

SCHEDULE

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

PART III

PROCEDURE

General

Extradition request and authority to proceed.

7.—(1) Subject to the provisions of this Act relating to provisional warrants, a person shall not be dealt with under this Part of this Act except in pursuance of an order of the Commissioner (in this Act referred to as an “authority to proceed”) issued in pursuance of a request (in this Act referred to as an “extradition request”) for the surrender of a person under this Act made by or on behalf of the Government of the United Kingdom or the Government of a designated Commonwealth country or the Governor of a colony or the Government of the Republic of Ireland.

(2) There shall be furnished with any such request—

- (a) particulars of the person whose return is requested;
- (b) particulars of the offence of which he is accused or was convicted (including evidence sufficient to justify the issue of a warrant for his arrest under this Act);
- (c) in the case of a person accused of an offence, a warrant for his arrest issued in the United Kingdom, the Commonwealth country, the colony or the Republic of Ireland; and
- (d) in the case of a person unlawfully at large after conviction of an offence, a certificate of the conviction and sentence,

and copies of them shall be served on the person whose return is requested before he is brought before the court of committal.

(3) Rules made under section 42 of the Summary Courts (Criminal Proceedings) Ordinance 1990⁽¹⁾ may make provision as to the procedure for service under subsection (2) above.

(4) On the receipt of any such request the Commissioner may issue an authority to proceed unless 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, in accordance with the provisions of this Act.

(5) An authority to proceed shall specify the offence or offences under the law of the Territory which it appears to the Commissioner would be constituted by equivalent conduct in the Territory.

(1) Ordinance No. 6 of 1990.