
STATUTORY INSTRUMENTS

1973 No. 1893

CIVIL AVIATION FUGITIVE CRIMINAL

The Hijacking Act 1971 (Overseas Territories) (Amendment) Order 1973

<i>Made</i>	- - - -	<i>13th November 1973</i>
<i>Laid before Parliament</i>		<i>19th November 1973</i>
<i>Coming into Operation</i>		<i>10th December 1973</i>

At the Court at Buckingham Palace, the 13th day of November 1973

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by subsection (3) of section 6 of the Hijacking Act 1971, by the Foreign Jurisdiction Act 1890, by section 17 of the Fugitive Offenders Act 1967 as extended by subsection (1) of the said section 6 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

1.—(1) This Order may be cited as the Hijacking Act 1971 (Overseas Territories) (Amendment) Order 1973 and shall come into operation on 10th December 1973.

(2) This Order shall be construed as one with the Hijacking Act 1971 (Overseas Territories) Order 1971(1) (hereinafter referred to as “the principal Order”) and the principal Order and this Order may be cited together as the Hijacking Act 1971 (Overseas Territories) Orders 1971 and 1973.

2. Article 4 of the principal Order is revoked and replaced by the following Article:—

“**4.** The amendments specified in Schedule 3 hereto shall be made to the Pacific (Fugitive Criminals Surrender) Order in Council 1914(2).”

3. Section 3 in Schedule 1 to the principal Order is revoked and replaced by the following section:

“**3.** There shall be deemed to be included among the descriptions of offences set out in Schedule 1 to the Fugitive Offenders Act 1967 as extended to the Territory and offence under this Act and any attempt to commit such an offence.”

(1) (1971 III, p.4737).

(2) S.R. & O. 1914/152 (Rev.VIII, p. 699: 1914 I, p.640).

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4. Schedule 3 to the principal Order is revoked and replaced by the following Schedule:—

“SCHEDULE 3

Article 4

AMENDMENTS TO THE PACIFIC (FUGITIVE
CRIMINALS SURRENDER) ORDER IN COUNCIL 1914

1. There shall be deemed to be included in the list of offences in respect of which surrender may be granted contained in the First Schedule to the Pacific (Fugitive Criminals Surrender) Order in Council 1914 (hereinafter in this Schedule referred to as “the Order”) any offence under the Hijacking Act 1971 (hereinafter in this Schedule referred to as “the Act”) and (so far as not so included by virtue of the foregoing) any attempt to commit such an offence.

2. The Order shall be applied as if an Order in Council made under section 2 of the Extradition Act 1870⁽³⁾ as extended by section 3(2) of the Act were such an arrangement as is referred to in Article 3 of the Order, but where the Order is so applied it shall have effect as if the only offences in respect of which surrender may be granted within the meaning of the Order were offences under the Act and attempts to commit such offences.

3. For the purposes of the Order any act, wherever committed, which—

- (a) is an offence under the Act or an attempt to commit such an offence or would be such an offence or attempt but for section 1(2) of the Act; and
- (b) is an offence against the law of any State in the case of which the Order has been directed to apply by notice under Article 3 thereof;

shall be deemed to be an offence committed within the jurisdiction of that State.”.

W.G. Agnew

(3) 1870 c. 52.

EXPLANATORY NOTE

The Hijacking Act 1971 (Overseas Territories) Order 1971 was inadvertently not laid before Parliament, although Article 4 and Schedule 3 were made under the Foreign Jurisdiction Act 1890, section 11 of which provides for Orders to be laid, and section 3 in Schedule 1 was made under section 17 of the Fugitive Offenders Act 1967 (as extended by section 6(1) of the Hijacking Act 1971), subsection (3) of which provides for Orders to be subject to annulment. The remainder of the Order was made under section 6(2) of the Hijacking Act 1971, Orders under which are subject to no Parliamentary procedure. Accordingly this Order revokes Article 4 of, and section 3 in Schedule 1 to, and Schedule 3 to, the Hijacking Act 1971 (Overseas Territories) Order 1971, and replaces them with identical provisions. The present Order is not retrospective.