

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”.