

## SCHEDULE

### PROVISIONS OF EXTRADITION ACT 1989 AS EXTENDED TO THE BRITISH ANTARCTIC TERRITORY

## PART II

### RESTRICTIONS ON RETURN

#### **General restrictions on return.**

6.—(1) A person shall not be returned under Part III of this Act, or committed or kept in custody for the purposes of return, if it appears to an appropriate authority—

- (a) that the offence of which that person is accused or was convicted is an offence of a political character;
- (b) that it is an offence under military law which is not also an offence under the general criminal law;
- (c) that the request for his return (though purporting to be made on account of an extradition crime) is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions; or
- (d) that he might, if returned, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.

(3) A person accused of an offence shall not be returned, or committed or kept in custody for the purposes of return, if it appears to an appropriate authority that if charged with that offence in the Territory he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

(4) A person shall not be returned to a designated Commonwealth country or to a colony or to the Republic of Ireland, or committed or kept in custody for the purposes of such return, unless provision is made by the relevant law, or by an arrangement made with the relevant Commonwealth country or colony or the Republic of Ireland, for securing that he will not, unless he has first had an opportunity to leave it, be dealt with there for or in respect of any offence committed before his return to it other than—

- (a) the offence in respect of which his return is ordered;
- (b) an offence, other than an offence excluded by subsection (5) below, which is disclosed by the facts in respect of which his return was ordered; or
- (c) subject to subsection (6) below, any offence being an extradition crime in respect of which the Commissioner may consent to his being dealt with.

(5) The offences excluded from paragraph (b) of subsection (4) above are offences in relation to which an order for the return of the person concerned could not lawfully be made.

(6) The Commissioner may not give consent under paragraph (c) of that subsection in respect of an offence in relation to which it appears to him that an order for the return of the person concerned could not lawfully be made, or would not in fact be made.

(7) Any such arrangement as is mentioned in subsection (4) above which is made with a designated Commonwealth country or a colony or the Republic of Ireland may be an arrangement made for the particular case or an arrangement of a more general nature; and for the purposes of that subsection a certificate issued by or under the authority of the Commissioner confirming the existence of an arrangement with a Commonwealth country or a colony or the Republic of Ireland and stating its terms shall be conclusive evidence of the matters contained in the certificate.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) In relation to the United Kingdom or a Commonwealth country or a colony the reference in subsection (1) above to an offence of a political character does not include an offence against the life or person of the Head of the Commonwealth or attempting or conspiring to commit, or assisting, counselling or procuring the commission of or being accessory before or after the fact to such an offence, or of impeding the apprehension or prosecution of persons guilty of such an offence.

(9) In this Act “appropriate authority” means—

- (a) the Commissioner;
- (b) the court of committal;
- (c) the Supreme Court on an application for habeas corpus or for a review of the order of committal.

(10) In this section, in relation to Commonwealth countries and colonies, “race” includes tribe.