



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.11

FUGITIVE OFFENDERS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

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CHAPTER 4.11

FUGITIVE OFFENDERS ACT

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CHAPTER 4.11
FUGITIVE OFFENDERS ACT

AN ACT TO MAKE PROVISION FOR THE RETURN FROM SAINT CHRISTOPHER AND NEVIS TO THE UNITED KINGDOM, OTHER COMMONWEALTH COUNTRIES, THE REPUBLIC OF IRELAND AND UNITED KINGDOM DEPENDENCIES, OF PERSONS ACCUSED OR CONVICTED OF OFFENCES IN THOSE COUNTRIES AND DEPENDENCIES; TO REGULATE THE TREATMENT OF PERSONS ACCUSED OR CONVICTED OF OFFENCES IN SAINT CHRISTOPHER AND NEVIS WHO ARE RETURNED FROM SUCH COUNTRIES AND DEPENDENCIES; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Fugitive Offenders Act.

Interpretation.

2. (1) In this Act, the following expressions have the meanings hereby assigned to them, that is to say—

“application for *habeas corpus*” means an application for a writ of *habeas corpus ad subjiciendum*;

“country” includes any territory;

“Court of Appeal” means the Court of Appeal for the Eastern Caribbean States established by the Supreme Court Order;

(Amended by Act 17 of 1975)

“dealt with” means tried, or returned or surrendered to any country or detained with a view to trial or with a view to such return or surrender;

“designated Commonwealth country” and “United Kingdom dependency” have the meanings assigned to them by section 4 of this Act;

“Governor”, in relation to any country, other than Saint Christopher and Nevis or a country mentioned in subsection (2) of this section, means the person or persons administering the government of that country; and in relation to Saint Christopher and Nevis, means the Governor-General of Saint Christopher and Nevis, and includes any person for the time being administering the government of Saint Christopher and Nevis;

“High Court” means the Eastern Caribbean Supreme Court established by the Supreme Court Order;

(Amended by Act 17 of 1975)

“imprisonment” includes detention of any description;

“race” includes tribe;

“United Kingdom” includes the Channel Islands and the Isle of Man.

- (2) In this Act, references to the Governor shall be construed—

- (a) in relation to Brunei, as references to the Government of Brunei;

- (b) in relation to Vanuatu, as references to Her Majesty’s High Commissioner for the Western Pacific and, to the extent that authority to perform functions under this Act may be assigned by the High

Commissioner to the Resident Commissioner for Vanuatu, to the Resident Commissioner;

(c) in relation to Tonga, as references to the Prime Minister of Tonga.

(3) For the purposes of this Act, a person convicted of an offence in his or her absence shall be treated as a person accused of that offence.

Persons liable to be returned.

3. Subject to the provisions of this Act, a person found in Saint Christopher and Nevis who is accused of a relevant offence in any other country being—

(a) the United Kingdom;

(b) a Commonwealth country designated for the purposes of this section under section 4 (1) of this Act, or the Republic of Ireland; or

(c) a United Kingdom dependency as defined by section 4 (2) of this Act,

or who is alleged to be unlawfully at large after conviction of such an offence in any such country, may be arrested and returned to that country as provided by this Act.

Designated Commonwealth countries and United Kingdom dependencies.

4. (1) The Governor-General of Saint Christopher and Nevis may, by Order, designate, for the purposes of section 3 of this Act, any country for the time being mentioned in subsection (3) of section 1 of the British Nationality Act, 1948 (United Kingdom) (countries having separate citizenship) or any other country within the Commonwealth, and any country so designated is in this Act referred to as a designated Commonwealth country.

(2) In this Act, the expression “United Kingdom dependency” means—

(a) any colony (not being a colony for whose external relations a country other than the United Kingdom is responsible);

(b) any associated state within the meaning of the West Indies Act, 1967;

(c) any country outside the Commonwealth (being a country in which Her Majesty has jurisdiction, or over which She extends protection, in right of Her Government in the United Kingdom) to which the Governor-General may by Order apply this subsection,

not being in any case a country which is or forms part of a designated Commonwealth country.

(3) The Governor-General may, by Order, direct that this Act shall have effect in relation to the return of persons to, or in relation to persons returned from the United Kingdom, any designated Commonwealth country, the Republic of Ireland or any United Kingdom dependency subject to such exceptions, adaptations or modifications as may be specified in the Order.

(4) For the purposes of any Order under subsection (1) of this section, any territory for the external affairs of which a Commonwealth country is responsible may be treated as part of that country or, if the Government of that country so requests, as a separate country.

