

### 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

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| (1) Extradition Enactment (Cap.8, Laws R.E. 1951).        | (1) Applies to foreign states.  |
| (2) Fugitive Offenders Enactment (Cap.9, Laws R.E. 1961). | (2) Made provisions, 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. |

#### 2. CANADA

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| (1) Extradition Act (Cap.332, Statutes R.E. 1952; now Cap. E-21 R.S.C. 1970).        | (1) Applies to foreign states.  |
| (2) Fugitive Offenders Act (Cap.127, Statutes R.E. 1952; now Cap.F-32, R.S.C. 1970). | (2) Relates to fugitive offenders in Canada from other parts of Her Majesty's realms and territories. It does not take make the United Kingdom Fugitive Offenders Act, 1881 applicable in Canada. |

#### 3. THE GAMBIA

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| (1) Extradition Acts, 1870 to 1935, (U.K.).  | (1) These Acts were part of "the existing law" of the Gambia immediately before the commencement of the Gambian Independence Order, 1965, and continued to have effect with modifications, adaptations, qualifications and exceptions in the City of Bathurst and Kombo Saint Mary.  |
| (2) Extradition (Bathurst and Kombo Saint Mary) Act (1953) (Cap. 66, Laws R.E. 1966).  | (2) Vested powers exercised under the United Kingdom Extradition Acts, 1870 and 1873, in relation to the surrender of fugitive criminals, in the Magistrates of the City of Bathurst and Kombo Saint Mary.   |
| (3) Extradition (Provinces) Act or the Fugitive Criminals Surrender (Provinces) Act (Act 6 of 1905, 10 of 1906 and 7 of 1907; now Cap.67, Laws R.E. 1966). | (3) Extended the application of the provisions of the United Kingdom Extradition Acts, 1870 to 1935, to the Provinces of the Gambia. By means of subsidiary legislation, the provisions of this Act have been extended in relation to 46 foreign States, during the continuation of and subject to the terms of arrangements with such States. |

#### 4. GHANA

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| (1) Extradition Act, 1960 (No.22 of 1960). | (1) Repealed the United Kingdom Extradition Acts, 1870 to 1932 and the United Kingdom Fugitive Offenders Act, 1881 as |
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#### 4. GHANA (cont'd)

part of the law of Ghana.

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.

Similarly, under section 3(2) the provision 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.

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| (2) Extradition Act 1960 (Additional Crimes) Instrument, 1962 (Ghana L.I. No.173 of 1962).                               | (2) Amended the 1960 Act by adding "any other offence punishable on indictment" to the list of Extraditable Crimes in the First Schedule. |
| (3) Extradition Act 1960 (Amendment) Decree 1966 (Ghana N.L.C.D. 65 of 1966).  | (3) Amended certain sections of the 1960 Act.   |
| (4) Extradition Act 1960 (Commencement) Order, 1961 (Ghana L.I. 114 of 1961).  | (4) Provided for the commencement of the 1960 Act as from 22 April 1961.  |
| (5) Extradition Act 1960 (Extension of Application to Federal Republic of Germany) Order, 1966 (Ghana L.I. 516 of 1966). |   |

#### 5. GUYANA

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| (1) Extradition (French Guiana) Act (Act 4 of 1886; Cap.10:04, Laws R.E. 1973).         | (1) Provides for the extradition of fugitive criminals who escape from French Guiana.  |
| (2) Summary Jurisdiction (Magistrates) Act (Act 10 of 1893; Cap. 3:05, Laws R.E. 1973). | (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. |

#### 6. INDIA

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| (1) Extradition Act, 1962 (No.34 of 1962). | (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 |
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6. INDIA (cont'd)

Zealand, Nigeria, Pakistan, Sierra Leone, Singapore, Tanganyika and the United Kingdom.

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| (2) Notification under the 1962 Act (G.S.R. No.55 of 5.1.63). | (2) 5th January 1963 appointed as the date when the Act would come into force.   |
| (3) Order under the 1962 Act (G.S.R. No.56 of 5.1.63).        | (3) Extended the application of the provisions of the Act, other than Chapter III to Switzerland, Sweden and the U.S.S.R.  |
| (4) Order under the 1962 Act (G.S.R. No.325 of 22.2.1963).    | (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.  |
| (5) Order under the 1962 Act (G.S.R. No.1817 of 1963).        | (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.   |
| (6) Order under the 1962 Act (G.S.R. No.1739 of 1964).        | (6) Added the offences relating to "smuggling of watches" to the list of Extradition Offences in the Second Schedule.  |
| (7) Order under the 1962 Act (G.S.R. No.493 of 1.4.1966).     | (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. |
| (8) Order under the 1962 Act (G.S.R. No.1294 of 1966).        | (8) Extended the application of the provisions of the Act, other than Chapter III, to Tanzania.  |
| (9) Order under the 1962 Act (G.S.R. No.1976 of 1969).        | (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.  |
| (10) Order under the 1962 Act (G.S.R. No.1977 of 1969).       | (10) Extended the application of the provisions of the Act, other than Chapter III, to Uganda.   |
| (11) Order under the 1962 Act (G.S.R. No.2093 of 26.8.1969).  | (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 relevant Articles of the Extradition Treaty between India and Bhutan is embodied in the Order.  |
| (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).  |

