
STATUTORY INSTRUMENTS

1982 No. 1540**PREVENTION AND SUPPRESSION OF TERRORISM****The Taking of Hostages Act 1982 (Overseas Territories)
Order 1982**

Made - - - - 27th October 1982
Laid before Parliament 4th November 1982
Coming into Operation 26th November 1982

At the Court of Saint James, the 27th day of October 1982

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 30th day of September 1982, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by section 5(2) of the Taking of Hostages Act 1982(a), by section 17 of the Fugitive Offenders Act 1967(b), as extended by subsection (1) of the said section 5 and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Taking of Hostages Act 1982 (Overseas Territories) Order 1982 and shall come into operation on 26th November 1982.

2.—(1) Sections 1, 2, 3 and 4 of the Taking of Hostages Act 1982, modified and adapted as in Schedule 1 hereto, shall extend to the Territories specified in Schedule 2 hereto.

(a) 1982 c. 28.

(b) 1967 c. 68.

(2) Sections 1 and 2 of the Taking of Hostages Act 1982, modified and adapted as in Schedule 1 hereto, shall extend to the Territories specified in Schedule 3 hereto.

(3) For the purpose of construing the said Act as so extended as part of the law of any Territory to which it extends “the Territory” means that Territory, including its territorial waters.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE 1

Article 2

SECTIONS 1, 2, 3, AND 4 OF THE TAKING OF HOSTAGES ACT 1982 AS MODIFIED AND ADAPTED

1.—(1) A person, whatever his nationality, who, in the Territory or elsewhere,—

(a) detains any other person (“the hostage”), and

(b) in order to compel a State, international governmental organisation or person to do or abstain from doing any act, threatens to kill, injure or continue to detain the hostage,

commits an offence.

(2) A person guilty of an offence under this Act shall be liable, on conviction on indictment, to imprisonment for life.

2.—(1) Proceedings for an offence under this Act shall not be instituted in the Territory except by or with the consent of the Attorney-General of the Territory.

(2) In this section the expression “Attorney-General” includes the Solicitor-General, and if neither of such officers exists, the expression means that officer whose functions include the general control of public prosecutions.

3. An offence under this Act shall be deemed to be included among the description of offences set out in Schedule 1 to the Fugitive Offenders Act 1967 as extended to the Territory.

4. In the Fugitive Offenders Act 1967, as extended to the Territory, the following section shall be inserted after section 4—

“4.A.—(1) A person shall not be returned under this Act to a designated Commonwealth country which is party to the Convention referred to in subsection (3) below, or committed to or kept in custody for the purposes of such return, if it appears to the Governor, to the court of committal or to the Supreme Court on an application for habeas corpus or for review of the order of committal—

(a) that he might, if returned, be prejudiced at his trial by reason of the impossibility of effecting communications between him and the appropriate authorities of the State entitled to exercise rights of protection in relation to him; and

(b) that the act or omission constituting the offence of which he has been accused or convicted also constituted an offence under section 1 of the Taking of Hostages Act 1982 or an attempt to commit such an offence.

(2) Where the Governor certifies that a country is a party to the Convention the certificate shall, in any proceedings under this Act, be conclusive evidence of that fact.

(3) The Convention mentioned in subsections (1) and (2) above is the

International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979.

(4) In this section—

- (a) “court of committal” means a court in the Territory which has jurisdiction to entertain proceedings for committal under section 7 of this Act, and
- (b) “Supreme Court” means the Supreme Court of the Territory or that court which has jurisdiction to entertain an application for habeas corpus under section 8 of this Act”.

Article 2

SCHEDULE 2

TERRITORIES TO WHICH SECTIONS 1, 2, 3 AND 4 OF THE TAKING OF HOSTAGES ACT 1982, AS MODIFIED AND ADAPTED IN SCHEDULE 1, EXTEND

Bermuda
British Indian Ocean Territory
Cayman Islands
Falkland Islands and Dependencies
Gibraltar
Hong Kong
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
St Helena and Dependencies
Sovereign Base Areas of Akrotiri and Dhekelia
Turks and Caicos Islands
Virgin Islands

Article 2

SCHEDULE 3

TERRITORIES TO WHICH SECTIONS 1 AND 2 OF THE TAKING OF HOSTAGES ACT 1982, AS MODIFIED AND ADAPTED IN SCHEDULE 1, EXTEND

Anguilla
British Antarctic Territory

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends sections 1, 2, 3 and 4 of the Taking of Hostages Act 1982, subject to exceptions, adaptations and modifications, to the Territories specified in Schedule 2 hereto, and sections 1 and 2 to the Territories specified in Schedule 3 hereto.

The purpose of the Act is to give effect to the International Convention against the Taking of Hostages opened for signature at New York on 18 December 1979.

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