

EXTRADITION

THE EXTRADITION ACT

ARRANGEMENT OF SECTIONS

PART I—Preliminary

1. Short title and commencement.
2. Interpretation.
3. Application of the provisions of this Act to designated Commonwealth States.
4. Application of the provisions of this Act to foreign States.
5. Extradition offences.

PART II—Extradition to approved States

6. Persons liable to be extradited.
7. General restrictions on extradition.

PART I&—Proceedings for Extradition

8. Authority to proceed.
9. Arrest for purposes of committal.
10. Proceedings for committal.
11. Application for *habeas corpus, etc.*
12. Order for extradition and priority of requests.
13. Discharge of fugitive in case of delay in extraditing.
14. Evidence.
15. custody.
16. Property found on fugitive.
17. Fugitive may be extradited without formal extradition proceedings.

PART IV—Extradition from approved States

18. Extradition of persons to Jamaica and certain restrictions for other offences.
19. Restoration of persons not tried or acquitted.

EXTRADITION

PART V—*Miscellaneous*

20. Regulations.
21. Application to **offences** committed before as well as after the 8th day of July, 1991.
- 22.** Saving of proceedings pending at time of new treaties.
23. Repeals (for Jamaica).

THE EXTRADITION ACT

Acts
7 of 1991,
35 of 1995.

[8th July, 1991]

PART I—*Preliminary*

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

Short title.

2.—(1) In this Act—

Interpreta-
tion.

“approved State” means either a designated Commonwealth State or a treaty State, as the circumstances may require;

“Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons” means the United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations at its 28th Session on the 14th December, 1973;

“court of committal” means a court of committal within the meaning of section 10;

“designated **Commonwealth** State” means a country designated by order published under section 3, and includes—

- (a) a colony, territory, protectorate or other dependency of such country;
- (b) a territory for the international relations of which such country is responsible;
- (c) a ship or aircraft of, or registered in, such country;

“extradition **offence**” means an extradition **offence** within the meaning of section 5;

EXTRADITION

“extradition treaty” means a treaty or agreement, whether made before or after the 8th day of July, 1991, relating to the extradition of fugitive offenders and which is binding on the **Government** of Jamaica;

“fugitive” means a person who is accused or convicted of an extradition **offence** committed within the jurisdiction of a Commonwealth country or a foreign State and is, or is suspected to be, in Jamaica or in a Commonwealth country or a foreign State;

“*habeas corpus*” means *habeas corpus ad subjiciendum*;

“Hague Convention” means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at the Hague on 16th December, 1970;

“magistrate” means a Resident Magistrate or any person having, pursuant to any enactment, the powers of a Resident Magistrate;

“Montreal Convention” means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September, 1971;

“provisional warrant” means a warrant issued under section 9 (1) **(b)**;

“race” includes tribe;

“treaty State” means-

(a) a foreign State in relation to which an order under section 4 is for the time being in force and includes-

(i) a colony, territory, protectorate or **other** dependency of such State;

(ii) a territory for the international relations of which such State is responsible; and

(iii) a ship or aircraft of, or registered in, such **State**;

(b) in so far as Article 8 of the Montreal Convention requires, a contracting party to that Convention; and

(c) in so far as Article 8 of the Hague Convention requires, a contracting party to that Convention.

(2) For the purposes of this Act, a person convicted of an **offence** in his absence shall be treated as a person accused of that **offence**.

(3) For the purposes of this Act, an **offence** against the law of an approved State may be regarded as being an **offence** of a political character notwithstanding that there are no competing political parties in that State.

(4) References in this Act to the law of any country or State include references to the law of any part of that country or State.

3.—(1) The Minister may, by order published in the Gazette, designate a Commonwealth country as a designated Commonwealth State for the purposes of this Act.

Application of the provisions of this Act to designated Commonwealth States.

(2) The Minister may, by order published in the *Gazette*, direct that this Act shall have effect for the return of persons to, or in relation to persons returned from, any designated Commonwealth State subject to such exceptions, adaptations or modifications as are specified in the order.

