



MONTSERRAT

## **CHAPTER 4.09**

# **EXTRADITION ACT**

### **Revised Edition**

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws

### **EXTRADITION ACT**

Act 5 of 1946 .. in force 26 June 1947

Amended by Act 24 of 1956

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**CHAPTER 4.09**

**EXTRADITION**

*(Acts 5 of 1946 and 24 of 1956)*

**Commencement**

*[26 June 1947]*

**Short title**

1. This Act may be cited as the Extradition Act.

**Power of magistrates and the Governor in relation to extradition of fugitive criminals**

2. All powers vested in and acts authorised or required to be done by a police magistrate or any justice of the peace in relation to the surrender of fugitive criminals in the United Kingdom under The Extradition Acts, 1870 and 1873 or any Act amending or substituted for those Acts, are hereby vested in, and may in Montserrat be exercised and done by any magistrate or by the Governor in relation to the surrender of fugitive criminals under the said Acts.
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## EXTRADITION

### NOTES ON APPLICABLE LAW

*(These Notes do not form part of the Revised Edition)*

#### Commonwealth Countries

1. The extradition of persons between Montserrat and certain other Commonwealth countries is controlled by various orders made under by (UK). Extradition (Overseas Territories) Order 2002 (2002 No. 1823) which extends the Extradition Act 1989 (UK) to Montserrat with the modification included in the Order came into force on 16 August 2002. This Order repealed Fugitive Offenders (Montserrat) Order 1967 (UK S.I. 1967 No. 1913).

#### Other Countries

2.1 The extradition of persons between Montserrat and other countries not covered by the Commonwealth scheme, is controlled by the (UK) Extradition Act 1870 as amended, and the various orders made under that Act to apply it to reciprocating states.

This Act was repealed by the (UK) Extradition Act 1989, but the Orders made under it were saved and they continue to apply.

2.2 The (UK) Extradition Act 1870 was extended to Montserrat by section 17 and the Extradition (Montserrat) Order (UK) 1976, No. 54. The (UK) Extradition Act 1870 as amended, with footnotes and a list of countries to whom the Act has been applied, may be found in Volume 17 of Halsburys Statutes of England, under the title Extradition and Fugitive Offenders, (page 478 of the 4th edition).

2.3 The (UK) Extradition Act 1870 applies to countries only when reciprocal arrangements are made by treaty and a UK Order is made specifying the other country and the arrangements.

#### Multilateral special purpose extradition

3.1 The UK Government has extended to Montserrat certain extradition arrangements based upon special purpose Orders giving effect to multilateral obligations; some of these are

Torture	S.I. (UK) 1997 No. 1769
Tokyo Convention	S.I. (UK) 1997 No. 1768
Hostages	S.I. (UK) 1997 No. 1767
Safety of Maritime Navigation	S.I. (UK) 1997 No. 1766
Protection of Nuclear Material	S.I. (UK) 1997 No. 1765
Protected Persons	S.I. (UK) 1997 No. 1764

Hijacking	S.I. (UK) 1997 No. 1763
Drug Trafficking	S.I. (UK) 1997 No. 1762
Aviation Security	S.I. (UK) 1997 No. 1760
Genocide	S.I. (UK) 1970 No. 147

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**SCHEDULE****COMMONWEALTH COUNTRIES WITH WHICH CERTAIN  
EXTRADITION ARRANGEMENTS HAVE BEEN MADE**

COUNTRY	SOURCE OF EXTRADITION POWER	LOCAL APPLICATION
Antigua and Barbuda	UK Fugitive Offenders Act 1967 as extended to Montserrat by the Fugitive Offenders (Montserrat) Order 1967, S.I. 1967 No. 1913 <sup>1</sup> as amended	Fugitive Offenders (Designated Commonwealth Countries) Order 1986 (L.N. 3/1986)
Australia (Norfolk Island, Australian Antarctic Territory, the territory of the Cocos (Keeling) Islands, the territory of Christmas Island, the territory of the Heard and McDonald Islands and the territory of the Ashmore and Cartier Islands, being territories for the external relations of which Australia is responsible, are to be treated as part of Australia for the purposes of this Order)		
The Bahamas	”	”
Bangladesh	”	”
Barbados	”	”
Canada	”	”
The Cook Islands	”	”
Cyprus	”	”
Dominica	”	”
Fiji	”	”
The Gambia	”	”
Ghana	”	”
Grenada	”	”
Guyana	”	”
India	”	”
Jamaica	”	”
Kenya	”	”
Kiribati	”	”

<sup>1</sup> Fugitive Offenders (Montserrat) Order 1967, S.I. 1967 No. 1913 was repealed by The Extradition (Overseas Territories) Order (SI 2002 No. 1823)

COUNTRY	SOURCE OF EXTRADITION POWER	LOCAL APPLICATION
Lesotho	”	”
Malawi	”	”
Malaysia	”	”
Malta	”	”
Mauritius	”	”
Nauru	”	”
New Zealand (Niue and the Tokelau Islands, being territories for the external relations of which New Zealand is responsible, are to be treated as part of New Zealand for the purposes of this Order)	”	”
Nigeria	”	”
Papua New Guinea	”	”
Saint Christopher and Nevis	”	”
Saint Lucia	”	”
Saint Vincent and the Grenadines	”	”
The Seychelles	”	”
Sierra Leone	”	”
Singapore	”	”
Solomon Islands	”	”
Tonga	”	”
Trinidad and Tobago	”	”
Tuvalu	”	”
United Kingdom and its Dependent Territories	”	”
Uganda	”	”
Western Samoa	”	”
Zambia	”	”
Zimbabwe	”	”

