

SCHEDULE

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

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

Evidence

Evidence —United Kingdom, Commonwealth countries, colonies and Republic of Ireland.

27.—(1) In any proceedings under this Act in relation to a person whose return has been requested by the United Kingdom, a designated Commonwealth country, a colony or the Republic of Ireland, including proceedings on an application for habeas corpus in respect of a person in custody under this Act—

- (a) a document, duly authenticated, which purports to set out evidence given on oath in the United Kingdom, a designated Commonwealth country, a colony or the Republic of Ireland shall be admissible as evidence of the matters stated in it;
- (b) a document, duly authenticated, which purports to have been received in evidence, or to be a copy of a document so received, in any proceeding in the United Kingdom, any designated Commonwealth country, any colony or the Republic of Ireland shall be admissible in evidence;
- (c) a document, duly authenticated, which certifies that a person was convicted on a date specified in the document of an offence against the law of, or of a part of, the United Kingdom, any designated Commonwealth country, any colony or the Republic of Ireland shall be admissible as evidence of the fact and date of the conviction.

(2) A document shall be deemed to be duly authenticated for the purposes of this section—

- (a) in the case of a document purporting to set out evidence given as mentioned in subsection (1)(a) above, if the document purports to be certified by a judge or magistrate or officer in or of the United Kingdom or the Commonwealth country or colony in question or the Republic of Ireland to be the original document containing or recording that evidence or a true copy of such a document;
- (b) in the case of a document which purports to have been received in evidence as mentioned in subsection (1)(b) above or to be a copy of a document so received, if the document purports to be certified as mentioned in paragraph (a) above to have been, or to be a true copy of a document which has been, so received;
- (c) in the case of a document which certifies that a person was convicted as mentioned in subsection (1)(c) above, if the document purports to be certified as mentioned in paragraph (a) above,

and in any such case the document is authenticated either by the oath of a witness or by the official seal of a Minister of the United Kingdom or the designated Commonwealth country or the Republic of Ireland or of the Governor or a Minister, secretary or other officer administering a department of government of the colony, as the case may be.

(3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible in evidence apart from this section.

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

Warrants and orders

Form of warrants and orders.

28.—(1) Any warrant or order to be issued or made by the Commissioner under this Act shall be given under the hand of the Commissioner or the Administrator or any person for the time being lawfully performing the functions of the office of Commissioner or Administrator.

(2) The Commissioner may by order, which shall be published in the Official Gazette of the Territory, prescribe the form of any warrant or order to be issued or made under this Act in its application to return to the United Kingdom, to Commonwealth countries, to colonies and to the Republic of Ireland.

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

(1) S.I.1965/590.

(2) Ordinance No. 5 of 1990.

(3) Ordinance No. 4 of 1990.

the relevant time so empowered shall, in any proceedings concerning anything done or omitted by him, be conclusive of that fact;

“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.