

SCHEDULE

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

PART IV

TREATMENT OF PERSONS RETURNED

Restrictions upon proceedings for other offences in case of persons returned by United Kingdom, designated Commonwealth countries, colonies or Republic of Ireland.

19.—(1) This section applies to any person accused or convicted of an offence under the law of the Territory who is returned to the Territory (or for trial by a court of the Territory)—

- (a) from the United Kingdom, under this Act as it has effect under the law of the United Kingdom; or
- (b) from any designated Commonwealth country or the Republic of Ireland, under any law of that country corresponding with this Act; or
- (c) from any colony, under this Act as extended to that colony or under any corresponding law of that colony.

(2) A person to whom this section applies shall not, during the period described in subsection (3) below, be dealt with in the Territory (or by a court of the Territory) for or in respect of any offence committed before he was returned to the Territory (or was returned for trial by a court of the Territory) other than—

- (i) the offence in respect of which he was returned;
- (ii) any lesser offence disclosed by the particulars furnished to the United Kingdom, the designated Commonwealth country, the colony or the Republic of Ireland on which his return is grounded; or
- (iii) any other offence in respect of which the Government of the country from which he was returned (whether it be the Government of the United Kingdom or of a Commonwealth country or the Governor of a colony or the Government of the Republic of Ireland) may consent to his being dealt with.

(3) The period referred to in subsection (2) above in relation to a person to whom this section applies is the period beginning with the day of his arrival in the Territory (or in the place where he is to be tried by a court of the Territory) on his return as mentioned in subsection (1) above and ending 45 days after the first subsequent day on which he has the opportunity to leave the Territory (or that place).

(4) Where a person to whom this section applies has been convicted before his return to the Territory (or for trial by a court of the Territory) of an offence for which his return was not granted, any punishment for that offence shall by operation of this section be remitted; but this conviction for it shall be treated as a conviction for all other purposes.

(5) In this section “dealt with” means tried or returned or surrendered to any country or colony or detained with a view to trial or with a view to such return or surrender.

Restoration of persons not tried or acquitted.

20.—(1) This section applies to any person accused of an offence under the law of the Territory who is returned to the Territory (or for trial by a court of the Territory) as mentioned in section 19(1) above.

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

- (2) If in the case of a person to whom this section applies either—
- (a) proceedings against him for the offence for which he was returned are not begun within the period of six months beginning with the day of his arrival in the Territory (or in the place where he is to be tried by a court of the Territory) on being returned; or
 - (b) on his trial for that offence, he is acquitted or is, under any law for the time being in force in the Territory, ordered to be discharged absolutely or subject to the condition that he commits no offence during such period as may be specified in the order,
- the Commissioner may, if he thinks fit, on the request of that person, arrange for him to be sent back free of charge and with as little delay as possible to the jurisdiction of the country from which he was returned.