Relevant offences.

5. (1) For the purposes of this Act an offence of which a person is accused or has been convicted in the United Kingdom or a designated Commonwealth country or the Republic of Ireland or a United Kingdom dependency is a relevant offence if—

- (a) in the case of an offence against the law of a designated Commonwealth country or the Republic of Ireland, it is an offence which, however described in that law, falls within any of the descriptions set out in the Schedule to this Act, and is punishable under that law with imprisonment for a term of twelve months or any greater punishment;
- (b) in the case of an offence against the law of the United Kingdom or a United Kingdom dependency, it is punishable under that law, on conviction by or before a superior court, with imprisonment for a term of twelve months or any greater punishment; and
- (c) in any case, the act or omission constituting the offence, or the equivalent act or omission, would constitute an offence against the law of Saint Christopher and Nevis if it took place within Saint Christopher and Nevis or, in the case of an extra-territorial offence, in corresponding circumstances outside Saint Christopher and Nevis.

(2) In determining, for the purposes of this section, whether an offence against the law of a designated Commonwealth country or the Republic of Ireland falls within a description set out in the Schedule to this Act, any special intent or state of mind or special circumstances of aggravation which may be necessary to constitute that offence under the law shall be disregarded.

(3) The descriptions set out in the Schedule to this Act include in each case offences of attempting or conspiring to commit, of assisting, counselling or procuring the commission of, or being an accessory before or after the fact to the offences therein described, and of impeding the apprehension or prosecution of persons guilty of those offences.

(4) References in this section to the law of any country include references to the law of any part of that country.

General restrictions on return.

6. (1) A person shall not be returned under this Act to a designated Commonwealth country or the Republic of Ireland, or committed to or kept in custody for the purposes of such return, if it appears to the Governor-General, to the court of committal or to the High Court on an application for *habeas corpus*—

- (a) that the offence of which that person is accused or was convicted is an offence of a political character;
- (b) that the request for his or her return (though purporting to be made on account of a relevant offence) is in fact made for the purpose of prosecuting or punishing him or her on account of his or her race, religion, nationality or political opinions;
- (c) that he or she might, if returned, be prejudiced at his or her trial or punished, detained or restricted in his or her personal liberty by reason of his or her race, religion, nationality or political opinions.

(2) A person accused of an offence shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, if it

appears as aforesaid that if charged with that offence in Saint Christopher and Nevis he or she would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

(3) A person shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, unless provision is made by the law of that country, or by an arrangement made with that country, for securing that he or she will not, unless he or she has first been restored or had an opportunity of returning to Saint Christopher and Nevis, be dealt with in that country for or in respect of any offence committed before his or her return under this Act, other than—

- (a) the offence in respect of which his or her return under this Act is requested;
- (b) any lesser offence proved by the facts proved before the court of committal; or
- (c) any other offence being a relevant offence in respect of which the Governor-General may consent to his or her being so dealt with.

(4) Any such arrangement as is mentioned in subsection (3) of this section may be an arrangement made for the particular case or an arrangement of a more general nature; and for the purposes of that subsection a certificate issued by or under the authority of the Governor-General confirming the existence of an arrangement with any country and stating its terms shall be conclusive evidence of the matters contained in the certificate.

(5) The reference in this section to an offence of a political character does not include an offence against the life or person of the Head of the Commonwealth or any related offence described in subsection (3) of section 5 of this Act.

Authority to proceed.

7. (1) Subject to the provisions of this Act relating to provisional warrants, a person shall not be dealt with thereunder except in pursuance of an Order of the Governor-General (in this Act referred to as an authority to proceed), issued in pursuance of a request made to the Governor-General by or on behalf of the Government in the case of the United Kingdom, the Republic of Ireland, or a designated Commonwealth country, or the Governor in the case of a United Kingdom dependency, of the country in which the person to be returned is accused or was convicted.

(2) There shall be furnished with any request made for the purposes of this section on behalf of any country—

- (a) in the case of a person accused of an offence, a warrant for his or her arrest issued in that country;
- (b) in the case of a person unlawfully at large after conviction of an offence, a certificate of the conviction and sentence in that country, and a statement of the amount if any of that sentence which has been served,

together in each case with particulars of the person whose return is requested and the facts upon which and the law under which he or she is accused or was convicted, and evidence sufficient to justify the issue of a warrant for his or her arrest under section 8 of this Act.