6. INDIA (cont'd)

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| (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 1978).         |
| (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).               |

7. JAMAICA

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| (1) Fugitive Offenders Act 1881 (United Kingdom).      | (1) Provides for the surrender of fugitive offenders to and from other parts of the Commonwealth.<br>A Bill to provide for the extradition of fugitive offenders to and from both Commonwealth and non-Commonwealth countries has been drafted but has not yet been laid before Parliament. This new provision is intended to replace the Fugitive Offenders Act 1881 and the Extradition Acts 1870 to 1932 of the United Kingdom as part of the law of Jamaica.   |
| (2) Extradition Act (1942) (Cap. 123, Laws R.E. 1973). | (2) Provided 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.<br>A (United Kingdom) Order in Council dated 11 June 1942 provided that the Extradition Law, 1942 (Cap.123) 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

## 8. NEW ZEALAND (cont'd)

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| (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 Order in Council of 12 October 1925 and has always been in force in New Zealand as part of the law of New Zealand (section 4(a) 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.<br>Amended sections 3, 4, 5, 6, 7, 8, 9, 18, 29, 33, 35 and 39 of the principal Act.<br>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 Niue Act, 1966; Cook Islands Amendment Act, 1966 (No.39 of 1966); Extradition Amendment Act, 1967 (No.75 of 1967); Extradition Amendment Act, 1969 (No.76 of 1969); Foreign Affairs Amendment Act, 1969 (No. 78 of 1969); Criminal Justice Amendment Act, 1969 (No.17 of 1969); and Misuse of Drugs Act, 1975 (No.116 of 1975). | (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 Counterfeit 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.<br>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) Crimes (Internationally Protected Persons and Hostages) Act, 1980.  | (4) This Act is not yet in force. 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 of 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

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| (1) Fugitive Offenders (Jurisdiction) Ordinance 1923-1964 (Laws R.E. 1914-1964, p.349) as amended by Ordinance Revision 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 the Norfolk Islands by the Court of Petty Session. |
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10. TANZANIA

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| (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.<br>Also repealed the Fugitive Criminal Surrender Ordinance of Tanganyika; the Fugitive Criminals Surrender Decree of Zanzibar; and the Fugitive Offenders Decree of Zanzibar. |
| (2) Extradition (State of Uganda) Order, 1965 (G.N. No.213 of 1965).<br>Extradition (Republic of Kenya) Order, 1965 (G.N. No.214 of 1965).<br>Extradition (Republic of Zambia) Order, 1965 (G.N. 215 of 1965). | (2) These Orders extended the application of Part III of the 1965 Act in respect of Uganda, Kenya and Zambia.  |
| (3) Fugitive Offenders (Pursuit) Act, 1969 (No.1 of 1969).   | (3) Provided for the pursuit of offenders fugitives from certain contiguous countries with whom reciprocal provision has been or will be made.   |

11. TRINIDAD AND TOBAGO

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| (1) Extradition Act (Chap. 12:04 Laws R.E. 1980).                | (1) Vested powers exercised under the United Kingdom Extradition Acts, 1870 to 1906, in relation to the surrender of fugitive criminals, in local magistrates.                  |
| (2) French Guiana Extradition Act (Chap. 12:05, Laws R.E. 1980). | (2) Provides for the extradition of fugitive criminals from French Guiana.  |
| (3) Venezuela Extradition Act (Chap. 12:06 Laws R.E. 1980).      | (3) Provides for the extradition of fugitive criminals from Venezuela.  |
| (4) Fugitive Offenders Act, 1881 (United Kingdom).               | (4) This Act was part of the law of Trinidad and Tobago on the date when Trinidad and Tobago became independent (31 August, 1962) and has continued as part of the law thereof. |

12. UGANDA

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| (1) Extradition Act, 1964 (No.16 of 1964; Cap.114, Laws R.E. 1964).            | (1) Repealed the United Kingdom Extradition Acts, 1870 to 1932 as part of the law of Uganda.<br>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). |
| (2) Extradition (Reciprocal Backing of Warrants) Order, 1964 (No.235 of 1964). | (2) Extended the application of the provisions of Part II of the 1964 Act in respect of Kenya, Tanganyika and Zanzibar.  |
| (3) Extradition (Republic of India) Order, 1969 (No.129 of 1969).              | (3) Applied Part I of the Act to India.  |