(3) An order under subsection (2) shall be subject to affirmative resolution.

4.—(1) Where any extradition treaty has been made with any foreign State, whether before or after the 8th day of July, 1991, the Minister may, by order, declare that the provisions of this Act shall apply in respect of such foreign

Application of the provisions of this Act to foreign States.

EXTRADITION

State, subject to such exceptions, adaptations or modifications, as **the** Minister, having due regard to the terms of such treaty, may deem expedient to specify in the order for the purposes' of implementing such terms.

(2) As regards any treaty or agreement made prior to the 8th day of July, 1991, in relation to the extradition of fugitive offenders, all instruments made under any enactment (whether in Jamaica or in the United Kingdom) to give effect in Jamaica to the provisions of any such treaty or agreement, if in force at the 8th day of July, 1991, shall continue to have effect as if made under this Act until other provision is made pursuant to subsection (1).

(3) The Minister may from time to time, by order, compile and publish in the Gazette a list of foreign States with which extradition treaties or agreements binding on Jamaica are in force; and, without prejudice to any other form of proof of the existence of such a treaty or agreement, such a list shall, in any proceedings, be conclusive evidence that an extradition **treaty** or agreement is in force between Jamaica and each foreign State named in the list.

(4) An order under this section shall be subject to affirmative resolution.

Extradition
offences.

5.—(1) For the purposes of this Act, any **offence** of which a person is accused or has been convicted in an approved State is an extradition **offence**, if-

- (u) in the case of an **offence** against the law of a designated Commonwealth State-
 - (i) it is an **offence** which is punishable under that law with imprisonment for a term of two years or any greater punishment; and
 - (ii) the act or omission constituting the **offence**, or the equivalent act or omission, would constitute an **offence** against the law of

Jamaica if it took place within Jamaica (or in the case of an extra-territorial **offence**, in corresponding circumstances outside Jamaica) and would be punishable under the law of Jamaica with imprisonment for a term of two years or any greater punishment;

- (b) in the case of an **offence** against the law of a treaty State-
- (i) it is an **offence** which is provided for by the extradition treaty with that State; and
 - (ii) the act or omission constituting the **offence**, or the equivalent act or omission, would constitute an **offence** against the law of Jamaica if it took place within Jamaica or, in the case of an extra-territorial **offence**, in corresponding circumstances outside Jamaica.

(2) Any offence—

- (a) constituted by an act, including an act taking place in Jamaica, that is of a kind over which Contracting States under the Hague Convention are required by paragraph 1 of Article 4 of that Convention to establish jurisdiction; or
- (b) constituted by an act, including an act taking place in Jamaica, that is of a kind over which Contracting States under the Montreal Convention are required by paragraph 1 of Article 5 of that Convention to establish jurisdiction,

is an extradition **offence** for the purposes of this Act and shall be deemed to be committed within the jurisdiction of any Contracting State **that appears to a court in Jamaica**, having regard to the provisions of the Hague and Montreal Conventions, to be appropriate.

PART &--Extradition to approved States

Persons
liable to be
extradited.

6. Subject to the provisions of this Act, a person found in Jamaica who is accused of an extradition **offence** in any approved State or who is alleged to be unlawfully at large after conviction of such an **offence** in any such State, **may** be arrested and returned to that State as provided by this Act.

General
restrictions
on extradi-
tion.

35/1995
S. 2 (a) (i)
(ii).

7.—(1) A person shall not be extradited under this Act to an approved State or committed to or kept in custody for the purposes of such extradition, if it appears to the Minister, to the court of committal, to the Supreme Court on an application for *habeas corpus* or to the Court of Appeal on an appeal against a refusal to grant a writ of *habeas corpus*—

- (a) that the **offence** of which that person is accused or was convicted is an **offence** of a political character; or
- (b) that the request for extradition, though purporting to be on account of the extraditable **offence**, is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions; or
- (c) that he might, if extradited, be denied a fair trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions; or
- (d) that the **offence** of which that person is accused is statute **barred** in the approved State that has requested his extradition; or
- (e) that his extradition is prohibited by any law in force in Jamaica.