(3) On the receipt of such a request, the Governor-General may issue an authority to proceed unless it appears to him or her that an order for the return of the

person concerned could not lawfully be made, or would not in fact be made, in accordance with the provisions of this Act.

Arrest for purposes of committal.

8. (1) A warrant for the arrest of a person accused of a relevant offence, or alleged to be unlawfully at large after conviction of such an offence, may be issued—

- (a) on the receipt of an authority to proceed, by a District Magistrate in any part of Saint Christopher and Nevis;
- (b) without such an authority, by a District Magistrate in any part of Saint Christopher and Nevis, upon information that the said person is or is believed to be in or on his or her way to Saint Christopher and Nevis,

and any warrant issued by virtue of paragraph (b) above is in this Act referred to as a provisional warrant.

(2) A warrant of arrest under this section may be issued upon such evidence as would, in the opinion of the District Magistrate, authorise the issue of a warrant for the arrest of a person accused of committing a corresponding offence or, as the case may be, of a person alleged to be unlawfully at large after conviction of an offence, within the jurisdiction of the Magistrate.

(3) Where a provisional warrant is issued under this section, the authority by whom it is issued shall forthwith give notice to the Governor-General, and transmit to him or her the information and evidence, or certified copies of the information and evidence, upon which it was issued; and the Governor-General may in any case, and shall if he or she decides not to issue an authority to proceed in respect of the person to whom the warrant relates, by order cancel the warrant and, if that person has been arrested thereunder, discharge him or her from custody.

(4) A warrant of arrest issued under this section may be executed in any part of Saint Christopher and Nevis and may be so executed by any person to whom it is directed or by any member of the Royal Saint Christopher and Nevis Police Force.

(5) Where a warrant is issued under this section for the arrest of a person accused of an offence of stealing or receiving stolen property or any other offence in respect of property, a District Magistrate or justice of the peace in any part of Saint Christopher and Nevis shall have the like power to issue a warrant to search for the property as if the offence had been committed within the jurisdiction of the Magistrate or justice.

Proceedings for committal.

9. (1) A person arrested in pursuance of a warrant under section 8 of this Act shall (unless previously discharged under subsection (3) of that section) be brought as soon as practicable before a court (in this Act referred to as the court of committal) consisting of a District Magistrate.

(2) For the purposes of proceedings under this section, a court of committal consisting of a District Magistrate shall have the like jurisdiction and powers, as nearly as may be, including power to remand in custody or on bail, as a Magistrate's court acting at a preliminary inquiry.

(3) Where a person arrested is in custody by virtue of a provisional warrant and no authority to proceed has been received in respect of him or her the court of committal may fix a reasonable period (of which the court shall give notice to the Governor-General) after which he or she will be discharged from custody unless such an authority has been received.

(4) Where an authority to proceed has been issued in respect of the person arrested and the court of committal is satisfied, after hearing any evidence tendered in support of the request for the return of that person or on behalf of that person, that the offence to which the authority relates is a relevant offence and is further satisfied—

- (a) where that person is accused of the offence, that the evidence would be sufficient to warrant his or her trial for that offence if it had been committed within the jurisdiction of the court;
- (b) where that person is alleged to be unlawfully at large after conviction of the offence, that he or she has been so convicted and appears to be so at large,

the court shall, unless his or her committal is prohibited by any other provision of this Act, commit him or her to custody to await his or her return thereunder; but if the court is not so satisfied or if the committal of that person is so prohibited, the court shall discharge him or her from custody.

Application for *habeas corpus*, etc.

10. (1) Where a person is committed to custody under section 9 of this Act, the court shall inform him or her, in ordinary language, of his or her right to make an application for *habeas corpus*, and shall forthwith give notice of the committal to the Governor-General.

(2) A person committed to custody under section 9 shall not be returned under this Act—

- (a) in any case, until the expiration of the period of fifteen days beginning with the day on which the order for his or her committal is made;
- (b) if an application for *habeas corpus* is made in his or her case, so long as proceedings on that application are pending.

(3) On any such application the High Court may, without prejudice to any other jurisdiction of the court, order the person committed to be discharged from custody if it appears to the court that—

- (a) by reason of the trivial nature of the offence of which he or she was accused or was convicted;
- (b) by reason of the passage of time since he or she is alleged to have committed it or to have become unlawfully at large, as the case may be; or
- (c) because the accusation against him or her is not made in good faith in the interests of justice,

it would, having regard to all the circumstances, be unjust or oppressive to return him or her.

