

STATES OF JERSEY

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DRAFT EXTRADITION (DESIGNATED TERRITORIES) (No. 2) (JERSEY) REGULATIONS 200

Lodged au Greffe on 18th October 2005
by the Policy and Resources Committee

STATES GREFFE



Jersey

DRAFT EXTRADITION (DESIGNATED TERRITORIES) (No. 2) (JERSEY) REGULATIONS 200

REPORT

The Hong Kong Special Administrative Region is at present a designated territory of the second category for the purposes of the Extradition (Jersey) Law 2003. This means that although Jersey may entertain a request from the Hong Kong authorities for a person's extradition from the island, the request must be supported by formal evidence.

As in the United Kingdom, Jersey's legislation also provides for designation of territories of a separate category, in respect which the island will entertain a request for extradition that is supported by information instead of formal evidence. Under Jersey's Law, these countries are classified as designated territories of the first category.

In the United Kingdom, Hong Kong's designation has been upgraded from the equivalent of Jersey's second category to the equivalent of its first category, and it is thought appropriate and desirable to follow suit here.

There are no financial or manpower implications for the States that arise from the Regulations.

Explanatory Note

These Regulations would designate the Hong Kong Special Administrative Region a designated territory of the first category for the purposes of the Extradition (Jersey) Law 2004. At present, the Region is designated as a territory of the second category.

The effect of the new designation would be to allow the Magistrate, in considering a request for a person's extradition from Jersey to Hong Kong, to act on information other than evidence.

However, the Regulations will not have effect in respect of a request where the Attorney General has issued a certificate under Article 7 of the Law, or a provisional warrant has been issued, before the date on which the Regulations commence.

The Regulations would come into force on the day after they are made.



Jersey

DRAFT EXTRADITION (DESIGNATED TERRITORIES) (No. 2) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Articles 6 and 120 of the Extradition (Jersey) Law 2004,^[1] have made the following Regulations –

1 Designated territory of the first category

- (1) The Hong Kong Special Administrative Region is specified as a territory in Part 1 of Schedule 1 to the Extradition (Jersey) Law 2004.
- (2) The Hong Kong Special Administrative Region is deleted from Part 2 of Schedule 1 to that Law.

2 Saving

These Regulations do not apply to a request in respect of which –

- (a) the Attorney General has issued a certificate under Article 7 of the Extradition (Jersey) Law 2004; or
- (b) a person has been arrested under a provisional warrant issued under Article 10 of that Law, before the commencement of the Regulations.

3 Citation and commencement

- (1) These Regulations may be cited as the Extradition (Designated Territories) (No. 2) (Jersey) Regulations 200-.
- (2) These Regulations come into force on the day after they are made.

^[1] L.24/2004.