

UK Parliament SIs 1980-1989/1982/1501-1550/Taking of Hostages Act 1982 (Overseas Territories) Order 1982 (SI 1982/1540)

1982 No 1540

Taking of Hostages Act 1982 (Overseas Territories) Order 1982

Made - - - 27th October 1982

Authority: Taking of Hostages Act 1982, s 5(2); Extradition Act 1989, s 32

NOTES

Continuation

Authority: originally made under the Taking of Hostages Act 1982, s 5(2), and the Fugitive Offenders Act 1967, s 17; following the consolidation of the Fugitive Offenders Act 1967, this Order, to the extent that it had effect thereunder, took effect as if made under the Extradition Act 1989, s 32 (repealed by the Extradition Act 2003, ss 218(b), 220, Sch 4, subject to saving provisions in SI 2003/3103).

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1

This Order may be cited as the Taking of Hostages Act 1982 (Overseas Territories) Order 1982 and shall come into operation on 26th November 1982.

NOTES

Initial Commencement

Specified date

Specified date: 26 November 1982: see above.

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2

(1) Sections 1, 2, 3 and 4 of the Taking of Hostages Act 1982, modified and adapted as in Schedule 1 hereto, shall extend to the Territories specified in Schedule 2 hereto.

(2) Sections 1 and 2 of the Taking of Hostages Act 1982, modified and adapted as in Schedule 1 hereto, shall extend to the Territories specified in Schedule 3 hereto.

(3) For the purpose of construing the said Act as so extended so part of the law of any Territory to which it extends "the Territory" means that Territory, including its territorial waters.

NOTES

Initial Commencement

Specified date

Specified date: 26 November 1982: see art 1.

UK Parliament SIs 1980-1989/1982/1501-1550/Taking of Hostages Act 1982 (Overseas Territories) Order 1982 (SI 1982/1540)/SCHEDULE 1 Sections 1, 2, 3, and 4 of the Taking of Hostages Act 1982 as Modified and Adapted

SCHEDULE 1

SECTIONS 1, 2, 3, AND 4 OF THE TAKING OF HOSTAGES ACT 1982 AS MODIFIED AND ADAPTED

Article 2

1

(1) A person, whatever his nationality, who, in the Territory or elsewhere,--

(a) detains any other person ("the hostage"), and

(b) in order to compel a State, international governmental organisation or person to do or abstain from doing any act, threatens to kill, injure or continue to detain the hostage,

commits an offence.

(2) A person guilty of an offence under this Act shall be liable, on conviction on indictment, to imprisonment for life.

2

(1) Proceedings for an offence under this Act shall not be instituted in the Territory except by or with the consent of the Attorney-General of the Territory.

(2) In this section the expression "Attorney-General" includes the Solicitor-General, and if neither of such officers exists, the expression means that officer whose functions include the general control of public prosecutions.

3

An offence under this Act shall be deemed to be included among the description of offences set out in Schedule 1 to the Fugitive Offenders Act 1967 as extended to the Territory.

4. In the Fugitive Offenders Act 1967, as extended to the Territory, the following section shall be inserted after section 4--

"4A

(1) A person shall not be returned under this Act to a designated Commonwealth country which is party to the Convention referred to in subsection (3) below, or committed to or kept in custody for the purpose of such return, if it appears to the Governor, to the court of committal or to the Supreme Court on an application for habeas corpus or for review of the order of committal--

(a) that he might, if returned, be prejudiced at his trial by reason of the impossibility of effecting communications between him and the appropriate authorities of the State entitled to exercise rights of protection in relation to him; and

(b) that the act or omission constituting the offence of which he has been accused or convicted also constituted an offence under section 1 of the Taking of Hostages Act 1982 or an attempt to commit such an offence.

(2) Where the Governor certifies that a country is a party to the Convention the certificate shall, in any proceedings under this Act, be conclusive evidence of that fact.

(3) The Convention mentioned in subsections (1) and (2) above is the International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979.

(4) In this section--

(a) "Court of committal" means a court in the Territory which has jurisdiction to entertain proceedings for committal under section 7 of this Act, and

(b) "Supreme Court" means the Supreme Court of the Territory or that court which has jurisdiction to entertain an application for habeas corpus under section 8 of this Act".

NOTES

Initial Commencement

Specified date

Specified date: 26 November 1982: see art 1.

UK Parliament SIs 1980-1989/1982/1501-1550/Taking of Hostages Act 1982 (Overseas Territories) Order 1982 (SI 1982/1540)/SCHEDULE 2 Territories to which Sections 1, 2, 3 and 4 of the Taking of Hostages Act 1982, as Modified and Adapted in Schedule 1, Extend

SCHEDULE 2

TERRITORIES TO WHICH SECTIONS 1, 2, 3 AND 4 OF THE TAKING OF HOSTAGES ACT 1982, AS MODIFIED AND ADAPTED IN SCHEDULE 1, EXTEND

Article 2

[Anguilla]

Bermuda

British Indian Ocean Territory

Cayman Islands

Falkland Islands and Dependencies

Gibraltar

Hong Kong

Montserrat

Pitcairn, Henderson, Ducie and Oeno Islands

St Helena and Dependencies

Sovereign Base Areas of Akrotiri and Dhekelia

Turks and Caicos Islands

Virgin Islands

NOTES

Initial Commencement

Specified date

Specified date: 26 November 1982: see art 1.

Amendment

Words in square brackets inserted by SI 1987/455, art 2(a).

UK Parliament SIs 1980-1989/1982/1501-1550/Taking of Hostages Act 1982 (Overseas Territories) Order 1982 (SI 1982/1540)/SCHEDULE 3 Territories to Which Sections 1 and 2 of the Taking of Hostages Act 1982, as Modified and Adapted in Schedule 1, Extend

SCHEDULE 3

**TERRITORIES TO WHICH SECTIONS 1 AND 2 OF THE TAKING OF HOSTAGES ACT 1982, AS MODIFIED AND ADAPTED
IN SCHEDULE 1, EXTEND**

Article 2

...

British Antarctic Territory

NOTES

Initial Commencement

Specified date

Specified date: 26 November 1982: see art 1.

Amendment

Words omitted revoked by SI 1987/455, art 2(b).