

SCHEDULE

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

PART III

PROCEDURE

General

Arrest for purposes of committal.

8.—(1) For the purposes of this Part of this Act a warrant for the arrest of a person may be issued—

- (a) on receipt of an authority to proceed, by the Senior Magistrate or a designated magistrate;
- (b) without such an authority, by the Senior Magistrate or any magistrate upon information that the said person is or is believed to be in or on his way to the Territory;

and any warrant issued by virtue of paragraph (b) above is in this Act referred to as a “provisional warrant”.

(2) In this Act “designated magistrate” means a magistrate designated for the purposes of this Act by order made by the Commissioner.

(3) A person empowered to issue warrants of arrest under this section may issue such a warrant if he is supplied with such evidence as would in his opinion justify the issue of a warrant for the arrest of a person accused or, as the case may be, convicted within the Territory and it appears to him that the conduct alleged would constitute an extradition crime.

(4) Where a provisional warrant is issued under this section, the authority by whom it is issued shall forthwith give notice to the Commissioner, and transmit to him the information and evidence, or certified copies of the information and evidence, upon which it was issued; and the Commissioner may in any case, and shall if he decides not to issue an authority to proceed in respect of the person to whom the warrant relates, by order cancel the warrant and, if that person has been arrested under it, discharge him from custody.

(5) A warrant of arrest issued under this section may be executed in any part of the Territory and may be so executed by any person to whom it is directed or by any constable or by any public officer.

(6) Where a warrant is issued under this section for the arrest of a person accused of an offence of stealing or receiving stolen property or any other offence in respect of property, a magistrate shall have the like power to issue a warrant to search for the property as if the offence had been committed within the Territory.