

# **STATES OF JERSEY**

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## **DRAFT EXTRADITION (JERSEY) LAW 200 (P.39/2004): AMENDMENTS**

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**Lodged au Greffe on 27th April 2004  
by the Policy and Resources Committee**

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**STATES GREFFE**

DRAFT EXTRADITION (JERSEY) LAW 200- (P.39/2004): AMENDMENTS

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PAGE 45, ARTICLE 20, PARAGRAPH (2) –

*For the words “the designated territory who are” substitute the words “the territory that is”.*

PAGE 47, ARTICLE 22, PARAGRAPH (6) –

*For paragraph (6) substitute the following paragraph –*

“(6) If the Magistrate decides that the person would not be entitled to a retrial or (on appeal) to a review amounting to a retrial, the Magistrate shall order that the person be discharged.”.

PAGE 50, ARTICLE 30, PARAGRAPH (1)(b) –

*For the word “speciality” substitute the word “specialty”.*

PAGE 51, ARTICLE 32 –

- (1) *In the heading, for the word “Speciality” substitute the word “Specialty”.*
- (2) *For the word “speciality”, in each place where it appears in paragraphs (1) and (3), substitute the word “specialty”.*

PAGE 55, ARTICLE 41 –

- (1) *In paragraph (1), for the figures “41” substitute the figures “40”.*
- (2) *In paragraph (3)(b), after the words “ought to have” insert the word “been”.*

PAGES 57 AND 58, ARTICLE 44 –

*For paragraph (3), substitute the following paragraph –*

- “(3) An appeal under Article 42 is pending until–
- (a) it is abandoned;
  - (b) the Royal Court dismisses the appeal and the circumstances to which paragraph (4) refers apply;
  - (c) the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council, against the decision of the Royal Court on the appeal, is granted; or
  - (d) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time,
- whichever occurs first.”.

PAGE 58, ARTICLE 46(1) –

*For the figures “42” substitute the figures “45”.*

PAGE 59, ARTICLE 48(5)(a) –

*Delete the words “the person” in the first place where they appear.*

PAGE 60, ARTICLE 50 –

*Insert the word “to” after the words “order as”.*

PAGE 64, ARTICLE 56(4)(a) –

*Delete the words “to appeal” in the second place where they appear.*

PAGE 69, ARTICLE 66(10) –

*For the word “affirmative” substitute the word “negative”.*

PAGE 70, ARTICLE 67(10) –

*For the word “affirmative” substitute the word “negative”.*

PAGE 82, ARTICLE 86(9) –

*Insert the word “of” after the words “only in respect”.*

PAGE 84, ARTICLE 88(9) –

*For the word “give” substitute the word “given”.*

PAGE 93, ARTICLE 108(3) –

(1) *In paragraph (3)(a), after the words “for leave to appeal;” insert the word “or”.*

(2) *For sub-paragraphs (b) and (c) of paragraph (3) substitute the following sub-paragraph –*  
*“(b) when the Privy Council refuses leave to appeal to it, if there is such an application.”.*

PAGE 102, SCHEDULE 2, PARAGRAPH 6(2) –

*For the words “the designated territory who are” substitute the words “the territory that is”.*

PAGE 103, SCHEDULE 2, PARAGRAPH 7 –

*For sub-paragraph (6) substitute the following paragraph –*

*“(6) If the Magistrate decides that the person would not be entitled to a retrial or (on appeal) to a review amounting to a retrial, the Magistrate shall order that the person be discharged.”.*

PAGE 107, SCHEDULE 2, PARAGRAPH 15(1)(b) –

*For the word “speciality” substitute the word “specialty”.*

PAGE 108, SCHEDULE 2, PARAGRAPH 17 –

(1) *In the heading, for the word “Speciality” substitute the word “Specialty”.*

(2) *For the word “speciality”, in each place where it appears in sub-paragraphs (1) and (3), substitute the word “specialty”.*

PAGE 112, SCHEDULE 2, PARAGRAPH 26(3)(b) –

*After the words “ought to have” insert the word “been”.*

PAGE 113, SCHEDULE 2, PARAGRAPH 29(3) –

*For paragraph (3) substitute the following paragraph –*

- “(3) An appeal under paragraph 27 is pending until–
- (a) it is abandoned;
  - (b) the Royal Court dismisses the appeal and the circumstances to which sub-paragraph (4) refers apply;
  - (c) the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council, against the decision of the Royal Court on the appeal, is granted; or
  - (d) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time,
- whichever occurs first.”.

