
STATUTORY INSTRUMENTS

1997 No. 1178

The Hong Kong (Extradition) Order 1997

1. This Order may be cited as the Hong Kong (Extradition) Order 1997 and shall come into force on 1st July 1997.
2. The Extradition Act 1989 (“the 1989 Act”) shall be amended as set out in the Schedule to this Order.
3. This article applies in any case where, before the coming into force of this Order—
 - (a) a request has been made by or on behalf of the Governor of Hong Kong for the surrender of a person under the 1989 Act, or
 - (b) a provisional warrant for the arrest of any person has been issued under section 8(1)(b) of the 1989 Act and it appeared to the person who issued the warrant that the conduct alleged (as is mentioned in section 8(3) of that Act) would constitute an extradition crime against the law of Hong Kong.
4. Where article 3 of this Order applies—
 - (a) the case shall proceed as if the procedure which took place under Part III of the 1989 Act had taken place under that Part as amended by this Order,
 - (b) references in any instrument or other document relating to the proceedings, to the law of Hong Kong and offences under that law, shall be treated as if they were references to the law of the Hong Kong Special Administrative Region and offences under that law, and
 - (c) no proceedings which took place in the case before the date of coming into force of this Order, or any decision taken in the case before that date, shall be questioned in any court on the ground that the proceedings were not, or, as the case may be, the decision was not taken, in accordance with Part III of the 1989 Act as amended by this Order.
5. The following further transitional provisions shall apply—
 - (a) section 1(2A)(b) of the 1989 Act shall apply to a person alleged to be unlawfully at large following conviction for an extradition crime in Hong Kong before the coming into force of this Order;
 - (b) where an extradition request is made by the Hong Kong Special Administrative Region, section 7(2)(c) of the 1989 Act shall be satisfied if there is furnished with any such request a warrant for the arrest of the person issued in Hong Kong before the coming into force of this Order;
 - (c) a warrant issued by the Secretary of State under section 12 of the 1989 Act for the return of any person to Hong Kong shall be effective for the return of that person to the Hong Kong Special Administrative Region notwithstanding the provisions of section 13 of the 1989 Act as amended by this Order;
 - (d) section 19 of the 1989 Act shall continue to apply in the case of any person returned by Hong Kong before the date of coming into force of this Order.
6. The operation of this Order is limited to the United Kingdom, the Channel Islands and the Isle of Man.

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

N. H. Nicholls
Clerk of the Privy Council