



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART I

#### EXTRADITION

*Channel Islands, Isle of Man and colonies*

#### **19 Application to Channel Islands and Isle of Man**

- (1) Subject to the provisions of this section, sections 1 to 18 above shall extend to the Channel Islands and the Isle of Man, and shall have effect as if each of them were part of the United Kingdom.
- (2) Her Majesty may by Order in Council direct that any of the provisions mentioned in subsection (1) above shall, in its application to any of the said islands, have effect subject to such exceptions, adaptations or modifications as may be specified in the Order.

#### **20 Application of general extradition arrangements to colonies**

- (1) Upon the making of an Order in Council under section 2 above, the provisions of this Act specified in subsection (2) below shall, unless the Order otherwise provides, extend to every colony, as regards the extradition arrangements to which the Order refers, but subject—
  - (a) to the modifications set out in subsections (3) to (6) below; (b) to any further modifications as to procedure prescribed by the law of the colony; and
  - (c) to the limitations, restrictions, exceptions and qualifications, if any, contained in the Order.
- (2) The provisions of this Act mentioned in subsection (1) above are—
  - (a) section 1(1) to (8);
  - (b) sections 3 to 10;
  - (c) sections 12 to 18; and

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (d) this section.
- (3) A reference to the colony shall be substituted for any reference to the United Kingdom or Great Britain.
- (4) An extradition request may be made to the Governor and the Governor may exercise the powers of the Secretary of State.
- (5) A reference to a consular representative recognised by the Governor shall be substituted for the reference in section 4(1) above to a diplomatic representative recognised by the Secretary of State.
- (6) Any reference to a magistrate, judge or court shall be construed as a reference to such judicial authority as the law of the colony may provide.
- (7) Her Majesty may by Order in Council direct that in any colony specified in the Order—
  - (a) the Extradition Act 1870 shall have effect with the amendments made by this Act; and
  - (b) the Fugitive Offenders Act 1967 shall have effect with the amendments and repeals so made.

## **21 Special extradition arrangements—colonies**

- (1) Her Majesty may by Order in Council direct that this section shall extend to any colony specified in the Order in the case of foreign states with whom there are no general extradition arrangements, subject to the limitations, restrictions, exceptions and qualifications, if any, contained in the Order.
- (2) Where arrangements have been made in respect of a person under which extradition procedures under this Part of this Act will be available as between a colony to which this section applies and a foreign state, such extradition procedures shall be available in the case of that person, as between the colony and the state with whom the arrangements have been made, subject—
  - (a) to the modifications of the provisions of this Act specified in subsection (2) of section 20 above set out in subsections (3) to (6) of that section;
  - (b) to any further modifications as to procedure prescribed by the law of the colony; and
  - (c) to the limitations, restrictions, exceptions and qualifications, if any, contained in the arrangements.
- (3) The provisions of this Act mentioned in section 20(2)(a) to (c) above shall extend to the colony so far as is necessary for the purposes of the arrangements.
- (4) If the governor or the Secretary of State issues a certificate—
  - (a) that such arrangements have been made; and
  - (b) that extradition procedures are available in the case of the person named in the certificate as between the colony and the foreign state to the extent specified in the certificate,it shall be conclusive evidence of all matters stated in it.