35/1995
S. 2(a)(iii).

35/1995
S. 2(a)(iii).

(2) A person accused of an **offence** or alleged to be unlawfully at large after being convicted of an **offence** shall not be extradited to any approved State, or be committed to or kept in custody for the purposes of his extradition, if it

EXTRADITION

appears to the Minister, to the court of committal, to the Supreme Court on an application for **habeas corpus** or to the Court of Appeal on an appeal against a refusal to grant a writ of **habeas corpus** that if charged with that **offence** in Jamaica he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

35/1995
S. 2 (b) (ii)

(3) A person shall not be extradited to an approved State or be committed to or kept in custody for the purposes of such extradition, unless provision is made by the law of that State, or by an arrangement made with that State, for securing that he will not-

(a) be tried or detained with a view to trial for or in respect of any **offence** committed before his extradition under this Act other than-

(i) the **offence** in respect of which his extradition is requested;

(ii) any lesser **offence** proved by the facts proved before a court of committal or, in relation to a fugitive brought before a magistrate pursuant to section 17, any lesser **offence** disclosed by the facts upon which the request for his extradition is based; or

(iii) any other **offence** being an extraditable **offence** in respect of which the Minister consents to his being so dealt with;

(b) without the consent of the Minister, be returned or surrendered to another State or detained with a view to such return or surrender,

unless he had first been restored to Jamaica, or had had an opportunity of leaving the approved State.

(4) Any such arrangement as is mentioned in subsection (3) may be an arrangement made for the particular case or an arrangement of a more general nature; and for

the purposes of that subsection a certificate issued by or under the authority of the Minister confirming the existence of an arrangement with any approved State and stating its terms shall be conclusive evidence of the matters contained in the certificate.

(5) The Minister may, in his discretion, refuse to extradite a fugitive on the ground that the fugitive is a citizen of Jamaica, but he shall not refuse to extradite the fugitive on that ground if the fugitive is also a citizen of the approved State that has requested the extradition.

(6) As regards any request by an approved State, the reference in this section to an **offence** of a political character does not include-

- (a) an **offence** or an attempt to commit an **offence** which is extraditable pursuant to a multilateral treaty or convention-
 - (i) to which both Jamaica and the approved State are parties;
 - (ii) the purpose of which is to prevent or repress a specific category of offences; and
 - (iii) which imposes on States an obligation either to extradite the person sought or to submit the matter to the competent authorities for decision as to prosecution; or
- (b) an **offence** or an attempt to commit an **offence** against the law relating to genocide or the aiding, abetting, inciting, **counselling** or procuring of the **offence** or a conspiracy by persons to commit the **offence**.

PART III-Proceedings for Extradition

**Authority
to proceed.**

8.—(1) Subject to the provisions of this Act relating to provisional warrants, a person shall not be dealt with under this Act except in pursuance of an order of the Minister (in this Act referred to as “authority to proceed”) issued in pursuance of a request made to the Minister by or on

behalf of an approved State in which the person to be extradited is accused or was convicted.

(2) There shall be furnished with any request made for the purposes of this section by or on behalf of any approved State-

- (u) in the case of a person accused of an **offence**, a warrant for his arrest issued in that State; or
- (b) in the case of a person unlawfully at large after conviction of an **offence**, a certificate of the conviction and sentence in that State and a statement of the part, if any, of that sentence which has been served,

together with, in each case, the particulars of the person whose extradition is requested, and of the facts upon which and the law under which he is accused or was convicted, and evidence sufficient to justify the issue of a warrant for his arrest under section 9.

(3) On receipt of such a request the Minister may issue an authority to proceed, unless it appears to him that an order for the extradition of the person concerned could not lawfully be made, or would not in fact be made, in accordance with the provisions of this Act.

