

SCHEDULE

Article 2

AMENDMENTS TO THE EXTRADITION ACT 1989

1. In section 1 (liability to extradition), after subsection (2), there shall be inserted—
  - “(2A) Subject to the provisions of this Act, a person in the United Kingdom who—
    - (a) is accused in the Hong Kong Special Administrative Region of an extradition crime, or
    - (b) is alleged to be unlawfully at large after conviction for such an offence in that Region,may be arrested and returned to that Region in accordance with extradition procedures under Part III of this Act.”.
- 2.—(1) Section 2 (meaning of “extradition crime”) shall be amended as follows.
  - (2) In subsection (1)—
    - (a) in paragraph (a)—
      - (i) for the words “or a colony” there shall be substituted the words “, a colony or the Hong Kong Special Administrative Region”, and
      - (ii) after the words “or colony” there shall be inserted the words “or of the Hong Kong Special Administrative Region”, and
    - (b) in paragraph (b) after the word “colony” there shall be inserted the words “, or of the Hong Kong Special Administrative Region.”.
  - (3) In subsection (3)(a), after the word “colony” there shall be inserted the words “or the Hong Kong Special Administrative Region”.
  - (4) In subsection (4)—
    - (a) at the end of paragraph (b) the word “and” shall be omitted, and
    - (b) after paragraph (c) there shall be added  
“; and
    - (d) conduct in a vessel, aircraft or hovercraft of the Hong Kong Special Administrative Region shall be treated as if it were conduct in that Region.”.
3. In section 3 (arrangements for availability of Part III procedure), in subsection (2)—
  - (a) the word “or” shall be omitted, and
  - (b) after paragraph (iv) there shall be inserted  
“; or
  - (v) the Hong Kong Special Administrative Region.”.
4. In section 6 (general restrictions on return)—
  - (a) in subsection (2)—
    - (i) after the words “foreign state”, in the first place where they occur, there shall be inserted the words “or to the Hong Kong Special Administrative Region”; and
    - (ii) after the words “foreign state”, in the second place where they occur, there shall be inserted the words “or to that Region”;
  - (b) in subsection (4), after the word “colony” there shall be inserted the words “or with the Hong Kong Special Administrative Region”.
5. In section 7 (extradition request and authority to proceed)—

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- (a) after subsection (1)(b), there shall be inserted  
“; or
- (c) by or on behalf of the Government of the Hong Kong Special Administrative Region.”;
- (b) in subsection (2)(c), after the word “colony”, there shall be inserted the words “or in the Hong Kong Special Administrative Region”.
- 6. In section 9 (proceedings for committal), after subsection (7) there shall be inserted—  
“(7A) In exercising the power conferred by subsection (5) above in a case where the extradition request is made by or on behalf of the Government of the Hong Kong Special Administrative Region the court shall not fix a period ending more than 60 days after the day of the person’s arrest, unless the exceptional circumstances of the case justify a longer period.”.
- 7. In section 10 (statement of case by court), after subsection (13), there shall be inserted—  
“(14) This section shall apply to the Hong Kong Special Administrative Region in the same way as it applies to any foreign state, Commonwealth country or colony.”.
- 8. In section 12(2) (order for return), after the word “colony” there shall be inserted the words “or to the Hong Kong Special Administrative Region”.
- 9. In section 13 (return to foreign states—supplementary)—
  - (a) in subsection (1), after the words “foreign state” there shall be inserted the words “or to the Hong Kong Special Administrative Region”;
  - (b) in subsection (5), after the words “foreign state” there shall be inserted the words “or to the Hong Kong Special Administrative Region”;
  - (c) in subsection (9)(b), after the words “foreign state” there shall be inserted the words “or to the Hong Kong Special Administrative Region”.
- 10. After section 19 there shall be inserted—

**“Restrictions upon proceedings for other offences in case of persons returned by the Hong Kong Special Administrative Region**

**19A.—**(1) This section applies to any person accused or convicted of an offence under the law of or any part of the United Kingdom who is returned to the United Kingdom from the Hong Kong Special Administrative Region under any law of that Region corresponding to this Act.

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

- (i) the offence in respect of which he was returned;
- (ii) any lesser offence disclosed by the particulars furnished to the Hong Kong Special Administrative Region on which his return is grounded; or
- (iii) any other offence in respect of which the Government of the Hong Kong Special Administrative Region 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 United Kingdom on his return as mentioned in subsection (1) above and ending 40 days after the first subsequent day on which he has the opportunity to leave the United Kingdom.

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

(5) In this section “dealt with” has the same meaning as in section 19.”.

**11.** In section 20 (restoration of persons not tried or acquitted)—

(a) in subsection (1), after the words “section 19(1)” there shall be added the words “or section 19A(1)”;

(b) in subsection (2), after the word “colony” there shall be inserted the words “, or of the Hong Kong Special Administrative Region,”.

**12.** In section 21 (persons serving sentences outside country of conviction), in subsection (1)(a), after sub-paragraph (ii) there shall be inserted

“; or

(iii) by or on behalf of the Government of the Hong Kong Special Administrative Region”.

**13.** In section 26 (authentication of foreign documents)—

(a) after subsection (1), there shall be inserted—

“(1A) In extradition proceedings in relation to a person whose return has been requested by or on behalf of the Government of the Hong Kong Special Administrative Region documents from that Region may be authenticated by the oath of a witness, but shall in any case be deemed duly authenticated—

(a) if they purport to be signed by a judge, magistrate or officer of the Hong Kong Special Administrative Region; and

(b) if they purport to be certified by being sealed—

(i) with an official or public seal of the Hong Kong Special Administrative Region, or

(ii) by an officer of that Region.”.

(b) in subsection (2) after the words “subsection (1)(b)” there shall be inserted the words “or (1A)(b)”.

**14.** In section 28(2) (form of warrants and orders), for the words “and colonies” there shall be substituted the words “, colonies and the Hong Kong Special Administrative Region”.

**15.** In section 35 (interpretation), in subsection (1), after the definition of “extradition request” there shall be inserted—

““Hong Kong Special Administrative Region” means the Hong Kong Special Administrative Region of the People’s Republic of China;”.