

**Reprint
as at 19 September 2003**



**Extradition (United Kingdom and
Pitcairn Islands) Order 2003**

(SR 2003/254)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 15th day of September 2003

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 40(1) of the Extradition Act 1999, Her Excellency the Governor-General, acting on the recommendation of the Minister of Justice, and on the advice and with the consent of the Executive Council, makes the following order.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Ministry of Justice.

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Order

- 1 Title**

This order is the Extradition (United Kingdom and Pitcairn Islands) Order 2003.
- 2 Commencement**

This order comes into force on the 28th day after the date of its notification in the *Gazette*.
- 3 Designated countries**
 - (1) The United Kingdom of Great Britain and Northern Ireland is declared by this order to be a designated country for the purposes of Part 4 of the Extradition Act 1999.
 - (2) The British Overseas Territory of the Pitcairn, Henderson, Ducie and Oeno Islands is declared by this order to be a designated country for the purposes of Part 4 of the Extradition Act 1999.
 - (3) The only British Overseas Territory to which this order applies is the one specified in subclause (2).
- 4 Application of Part 4**
 - (1) Part 4 of the Extradition Act 1999 applies to the countries declared by clause 3 to be designated countries for the purposes of that Part.
 - (2) Subclause (1) is subject to the exception in clause 5.
- 5 Exception to application of Part 4**

The exception referred to in clause 4(2) is that if the person whose surrender is sought is a New Zealand citizen, a court

must not refer the proceedings to the Minister under section 48(1)(a) of the Extradition Act 1999.

Diane Morcom,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the 28th day after the date of its notification in the *Gazette*, declares 2 countries to be designated countries for the purposes of Part 4 of the Extradition Act 1999.

The 2 countries so declared to be designated countries for those purposes are—

- the United Kingdom of Great Britain and Northern Ireland; and
- the British Overseas Territory of the Pitcairn, Henderson, Ducie and Oeno Islands.

The simpler procedure provided for in Part 4 of the Extradition Act 1999 will thus apply to extradition requests made by either of those 2 countries to New Zealand.

The effect of *clause 5* is that it will not be possible to refuse extradition to the United Kingdom or the Pitcairn Islands solely on the ground of New Zealand citizenship. A similar situation exists with regard to extradition to Australia. This does not, however, affect the use of other refusal grounds in the Extradition Act 1999.

Extradition requests from British Overseas Territories, other than the Pitcairn Islands, will continue to be dealt with under Part 3 of the Act.

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Notes

1 *General*

This is a reprint of the Extradition (United Kingdom and Pitcairn Islands) Order 2003. The reprint incorporates all the amendments to the order as at 19 September 2003, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions,

see <http://www.pco.parliament.govt.nz/editorial-conventions/>
or Part 8 of the *Tables of New Zealand Acts and Ordinances
and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
