



Extradition (Exempted Country: Czech Republic) Order 2003

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 17 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.

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Order

1 Title

This order is the Extradition (Exempted Country: Czech Republic) Order 2003.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Czech Republic exempted

The Czech Republic, a country to which Part 3 of the Extradition Act 1999 applies, is declared by this order to be also a country to which section 25 of that Act applies (an “exempted country”).

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 that the Czech Republic, a country to which Part 3 of the Extradition Act 1999 applies, is also a country to which section 25 of that Act applies (an “exempted country”).

Under Part 3 of the Extradition Act 1999, a country seeking extradition of a person from New Zealand must satisfy a court that there would be sufficient evidence to justify the person’s trial in New Zealand if the alleged offence had occurred in New Zealand, or, in other words, that a prima facie case exists against that person.

Section 25 of the Extradition Act 1999 introduces a new procedure into the regime for determining whether a person is eligible for surrender from New Zealand. It allows exempted countries to produce, or have produced on their behalf, a record of the case. This record may be used as evidence for the purposes of determining whether there is a prima facie case against the person.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 18 September 2003.

This order is administered in the Ministry of Justice.
