



# Extradition (United Kingdom and Pitcairn Islands) 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 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.

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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.

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**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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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.

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