(4) On any such application the High Court may receive additional evidence relevant to the exercise of their jurisdiction under section 6 of this Act or under subsection (3) of this section.

(5) For the purposes of this section, proceedings on an application for *habeas corpus* shall be treated as pending until any appeal in those proceedings to the Court of Appeal is disposed of; and an appeal shall be treated as disposed of at the expiration of the time within which the appeal may be brought or, where leave to appeal is required, within which the application for leave may be made, if the appeal is not brought or the application made within that time.

Order for return to requesting country.

11. (1) Where a person is committed to await his or her return and is not discharged by order of the High Court, the Governor-General may, by warrant, order him or her to be returned to the country by which the request for his or her return was made unless the return of that person is prohibited, or prohibited for the time being, by section 6 of this Act or this section, or the Governor-General decides under this section to make no such order in his or her case.

(2) An order shall not be made under this section, in the case of a person who is serving a sentence of imprisonment or detention, or is charged with an offence, in Saint Christopher and Nevis—

- (a) in the case of a person serving such a sentence, until the sentence has been served;
- (b) in the case of a person charged with an offence, until the charge is disposed of or withdrawn and, if it results in a sentence of imprisonment (not being a suspended sentence), until the sentence has been served.

(3) The Governor-General shall not make an order under this section in the case of any person if it appears to the Governor-General, on the grounds mentioned in subsection (3) of section 10 of this Act, that it would be unjust or oppressive to return that person, and may decide to make no order under this section in the case of a person accused or convicted of an offence in the United Kingdom or a United Kingdom dependency if he or she considers, on any such grounds as are mentioned in paragraphs (a) to (c) of subsection (1) of section 6 of this Act, that the order ought not to be made.

(4) The Governor-General may decide to make no order under this section in the case of a person accused or convicted of a relevant offence not punishable with death in Saint Christopher and Nevis if that person could be or has been sentenced to death for that offence in the country by which the request for his or her return is made.

(5) The Governor-General may decide to make no order under this section for the return of a person committed in consequence of a request made on behalf of any country if another request for his or her return under this Act, or a requisition for his or her surrender under the Extradition Act, 1870 of the United Kingdom, has been made on behalf of another country and it appears to the Governor-General, having regard to all the circumstances of the case, and, in particular—

- (a) the relative seriousness of the offences in question;
- (b) the date on which each such request or requisition was made; and
- (c) the nationality or citizenship of the person concerned and his or her ordinary residence,

that preference should be given to the other request or requisition.

(6) Notice of the issue of a warrant under this section shall forthwith be given to the person to be returned thereunder.

Discharge in case of delay in returning.

12. (1) If any person committed to await his or her return is in custody in Saint

Christopher and Nevis under this Act after the expiration of the following period, that is to say—

- (a) in any case, the period of two months beginning with the first day on which, having regard to subsection (2) of section 10 of this Act, he or she could have been returned;
- (b) where a warrant for his or her return has been issued under section 11 of this Act, the period of one month beginning with the day on which that warrant was issued,

he or she may apply to the High Court for his or her discharge.

(2) If upon any such application the court is satisfied that reasonable notice of the application has been given to the Governor-General, the court may, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged from custody and, if a warrant for his or her return has been issued under section 11, quash the warrant.

Evidence.

13. (1) In any proceedings under this Act, including proceedings on an application for *habeas corpus* in respect of a person in custody thereunder—

- (a) a document, duly authenticated, which purports to set out evidence given on oath in the United Kingdom or a designated Commonwealth country or the Republic of Ireland or a United Kingdom dependency, shall be admissible as evidence of the matters stated therein;
- (b) a document, duly authenticated, which purports to have been received in evidence, or to be a copy of a document so received, in any proceeding in any country or dependency shall be admissible in evidence;
- (c) a document, duly authenticated, which certifies that a person was convicted on a date specified in the document of an offence against the law of, or of a part of, any such country or dependency shall be admissible as evidence of the fact and date of the conviction.

(2) A document shall be deemed to be duly authenticated for the purposes of this section—

- (a) in the case of a document purporting to set out evidence given as aforesaid, if the document purports to be certified by a judge or magistrate or officer in or of the country or dependency in question to be the original document containing or recording that evidence or a true copy of such a document;
- (b) in the case of a document which purports to have been received in evidence as aforesaid or to be a copy of a document so received, if the document purports to be certified as aforesaid to have been, or to be a true copy of a document which has been so received;
- (c) in the case of a document which certifies that a person was convicted as aforesaid, if the document purports to be certified as aforesaid,

and in any such case the document is authenticated either by the oath of a witness or by the official seal of one of Her Majesty's Principal Secretaries of State or of a Minister of the designated Commonwealth country or of the Republic of Ireland or of the Governor or a Minister, secretary or other officer administering a department of the Government of the dependency, as the case may be.