9.—(1) A warrant for the arrest of a person accused of an extradition **offence**, or alleged to be unlawfully at large after conviction of such an **offence**, may be issued-

**Arrest for
purposes of
committal.**

- (u) on receipt of an authority to proceed, by a magistrate within the jurisdiction of whom such person is or is believed to be; or
- (b) without such an authority, by a magistrate upon information that such person is in Jamaica or is believed to be on his way to Jamaica; so, however, that the warrant, if issued under this paragraph, shall be provisional only.

(2) A warrant of arrest under this section may be issued upon such information as would, in the opinion of the magistrate, authorize the issue of a warrant for the arrest of a person accused of committing a corresponding **offence** or, as the case may be, of a person alleged to be unlawfully at large after conviction of an **offence**, within the jurisdiction of the magistrate.

(3) A warrant of arrest issued under this section (whether or not it is a provisional order) may, without an endorsement to that effect, be executed in any part of Jamaica, whether such part is within or outside the jurisdiction of the magistrate by whom it is so issued, and may be so executed by any person to whom it is directed or by any constable.

(4) Where a provisional warrant is issued, the magistrate by whom it is issued shall forthwith give notice of the issue to the Minister, and transmit to him the information and evidence, or a **certified** copy of the information and evidence, upon which it was issued; and the Minister may in any case, and shall, if he decides not to issue an authority to proceed in respect of the person to whom the warrant relates, by order cancel the warrant and, if that person has been arrested thereunder, discharge him from custody.

(5) Where a warrant is issued under this section for the arrest of a person accused of an **offence** of stealing or receiving stolen property or any other **offence** in respect of property the magistrate shall have the same power to issue a warrant to search for the property as if the **offence** had been committed within his jurisdiction.

Proceed-
ings for
committal.

10.—(1) A person arrested in pursuance of a warrant issued under section 9 shall, unless previously discharged under subsection (4) of that section, be **brought** as soon as practicable before a magistrate (in this Act referred to as “the court of committal”) who shall hear the **case** in the same manner, as nearly as may be, as if he were sitting as

an examining justice and as if that person were brought before him charged with an indictable **offence** committed within his jurisdiction.

(2) For the purposes of proceedings under this section, a court of committal shall have, as nearly as may be, the like jurisdiction and powers (including **power** to remand in custody or to release on bail) as it would have if it were sitting as an examining justice and the person arrested were charged with an indictable **offence** committed within its jurisdiction.

(3) Where the person arrested is in custody under a provisional warrant and no authority to proceed has been received in respect of him, the court of committal may, subject to subsection (4), fix a reasonable period (of which the court shall give notice to the Minister) after which he shall be discharged from custody unless an authority to proceed has been received.

(4) Where an extradition treaty applicable to any request for extradition specifies a period (hereinafter referred to as the treaty period) for the production of documents relevant to an application for extradition, any period fixed pursuant to subsection (3) shall be such as to terminate at the end of the treaty period.

(5) Where an authority to proceed has been issued in respect of the person arrested and the court of committal is satisfied, after hearing any evidence tendered in support of the request for the extradition of that person or on behalf of that person, that the **offence** to which the authority relates is an extradition **offence** and is further satisfied-

- (a) where the person is accused of the **offence**, that the evidence would be sufficient to warrant his trial for that **offence** if the **offence** had been committed in Jamaica; or

(b) where the person is alleged to be unlawfully at large after conviction for the **offence**, that he has been so convicted and appears to be so at large, the court of committal shall, unless his committal is prohibited by any other provision of this Act, commit him to custody to await his extradition under this Act; but if the court of committal is not so satisfied or if the **committal of** that person is so prohibited, the court of committal shall discharge him from custody.

Applica-
tion for
habeas
corpus, etc.

11.—(1) Where a person is committed to custody under section 10 (5), the court of committal shall inform him in ordinary language of his right to make an application for ***habeas corpus*** and shall forthwith give notice of the committal to the Minister.

