

## SCHEDULE

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

#### PART V

#### SPECIAL CASES

##### Repatriation cases

#### **Persons serving sentences outside country of conviction.**

**21.—**(1) This section applies where—

- (a) a request is made by or on behalf of the Government of the United Kingdom or of a designated Commonwealth country or the Governor of a colony or the Government of the Republic of Ireland for the arrest and return of a person in the Territory who is alleged to be unlawfully at large from a prison in which he was serving a sentence in pursuance of international arrangements for the repatriation of prisoners sentenced in one country (“the country of conviction”) to serve their sentences in another (“the country of imprisonment”); and
- (b) there are furnished with the request—
  - (i) particulars of the person whose return is requested;
  - (ii) particulars of the offence of which he was convicted (including evidence sufficient to justify the issue of a warrant for his arrest under the relevant legislation);
  - (iii) a certificate of the conviction and sentence; and
  - (iv) a certificate of the international arrangements for repatriation under which he was held.

(2) Where this section applies, the relevant legislation shall have effect—

- (a) if the request is from the country of conviction, as if the person to whom the request relates were alleged to be unlawfully at large from a prison in that country; and
- (b) if it is from the country of imprisonment, as if he were alleged to have been convicted of a corresponding offence under the law of that country committed there,

and the question whether the person to whom the request relates is to be returned shall be determined, subject to subsection (3) below, in accordance with that legislation.

(3) A person shall not be returned under subsection (2)(b) above unless—

- (a) the offence was committed in the country of conviction; or
- (b) the offence was not committed there but was committed in circumstances in which he might be returned on a request made by the country of conviction.

(4) In this section “the relevant legislation” means the provisions of this Act that are relevant—

- (a) if the case falls within paragraph (a) of subsection (2) above, to extradition to the country of conviction; and
- (b) if it falls within paragraph (b), to extradition to the country of imprisonment.