

CHAPTER 91**CRIMINAL PROCEDURE CODE****Subsidiary Legislation under the Fugitive Offenders Act,
1967 (1967 c. 68) of the United Kingdom**

S.I. 1967 No. 1904.

**FUGITIVE OFFENDERS (BAHAMA ISLANDS)
ORDER, 1967¹**

S.I. 7/1968.

Made 20th December, 1967
Laid before Parliament 29th December, 1967
Coming into Operation..... 1st January, 1968

At the Court at Buckingham Palace, the 20th day of
December, 1967.

Present,

The Queen's Most Excellent Majesty in Council.

Her Majesty, in exercise of the powers conferred upon Her by sections 17 and 20 of the Fugitive Offenders Act 1967², is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows —

1. This Order may be cited as the Fugitive Offenders (Bahama Islands) Order, 1967. Citation.

2. The Interpretation Act, 1889³ shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament. Interpretation.

3. Sections 1 to 15, inclusive, 19, 20, 21 and 22 of, and Schedules 1 and 2 to, the Fugitive Offenders Act 1967, modified and adapted as in the Schedule hereto, shall extend to the Colony of the Bahama Islands: Extension of
Fugitive
Offenders Act,
1967, to The
Bahamas.

¹ As amended by S.I. 1968/292.

² 1967 c. 68.

³ 1889 c. 63.

Provided that nothing in those sections and schedules shall apply in relation to Southern Rhodesia.

Revocation.

4. The Fugitive Offenders (Extension) Order, 1967⁴ is revoked in so far as it forms part of the law of the Colony of the Bahama Islands.

SCHEDULE TO THE ORDER (Article 3)

PROVISIONS OF FUGITIVE OFFENDERS ACT, 1967 AS EXTENDED TO THE COLONY OF THE BAHAMA ISLANDS

Return of Offenders to the United Kingdom, Commonwealth Countries, the Republic of Ireland and Dependencies

Persons liable to be returned.

1. Subject to the provisions of this Act, a person found in the Colony who is accused of a relevant offence in any other country being —

- (a) the United Kingdom; or
- (b) a Commonwealth country designated for the purposes of this section under section 2(1) of this Act, or the Republic of Ireland; or
- (c) a United Kingdom dependency as defined by section 2(2) of this Act,

or who is alleged to be unlawfully at large after conviction of such an offence in any such country, may be arrested and returned to that country as provided by this Act.

Designated Commonwealth countries and United Kingdom dependencies.

2. (1) The Governor may, with the approval of the Secretary of State, by order designate for the purposes of section 1 of this Act any country for the time being mentioned in section 1(3) of the British Nationality Act, 1948⁵ (countries having separate citizenship), or any other country within the Commonwealth; and any country so designated is in this Act referred to as a designated Commonwealth country.

(2) In this act the expression “United Kingdom dependency” means —

- (a) any colony (not being a colony for whose external relations a country other than the United Kingdom is responsible);
- (b) any associated state within the meaning of the West Indies Act, 1967; and

⁴ S.I. 1967/1303 (1967 II, p. 3772).

⁵ 1948 c. 56.

- (c) any country outside Her Majesty's dominions (being a country in which Her Majesty has jurisdiction, or over which She extends protection in right of Her Government in the United Kingdom) to which the Governor may, with the approval of the Secretary of State, by order apply this subsection,

not being in any case a country which is or forms part of a designated Commonwealth country.

(3) The Governor may, with the approval of the Secretary of State, by order direct that this Act shall have effect in relation to the return of persons to, or in relation to persons returned from, the United Kingdom, any designated Commonwealth country the Republic of Ireland or any United Kingdom dependency subject to such exceptions, adaptations or modifications as may be specified in the order.

(4) For the purposes of any order under subsection (1) of this section, any territory for the external relations of which a Commonwealth country is responsible may be treated as part of that country or, if the Government of that country so requests, as a separate country.

3. (1) For the purposes of this Act an offence of which a person is accused or has been convicted in the United Kingdom or a designated Commonwealth country or the Republic of Ireland or a United Kingdom dependency is a relevant offence if —

Relevant
offences.

- (a) in the case of an offence against the law of a designated Commonwealth country or the Republic of Ireland, it is an offence which, however described in that law, falls within any of the descriptions set out in Schedule 1 to this Act, and is punishable under that law with imprisonment for a term of twelve months or any greater punishment;
- (b) in the case of an offence against the law of the United Kingdom or a United Kingdom dependency, it is punishable under that law, on conviction by or before a superior court, with imprisonment for a term of twelve months or any greater punishment; and
- (c) in any case, the act or omission constituting the offence, or the equivalent act or omission, would constitute an offence against the law of the Colony if it took place within the Colony or, in the case of an extra-territorial offence, in corresponding circumstances outside the Colony.

(2) In determining for the purposes of this section whether an offence against the law of a designated Commonwealth country or the Republic of Ireland falls within a description set out in Schedule 1 to this Act, any special intent or state of mind or special circumstances of aggravation which may be necessary to constitute that offence under the law shall be disregarded.

(3) The descriptions set out in Schedule 1 to this Act include in each case offences of attempting or conspiring to commit, of assisting, counselling or procuring the commission of or being accessory before or after the fact to the offences therein described, and of impeding the apprehension of prosecution of persons guilty of those offences.

(4) References in this section to the law of any country (including the Colony) include references to the law of any part of that country.

General
restrictions on
return.

4. (1) A person shall not be returned under this Act to a designated Commonwealth country or the Republic of Ireland, or committed to or kept in custody for the purposes 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* —

- (a) that the offence of which that person is accused or was convicted is an offence of a political character;
- (b) that the request for his return (though purporting to be made on account of a relevant 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 returned, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.

(2) A person accused of an offence shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, if it appears as aforesaid that if charged with that offence in the Colony he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

(3) A person shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, unless provision is made by the law of that country, or by an arrangement made with that country, for securing that he will not, unless he has first been restored or had an opportunity of returning to the Colony, be dealt with in that country for or in respect of any offence committed before his return under this Act other than —

- (a) the offence in respect of which his return under this Act is requested;
- (b) any lesser offence proved by the facts proved before the court of committal; or
- (c) any other offence being a relevant offence in respect of which the Governor may consent to his being so dealt with.

(4) Any such arrangement as is mentioned in subsection (3) of this section may be an arrangement made for the particular case or

an arrangement of a more general nature; and for the purpose of that subsection a certificate issued by or under the authority of the Governor confirming the existence of an arrangement with any country and stating its terms shall be conclusive evidence of the matters contained in the certificate.

(5) The reference in this section to an offence of a political character does not include an offence against the life or person of the Head of the Commonwealth or any related offence described in section 3(3) of this Act.

Proceedings for Return

5. (1) Subject to the provisions of this Act relating to provisional warrants, a person shall not be dealt with thereunder except in pursuance of an order of the Governor (in this Act referred to as an authority to proceed), issued in pursuance of a request made to the Governor by or on behalf of the Government of the United Kingdom or of the Republic of Ireland, or of the designated Commonwealth country, or by the Governor of the United Kingdom dependency, in which the person to be returned is accused or was convicted.

Authority to proceed.

(2) There shall be furnished with any request made for the purposes of this section on behalf of any country —

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

together (in each case) with particulars of the person whose return 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 6 of this Act.

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

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

Arrest for purposes of committal.

- (a) on the receipt of an authority to proceed, by the Chief Magistrate or by a Stipendiary and Circuit Magistrate in any part of the Colony;
- (b) without such an authority, by any magistrate in any part of the Colony, upon information that the said person is or is believed to be in or on his way to the Colony,