(2) A person committed to custody under section 10 (5) shall not be extradited under this Act-

- (a) in any case, until **the** expiration of the period of fifteen days commencing on the day on which the order for his committal is made; and
- (b) if an application for ***habeas corpus*** is made in his case, so long as proceedings on the application are pending.

(3) On any such application the Supreme Court may, without prejudice to any other power of the Court, order the person committed to be discharged from custody if it appears to the Court that-

- (a) by reason of the trivial nature of the **offence** of which he is accused or was convicted; or
- (b) by reason of the passage of time since he is alleged to have committed the **offence** or to have become unlawfully at large, as the case may be; or
- (c) 'because the accusation against him is not made in good faith in the interest of justice,

it would, having regard to all the circumstances, be unjust or oppressive to extradite him.

(4) On any such application the Supreme Court may receive additional evidence relevant to the exercise of its jurisdiction under section 7 or under subsection (3) of this section.

(5) The provisions of subsection (3) shall *mutatis mutandis* apply in relation to any appeal against the Supreme Court's refusal to grant a writ of *habeas corpus*. 35/1995
S. 3.

(6) For the purposes of this section, proceedings on an application for *habeas corpus* shall be treated as pending until any appeal in those proceedings is disposed of; and an appeal shall be treated as disposed of at the expiration of the time within which the appeal may be brought if the appeal is not brought within that time. 35/1995
S. 3.

12.—(1) Where a person is committed to await his extradition and is not discharged by order of the Supreme Court or of the Court of Appeal, the Minister may, by warrant, order him to be extradited to the approved State by which the request for the extradition was made unless the extradition of that person is prohibited, or prohibited for the time being, by section 7 or by this section, or the Minister decides under this section to make no such order in his case. Order for
extradition
and
priority
of requests.
35/1995
S. 4.

(2) The Minister may in the case of a person who is serving a sentence of imprisonment or detention, or is charged with an **offence**, in Jamaica-

- (a) defer the making of an order under this section-
- (i) until the sentence has been served; or
 - (ii) until the charge is disposed of or withdrawn

and, if it results in a sentence of imprisonment (not being a suspended sentence), until the sentence has been served;

- (b) make an order for extradition, on such terms as may be agreed with the approved State which requested the extradition, for such period as may be necessary to permit proceedings in that State against that person for the **offence** in respect of which his extradition is requested.

(3) The Minister shall not make an order under this section in the case of any person if it appears to the Minister, on the grounds mentioned in subsection (3) of section 11, that it would be unjust or oppressive to extradite that person.

(4) The Minister may decide to make no order under this section in the case of a person accused or convicted of an extradition **offence** not punishable with death in Jamaica if that person could be or has been sentenced to death for that **offence** in the approved State by which the request for his return is made; and for the purposes of this subsection the Minister may take into account any assurance given by the requesting State that the death penalty if imposed, will not be carried out.

(5) The Minister may decide to make no order under this section for the extradition of a person committed in consequence of a request made by or on behalf of an approved State if another request for his extradition under this Act has been made on behalf of another approved State and it appears to the Minister, having regard to all the circumstances of the case, and in particular-

- (a) the relative seriousness of the **offences** in question;
(b) the date on which each such request was made; and
(c) the nationality or citizenship of the person concerned and his ordinary residence,
that preference should be given to the **other request**.

(6) Notice of the issue of a warrant under this section shall forthwith be given to the person to be extradited thereunder and thereupon the provisions of the Corrections Act shall apply with respect to that person as if, subject to such arrangements as the Minister may approve with regard to custody or other factors required for the purposes of giving effect to this Act, the warrant were an order in writing issued under section 23 of the Corrections Act (order to produce an inmate at any place in the interests of justice etc.).

