganda) Order, 1965 (G.N. No.213 of 1965).
 Extradition (Republic of Kenya) Order, 1965 (G.N. No.214 of 1965).
 Extradition (Republic of Zambia) Order, 1965 (G.N. 215 of 1965).
 Extradition (Republic of Mauritius) Order, 1984 (G.N. No.20 of 1984).
 Extradition (Republic of Malta) Order, 1984 (G.N. No.21 of 1984).
 Extradition (Republic of Singapore Order 1984 (G.N. No.22 of 1984).
 Extradition (Kingdom of Lesotho Order 1984 (G.N. No.23 of 1984).</p> | <p>(1) These Orders extended the application of Part III of the 1965 Act in respect of Uganda, Kenya, Zambia Mauritius, Malta, Singapore and and Lesotho.</p> |
| <p>(3) Fugitive Offenders (Pursuit) Act, 1969 (No.1 of 1969).</p> | <p>(3) Provided for the pursuit of offenders fugitive from certain contiguous countries with whom reciprocal provision has been or will be made.</p> |

11. TRINIDAD AND TOBAGO

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| <p>(1) Extradition (Commonwealth and Foreign Territories) Act 1985 (No.36 of 1985).</p> | <p>(1) Provided for the return of fugitive offenders to and from Commonwealth and foreign territories and regulated the treatment of fugitive offenders returned from Commonwealth and foreign territories. Genocide and hijacking are included in the list of offences for which a fugitive offender may be returned. Repealed the Extradition Act (Chap. 12:04; the French Guiana Extradition Act (Chap. 12:05); the Venezuela Extradition Act (Chap. 12:06) and, as respects Trinidad and Tobago, the United Kingdom Acts entitled the Fugitive Offenders Act 1881 and the Extradition Acts 1870 to 1906.</p> |
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12. UGANDA

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| <p>(1) Extradition Act, 1964 (No.16 of 1964; Cap.114, Laws R.E. 1964).</p> | <p>(1) Repealed the United Kingdom Extradition Acts, 1870 to 1932 as part of the law of Uganda. Also repealed the Ugandan Fugitive Criminals Surrender Ordinance (Cap.26); Fugitive Criminals Surrender (Amendment) Ordinance (No.3 of 1961); and the fugitive Offenders (Pursuit) Ordinance (Cap.58).</p> |
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| <p>(2) Extradition (Reciprocal Backing of Warrants) Order, 1964 (No.235 of 1964).</p> | <p>(2) Extended the application of the provisions of Part II of the 1964 Act in respect of Kenya, Tanganyika and Zanzibar.</p> |
| <p>(3) Extradition (Republic of India) Order, 1969 (No.129 of 1969).</p> | <p>(3) Applied Part I of the Act to India.</p> |