

SURVEY OF
EXTRADITION AND FUGITIVE OFFENDERS LEGISLATION AS
BETWEEN COMMONWEALTH JURISDICTIONS

Introduction

The legislation contained in this Survey is set out in three Schedules. Schedule I deals with the extradition or fugitive offenders legislation of those Commonwealth countries which have legislated as a result of the Commonwealth Law Officers' Conference, 1966 and of those to which the United Kingdom post-1966 legislation was extended by United Kingdom Order in Council but which have attained independence since. Schedule II deals with the legislation of Commonwealth countries to which United Kingdom post-1966 legislation has been applied by United Kingdom Order in Council but have not yet attained independence. Schedule III deals with those Commonwealth countries which have not passed any legislation as a direct result of the Conference and to which the United Kingdom's post-1966 legislation has not been extended. The 1966 Commonwealth Scheme is reproduced as Schedule IV. The main object of the Survey is to indicate the extent to which that Scheme has been implemented in Commonwealth countries. In this context details of extradition arrangements involving non-Commonwealth countries are not strictly relevant but since some reference to them has appeared in previous editions of the Survey such references have, in the main, been retained although in abbreviated form, for convenience.

The serial numbers of the items set out in column 2 of Schedules I, II and III refer to the corresponding numbers set out in column 1.

As far as the designation or declaration of countries for the purposes of extradition or fugitive offenders is concerned, there is no uniformity of practice among the various states. The position as regards the designation or declaration of Commonwealth countries, where known, is set out in the second column of Schedules I, II and III.

Many Commonwealth countries have two separate Acts or Ordinances on the subject of extradition and fugitive offenders - one relating to Commonwealth countries and the other to foreign countries. In those cases where the same basic Act covers both fields, the extent of its applicability to Commonwealth countries is usually mentioned.

As between former British colonies, the Fugitive Offenders Act, 1881, of the United Kingdom used to apply. On attaining independence some countries repealed this Act and replaced it with legislation which applies to Commonwealth and non-Commonwealth countries alike. Such legislation often includes, therefore, under the title "Extradition Act" topics which are dealt with in the United Kingdom and elsewhere under the separate headings of Extradition and Fugitive Offenders. A Note on legal costs arising out of extradition proceedings appears behind Schedule IV.

The first revision of this memorandum was prepared in June 1971 and circulated by the Legal Division of the Commonwealth Secretariat to all governments of the Commonwealth, independent and dependent, for their comments. A number of replies were received submitting amendments and additions to Schedules I and II. These, and other amendments and additions obtained as a result of updating research in the various law libraries in London, were incorporated in the previous revision of 1977. The present revision, prepared in 1982, embodies amendments to the 1977 revision notified by the Legal Division of the Commonwealth Secretariat following a circularisation of all Commonwealth governments together with other amendments and additions resulting from research carried out in London.

While every attempt has been made to provide a full, accurate, and up-to-date list of the legislation of all Commonwealth countries on this subject, it should be noted that some of such legislation is not available in the United Kingdom.