13.—(1) If any person committed to await his extradition is in custody in Jamaica under this Act after the expiration of the following period, that is to say—

**Discharge
of fugitive
in case of
delay in
extraditing.**

- (a) in any case, the period of two months commencing with the first day on which, having regard to subsection (2) of section 11, he could have been extradited; or
- (b) where a warrant for his extradition has been issued under section 12, a period of one month commencing with the day on which that warrant was issued,

he may apply to the Supreme Court for his discharge.

(2) If upon any such application the Supreme Court is satisfied that reasonable notice of the proposed application has been given to the Minister, the Supreme Court may, unless **sufficient** cause is shown to the contrary, by order direct the applicant to be discharged from custody and, if a warrant for his extradition has been issued under section 12, quash that warrant.

14.—(1) In any proceedings under this Act, including Evidence. proceedings on an application for *habeas corpus* in respect of a person in custody under this Act—

- (u) a document, duly authenticated, which purports to set out testimony given on oath in an approved

State shall be admissible as evidence of the matters stated therein;

- (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 proceedings in an approved State shall be admissible in evidence; and
- (c) a document, duly authenticated, which certifies that-
 - (i) the person was convicted on the date specified in the document of an **offence** against the law of an approved State; or
 - (ii) that a warrant for his arrest was issued on the date specified in the document,shall be admissible as evidence of the conviction or evidence of the issuance of a warrant for the arrest of the accused, as the case may be, and of the other matters stated therein.

(2) A document shall be deemed to be duly authenticated for the purposes of this section-

- (a) in the case of a document which purports to set out testimony given as referred to in subsection (1) (a), if the document purports to be certified by a judge, magistrate or officer of the Court in or of the approved State in question or an officer of the diplomatic or consular service of that State to be the original document containing or recording that testimony or a true copy of that original document;
- (b) in the case of a document which purports to have been received in evidence as referred to in subsection (1) (**b**) or to be a copy of a document so received, if the document purports to be certified as aforesaid to have been, or to be a true copy of, a document which has been so received; or

- (c) in the case of a document which certifies that a person was convicted or that a warrant for his arrest was issued as referred to in subsection (1) (c), if the document purports to be certified as aforesaid,

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 approved State in question.

(3) In this section “oath” includes affirmation or declaration.

(4) Nothing in this section shall prevent the proof of any matter, or the admission in evidence of any document, in accordance with any other law of Jamaica.

15.—(1) Any person remanded or committed to custody under section 10 shall be committed to the like institution as a person charged with an **offence** before the court of committal. **Custody.**

(2) If any person who is in custody by virtue of a warrant under this Act escapes from custody, he may be apprehended in any part of Jamaica in like manner as a person escaping from custody under a warrant for his arrest issued in that part in respect of an **offence** committed therein.

(3) Where a person being in custody in any part of Jamaica whether under this Act or otherwise, is required to be removed in custody under this Act to another part of Jamaica and is so removed, he shall be deemed to continue in legal custody until he reaches the place to which he is required to be removed.

(4) A warrant issued under section 12 for the extradition of any person to any approved State shall be sufficient authority for all persons to whom it is directed and for all police or prison officers to receive that person and keep

him in custody and convey him into the jurisdiction of that State.

(5) **Any** warrant or order required to be issued or made by the Minister under the provisions of this Act shall be in such form (if any) as may be prescribed and shall be given under the hand of the Minister.

Property found on fugitive.

16. Everything found in the possession of a fugitive at the time of his arrest which may be material as evidence in proving the extradition **offence** may be delivered with the fugitive on his extradition, subject to any rights of third parties with respect thereto.

Fugitive may be extradited without formal extradition proceedings.

17.—(1) Where a fugitive arrested pursuant to a warrant under section 9 indicates that he is willing to be extradited he shall be brought before a magistrate who shall inform him of his right to formal extradition proceedings under this Act.

(2) If the fugitive, upon being informed of his right to extradition proceedings, consents in writing to be **extra-**di ted without such proceedings, the magistrate shall commit him to custody to await his extradition under this Act.

