

SCHEDULE

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

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

General

Interpretation.

35.—(1) In this Act—

“the Administrator” means the person holding the office of Administrator of the Territory and includes any person for the time being lawfully discharging the functions of that office;

“appropriate authority” has the meaning assigned to it by section 6(9) above;

“authority to proceed” has the meaning assigned to it by section 7(1) above;

“colony” means a colony other than the Territory;

“the Commissioner” means the person holding the office of Commissioner for the Territory and, to the extent that any person is for the time being lawfully authorised to discharge any of the functions of that office, includes that person;

“the Court of Appeal” means the British Antarctic Territory Court of Appeal established by the British Antarctic Territory Court of Appeal Order 1965(1);

“court of committal” has the meaning assigned to it by section 9(1) above;

“designated Commonwealth country” has the meaning assigned to it by section 5(1) above;

“extradition crime” is to be construed in accordance with section 2 above;

“extradition request” has the meaning assigned to it by section 7(1) above but in section 12(5) above includes a request or requisition made by some person recognised by the Commissioner as the consular representative of a foreign State (or as the governor of a colony or dependency of a foreign State) for the surrender of a person to that foreign State (or to that colony or dependency) under the law in that behalf for the time being in force in the Territory;

“magistrate” means a person appointed to be a magistrate under Part IV of the Administration of Justice Ordinance 1990(2);

“provisional warrant” has the meaning assigned to it by section 8(1) above;

“public officer” has the meaning assigned to it by section 7(1) of the Interpretation and General Provisions Ordinance 1990(3) and, in any case where any member of a police force established under the law of another country, or of a colony other than the Territory has, by arrangement with the Commissioner, been empowered under the law to act as a constable under the law of the Territory for the purposes of, or in connection with, extradition from the Territory, includes that member of that police force; and a certificate by the Commissioner that that member was at the relevant time so empowered shall, in any proceedings concerning anything done or omitted by him, be conclusive of that fact;

(1) S.I.1965/590.

(2) Ordinance No. 5 of 1990.

(3) Ordinance No. 4 of 1990.

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

“the Senior Magistrate” means the person holding the office of Senior Magistrate under Part III of the Administration of Justice Ordinance 1990 and includes any person for the time being lawfully discharging the functions of that office; and the functions conferred on the Senior Magistrate by this Act may be performed by him either within or outside the Territory;

“Summary Court” means a Summary Court established by Part IV of the Administration of Justice Ordinance 1990;

“the Supreme Court” means the Supreme Court of the Territory established by Part II of the Administration of Justice Ordinance 1990 and, to the extent indicated in subsection (3) below, includes the Supreme Court of the Falkland Islands;

“the Supreme Court of the Falkland Islands” means the court established by section 77 of the Constitution of the Falkland Islands set out in Schedule 1 to the Falkland Islands Constitution Order 1985⁽⁴⁾;

“the Territory” means the British Antarctic Territory; and

“the United Kingdom” includes the Channel Islands and the Isle of Man.

(2) For the purposes of this Act a person convicted in his absence shall be treated as a person accused of the offence of which he is convicted.

(a) (3) (a) Without prejudice to the generality of sections 3 and 4 of the Falkland Islands Courts (Overseas Jurisdiction) Order 1989⁽⁵⁾, the jurisdiction and powers conferred on the Supreme Court of the Falkland Islands by those sections include the jurisdiction to hear and determine any matter that under this Act may be heard and determined by the Supreme Court of the Territory and all powers that under this Act are vested in the Supreme Court of the Territory, and references in this Act to the Supreme Court (including references to the stating of a case to the Supreme Court and references to appeals from decisions of that court) shall be construed accordingly.

(b) Where it appears to the Judge of the Supreme Court of that Territory that any proceedings that have been instituted under this Act before that court could more appropriately be pursued, by virtue of paragraph (a) above, before the Supreme Court of the Falkland Islands, he may, after consultation with the Chief Justice of the Falkland Islands, so order and may give any necessary directions for that purpose.

(4) S.I. 1985/444.

(5) S.I. 1989/2399.