

M E M O R A N D U M  
for the Cabinet

by the Minister of Justice and Parliamentary Affairs on the designation of Commonwealth Countries for the purpose of the Extradition (Commonwealth Countries) Act, 1970.

1. The Extradition (Commonwealth Countries) Act, 1970, which was enacted on the 19th June, 1970, cannot operate unless there is a designation of the countries to which extradition may be granted under the provisions thereof.
2. For such purpose section 3(1) of the Act provides that "The Governor-General may by order designate for the purposes of section 2 of this Act any country for the time being mentioned in subsection (3) of section 29 of the Constitution of Malta (countries having separate citizenship), or any other country within the Commonwealth".
3. Extradition normally operates between countries on the basis of reciprocity and, since the said Act repealed the United Kingdom Fugitives Act, 1881, in so far as it had the force of law in Malta, the position at present is that, until an order is made under the said section 3(1), there are several Commonwealth Countries who can extradite to Malta but cannot extradite from Malta. If this state of affairs were to be prolonged, such countries would cancel Malta from the list of Commonwealth Countries to which they grant extradition.

4. Australia, the United Kingdom and Singapore are the only Commonwealth Countries who so far have brought into force extradition legislation along the lines of the scheme approved at the Conference of the

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Commonwealth Law Ministers of 1966. They have all designated Malta as a Commonwealth Country to which extradition is granted.

5. Kenya has also made legislation to follow the above scheme, but has not to so far designated Malta as a country to which extradition may be granted. Malawi and Lesotho have also made similar legislation but they have not brought it into force so far.

6. Other Commonwealth Countries, namely Cyprus, Barbados, The Gambia, Jamaica, New Zealand, Trinidad and Tobago, have still in force the United Kingdom Fugitive Offenders Act, 1881, and can extradite to Malta under the provisions of the said Act. Canada has in force extradition legislation which allows extradition to Malta.

7. In the above circumstances, Hon. Ministers are requested to advise the Governor-General to make an order (as per attached draft) under section 3(1) of the Extradition (Commonwealth Countries) Act, 1970, designating the countries listed below as countries to which extradition may take place under the provisions of the said Act:-

- Australia (\*)
  - Barbados (\*\*)
  - Canada (\*\*\*)
  - The Republic of Cyprus (\*\*)
  - The Gambia (\*\*)
  - Jamaica (\*\*)
  - New Zealand (\*\*)
  - Singapore (\*)
  - Trinidad and Tobago (\*\*)
  - United Kingdom of Great Britain and Ireland (\*)
- (\*) Have enacted legislation implementing the London Scheme and extended it to Malta
- (\*\*) Are still governed by the U.K. Fugitive Offenders Act, 1881, and extend it to Malta
- (\*\*\*) Has its own pre-London scheme legislation and extends it to Malta /...

10 JUL 1970

L.N.

The Extradition (Commonwealth Countries) Act, 1970  
The Extradition (Designated Commonwealth Countries)  
Order, 1970

Date of commencement:- (date of publication)

IN exercise of the powers conferred by subsection (1) of section 3 of the Extradition (Commonwealth Countries) Act, 1970, His Excellency the Governor-General has made the following order:-

- Citation.
1. This Order may be cited as the Extradition (Designated Commonwealth Countries) Order, 1970.
  2. The countries specified in the Schedule here-  
Designated Commonwealth Countries. to are hereby designated for the purposes of section 2 of the Extradition (Commonwealth Countries) Act, 1970.

SCHEDULE

Australia  
Barbados  
Canada  
The Republic of Cyprus  
The Gambia  
Jamaica  
New Zealand  
Singapore  
Trinidad<sup>a</sup> and Tobago  
United Kingdom of Great Britain and Ireland

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