(3) Subject to subsection (4), where a fugitive is committed to custody to await his extradition pursuant to subsection (2), the Minister may, notwithstanding the provisions of section 11, order him to be extradited forthwith to the approved State by which the request for extradition was made.

(4) In making an order under subsection (3) the Minister shall have regard to the provisions of section 7 and to the requirements of section 12 (2), (3), (4) and (5) relating to the making of an order under that section.

P N-Extradition from approved States

Extradition of persons to Jamaica and certain restrictions for other offences.

18.—(1) This section applies to any person accused or convicted of an **offence** under the law of Jamaica and who is extradited to Jamaica from any approved State under

[The inclusion of this page is authorized by L.N. 95/1997]

any law that provides for the extradition of fugitive offenders from that State.

(2) A person to whom this section applies shall not, during the period described in subsection (3)-

(a) be tried in Jamaica or be detained with a view to trial in Jamaica for or in respect of any **offence** committed before he was extradited to Jamaica other than-

(i) the **offence** in respect of which his extradition is requested;

(ii) any lesser **offence** proved by the facts established for the purposes of securing his extradition or, in the case of a fugitive who is extradited to Jamaica without formal extradition proceedings in an approved State, any lesser **offences** disclosed by the facts upon which the request for extradition was based;

(iii) any other **offence**, being an extraditable **offence**, in respect of which the Government of the approved State from which he was extradited may consent to his being so tried or detained; or

(b) without the consent of the approved State from which he was extradited-

(i) be returned or surrendered to any country other than the approved State from which he was extradited; or

(ii) be detained with a view to such return or surrender as aforesaid.

(3) The period referred to in subsection (2) in relation to a person to whom this section **applies is the** period commencing on the day of his arrival in Jamaica on his extradition and ending forty-five days after the first subsequent day on which he has the opportunity to leave Jamaica.

(4) Nothing in this section shall prevent the trial, or detention with a view to trial, for any offence of a person who, having left Jamaica after the date on which he was extradited to Jamaica, voluntarily returns thereto.

Restoration
of persons
not tried or
acquitted.

19.—(1) This section applies to any person accused of an offence under the law of Jamaica who is extradited to Jamaica as mentioned in subsection (1) of section 18.

(2) If in the case of a person to whom this section applies, either-

- (a) proceedings against him for the offence for which he was extradited are not begun within the period of six months commencing with the day of his arrival in Jamaica on being extradited; or
- (b) on his trial for that offence he is acquitted or discharged,

the Minister may, if he thinks fit, on the request of that person, arrange for him to be sent back free of charge and with as little delay as possible to the country from which he was extradited.

PART V—Miscellaneous

Regulations.

20. The Minister may make regulations in respect of all such matters as are required or necessary for carrying out or giving effect to this Act and, in particular, in respect of any matter required by this Act to be prescribed.

Application to
offences committed
before as well as
after the
8th day of
July, 1991.

21. A fugitive whose extradition is sought by an approved State, or from such State to Jamaica shall, subject to the provisions of this Act, be liable to be dealt with under this Act whether the offence in respect of which he has been accused or convicted was committed before or after the 8th day of July, 1991.

22. Where an extradition treaty which is binding on Jamaica is replaced by another extradition treaty made between Jamaica and a foreign State, the replacement shall not prejudice any proceedings pending at the time of the replacement.

Saving of proceedings pending at time of new treaties

23.—(1) Subject to the provisions of section 4 (2) of this Act, the Extradition Acts, 1870 to 1932 (of the United Kingdom) and the Fugitive Offenders Act, 1881 (of the United Kingdom) shall cease to have effect in Jamaica after the 8th day of July, 1991.

Repeals (for Jamaica).
33 & 34
Vict. c. 52.
36 & 37
Vict. c. 60
58 & 59
Vict. c. 33.

(2) The Interpretation Act shall have effect as if the Acts of the United Kingdom mentioned in subsection (1) were Acts within the meaning of the Interpretation Act.