(3) In this section, “oath” includes affirmation or declaration; and nothing in this section shall prejudice the admission in evidence of any document which is admissible in evidence apart from this section.

Custody.

14. (1) Any person remanded or committed to custody under section 9 of this Act shall be committed to the like institution as a person charged with an offence before the court of committal.

(2) If any person who is in custody by virtue of a warrant under this Act escapes out of custody, he or she may be retaken in any part of Saint Christopher and Nevis in like manner as a person escaping from custody under a warrant for his or her arrest issued in that part in respect of an offence committed therein.

(3) Where a person, being in custody in any part of Saint Christopher and Nevis whether under this Act or otherwise, is required to be removed in custody under this Act to another part of Saint Christopher and Nevis and is so removed by sea or by air, he or she shall be deemed to continue in legal custody until he or she reaches the place to which he or she is required to be removed.

(4) A warrant issued under section 11 of this Act for the return of any person to any country shall be sufficient authority for all persons to whom it is directed and all members of the Royal Saint Christopher and Nevis Police Force to receive that person, keep him or her in custody and convey him or her into the jurisdiction of that country.

Form of Warrants and orders.

15. (1) Any warrant or order to be issued or made by the Governor-General under any of the foregoing provisions of this Act shall be given under the hand of the Governor-General or the Secretary to the Cabinet.

(2) The Governor-General may, by Order, prescribe the form of any warrant or order to be issued or made under the foregoing provisions of this Act.

Restriction upon proceedings for other offences.

16. (1) This section applies to any person accused or convicted of an offence under the law of Saint Christopher and Nevis who is returned to Saint Christopher and Nevis—

- (a) from the United Kingdom under the Fugitive Offenders Act, 1967 of the United Kingdom;
- (b) from any designated Commonwealth country or from the Republic of Ireland under any law of that country corresponding with this Act;
- (c) from any United Kingdom dependency, under the Fugitive Offenders Act, 1967 of the United Kingdom as extended to that dependency, or under any other law of that dependency corresponding with this Act.

(2) A person to whom this section applies shall not, during the period described in subsection (3) of this section, be dealt with in Saint Christopher and Nevis for or in respect of any offence committed before he or she was returned to Saint Christopher and Nevis other than—

- (a) the offence in respect of which he or she was returned;

- (b) any lesser offence proved by the facts proved for the purposes of securing his or her return; or
- (c) any other offence in respect of which the Government of the country or Governor of the dependency from which he or she was returned may consent to his or her being dealt with.

(3) The period referred to in subsection (2) of this section in relation to a person to whom this section applies is the period beginning with the day of his or her arrival in Saint Christopher and Nevis on his or her return as mentioned in subsection (1) of this section and ending forty-five days after the first subsequent day on which he or she has the opportunity to leave Saint Christopher and Nevis.

Restoration of persons not tried or acquitted.

17. (1) This section applies to any person accused of an offence under the law of Saint Christopher and Nevis who is returned to Saint Christopher and Nevis as mentioned in subsection (1) of section 16 of this Act.

(2) If in the case of a person to whom this section applies, either—

- (a) proceedings against him or her for the offence for which he or she was returned are not begun within the period of six months beginning with the day of his or her arrival in Saint Christopher and Nevis on being returned; or
- (b) on his or her trial for that offence he or she is acquitted or discharged under section 2 of the Probation of Offenders Act, Cap. 4.27 or any other enactment of Saint Christopher and Nevis empowering the court to order an absolute or a conditional discharge,

the Governor-General may, if he or she thinks fit, on the request of that person, arrange for him or her to be sent back free of charge and with as little delay as possible to the country from which he or she was returned.

FIRST SCHEDULE

(Section 5)

DESCRIPTION OF RELEVANT OFFENCES IN DESIGNATED
COMMONWEALTH COUNTRIES.