PAGE 114, SCHEDULE 2, PARAGRAPH 31(1) –

*For the figures “27” substitute the figures “30”.*

PAGE 115, SCHEDULE 2, PARAGRAPH 33(5)(a) –

*Delete the words “the person” in the first place where they appear.*

PAGE 116, PARAGRAPH 35 –

*Insert the word “to” after the words “order as”.*

PAGE 120, SCHEDULE 2, PARAGRAPH 41(3)(a) –

*After the word “abandoned;” insert the word “or”.*

PAGE 120, SCHEDULE 2, PARAGRAPH 41(4)(a) –

*Delete the words “to appeal” in the second place where they appear.*

PAGE 122, SCHEDULE 2, PARAGRAPH 43(3) –

*For the word “he” substitute the word “the”.*

PAGE 125, SCHEDULE 2, PARAGRAPH 51(b) –

*After the word “deferred;” insert the word “and”.*

PAGE 127, SCHEDULE 2, PARAGRAPH 53(10) –

*For the word “affirmative” substitute the word “negative”.*

PAGE 128, SCHEDULE 2, PARAGRAPH 54(10) –

*For the word “affirmative” substitute the word “negative”.*

PAGE 128, SCHEDULE 2, PARAGRAPH 55 –

*In the heading, for the word “**Island**” substitute the word “**Jersey**”.*

POLICY AND RESOURCES COMMITTEE

## **REPORT**

### **Article 20**

Article 20 is intended to give effect to the 1979 International Convention against the Taking of Hostages. It enables Jersey to refuse a request for extradition for a hostage-taking offence if the person concerned would not have access in the territory requesting extradition to the appropriate authorities in the country that is responsible for his or her protection.

Because of an error of transcription, the Article incorrectly specifies the requesting territory as the country responsible for protection.

The amendment will rectify the mistake.

### **Article 22**

The amendment corrects a drafting error.

### **Article 30**

The amendment effects a drafting improvement.

### **Article 32**

The amendment effects drafting improvements.

### **Article 41**

The amendment corrects a cross-reference and a clerical omission.

### **Article 44**

The amendment corrects a grammatical error.

### **Article 46**

The amendment corrects a cross-reference.

### **Article 48**

The amendment deletes repeated wording.

### **Article 50**

The amendment inserts a missing word.

### **Article 56**

The amendment deletes repeated wording.

### **Article 66**

The amendment corrects a drafting mistake.

### **Article 67**

The amendment corrects a drafting mistake.

**Article 86**

The amendment inserts a missing word.

**Article 88**

The amendment corrects a spelling mistake.

**Article 108**

The amendment will take account of the fact that the time limit for appealing to the Privy Council in criminal matters is determined by the rules of the Privy Council itself.

**Schedule 2, paragraph 6**

The amendment corrects in relation to re-extradition the same error as the amendment to Article 20 addresses.

**Schedule 2, paragraph 7**

The amendment corrects in relation to re-extradition the error to which the amendment to Article 22 relates.

**Schedule 2, paragraph 15**

The amendment effects a drafting improvement.

**Schedule 2, paragraph 17**

The amendment effects drafting improvements.

**Schedule 2, paragraph 26**

The amendment corrects a clerical omission.

**Schedule 2, paragraph 29**

The amendment corrects in relation to re-extradition the grammatical error to which the amendment to Article 44 relates.

**Schedule 2, paragraph 31**

The amendment corrects a cross-reference.

**Schedule 2, paragraph 33**

The amendment deletes repeated words.

**Schedule 2, paragraph 35**

The amendment inserts a missing word.

**Schedule 2, paragraph 41(3)**

The amendment inserts a missing word.

**Schedule 2, paragraph 41(4)**

The amendment deletes repeated words.

**Schedule 2, paragraph 43**

The amendment corrects a spelling mistake.

**Schedule 2, paragraph 51**

The amendment makes a drafting improvement.

**Schedule 2, paragraph 53**

The amendment corrects in relation to re-extradition the error to which the amendment to Article 66 relates.

**Schedule 2, paragraph 54**

The amendment corrects in relation to re-extradition the error to which the amendment to Article 67 relates.

**Schedule 2, paragraph 55**

The purpose of the amendment is to conform to Jersey's current law drafting style when referring to the Island.