



Extradition Act 1989

1989 CHAPTER 33

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

Evidence

26 Authentication of foreign documents

- (1) In extradition proceedings in relation to a person whose return has been requested by a foreign state foreign documents 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 foreign state where they were issued; and
 - (b) if they purport to be certified by being sealed with the official seal of the Minister of Justice, or some other Minister of State, of the foreign state.
- (2) Judicial notice shall be taken of such certification as is mentioned in subsection (1)(b) above, and documents authenticated by such certification shall be received in evidence without further proof.

27 Evidence – Commonwealth countries and colonies

- (1) In any proceedings under this Act in relation to a person whose return has been requested by a designated Commonwealth country or a colony, 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 a designated Commonwealth country or a colony 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 any designated Commonwealth country or any colony shall be admissible in evidence;

Status: This is the original version (as it was originally enacted).

- (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, any such country or any colony 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 country or colony in question 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 designated Commonwealth country or of the Governor or a Minister, secretary or other officer administering a department of the 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.
- (4) In the application of this section to Scotland, for the words “admissible as evidence”, in both places where they occur, there shall be substituted the words “sufficient evidence”.