1. Murder of any degree.
2. Manslaughter or culpable homicide.
3. An offence against the law relating to abortion.
4. Maliciously or wilfully wounding or inflicting grievous bodily harm.
5. Assault occasioning actual bodily harm.
6. Rape.
7. Unlawful sexual intercourse with a female.
8. Indecent assault.
9. Procuring, or trafficking in, women or young persons for immoral purposes.
10. Bigamy.
11. Kidnapping, abduction or false imprisonment, or dealing in slaves.
12. Stealing, abandoning, exposing or unlawfully detaining a child.
13. Bribery.
14. Perjury or subornation of perjury or conspiring to defeat the course of justice.
15. Arson or fire-raising.
16. An offence concerning counterfeit currency.
17. An offence against the law relating to forgery.
18. Stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud.
19. Burglary, housebreaking or any similar offence.
20. Robbery.
21. Blackmail or extortion by means of threats or by abuse of authority.
22. An offence against bankruptcy law or company law.
23. Malicious or wilful damage to property.
24. Acts done with the intention of endangering vehicles, vessels or aircraft.
25. An offence against the law relating to dangerous drugs or narcotics.
26. Piracy.
27. Revolt against the authority of the master of a ship or the commander of an aircraft.
28. Contravention of import or export prohibitions relating to precious stones, gold and other precious metals.

29. Any offence under the Hijacking Act, Cap. 4.13 and any attempt to commit such offence.

(Inserted by Act 32 of 1976)

SECOND SCHEDULE

(Section 4)

FUGITIVE OFFENDERS

(DESIGNATED COMMONWEALTH COUNTRIES) ORDER

Citation.

1. This Order may be cited as the Fugitive Offenders (Designated Commonwealth Countries) Order.

***Designation of certain Commonwealth Countries.**

2. The following countries are hereby designated for the purposes of section 3 of the Fugitive Offenders Act, Cap. 4.11—

- (a) Canada;
 - (b) Commonwealth of Australia;
 - (c) Commonwealth of Dominica;
 - (d) Grenada;
 - (e) Jamaica;
 - (f) Kiribati;
 - (g) Saint Lucia;
 - (h) Saint Vincent, etc.;
 - (i) Solomon Islands;
 - (j) Tuvalu;
 - (k) Western Samoa.
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*This Order is a consolidation of S.R.O.s No. 38/1976; 21/1979; 27/1980; 27/1982; 15/1986; 38/1994; and 26/1998.

THIRD SCHEDULE

(Section 16(2))

THE FUGITIVE OFFENDERS (FORMS) ORDER

Citation.

1. This Order may be cited as the Fugitive Offenders (Forms) Order.

Forms.

2. The Forms contained in the Schedule to this Order or Forms to the like effect shall be used for the purposes for which they are applicable.

SCHEDULE TO THE ORDER

AUTHORITY TO PROCEED

Section 7 of the Fugitive Offenders Act, Cap. 4.11

To the Magistrate (or Additional Magistrate):

A request having been made to the Governor-General by or on behalf of for the return to that country of who is accused (or alleged to be unlawfully at large after conviction) of the offence(s) of

The Governor-General hereby orders that the Magistrate (or Additional Magistrate) proceed with the case in accordance with the provisions of the Fugitive Offenders Act, Cap. 4.11.

Dated the day of, 20

.....
Governor-General.

WARRANT OF ARREST

Section 8(1)(a) of the Fugitive Offenders Act, Cap. 4.11

In Saint Christopher and Nevis

To each and all of the constables and officers of the Royal Saint Christopher and Nevis Police Force:

I having received from the Governor-General an order to proceed with the case of (hereinafter called the defendant) who is accused (or who is alleged to be unlawfully at large after conviction) of the offence(s) of against the law of

And there being given evidence that the offence(s) is/are (a) relevant offence(s) as defined in the First Schedule to the Act.

And there being in my opinion such evidence as would justify the issue of a warrant for the arrest of a person accused of committing (a) corresponding offence(s) (or alleged to be unlawfully at large after conviction of an offence) in Saint Christopher and Nevis.

You are hereby commanded to arrest the defendant forthwith and to bring him or her before a Magistrate sitting in Saint Christopher and Nevis.

Dated the day of, 20

.....
Magistrate

PROVISIONAL WARRANT OF ARREST

Section 8(1)(b) of the Fugitive Offenders Act, Cap. 4.11

In Saint Christopher and Nevis

To each and all of the constables and officers of the Royal Saint Christopher and Nevis Police Force:

There being evidence that
(hereinafter called the defendant) is accused (or is alleged to be unlawfully at large after conviction) of the offence(s) of
.....
against the law of.....
and that the offence(s) is/are (a) relevant offence(s) as defined in the First Schedule to the Act.

And there being in my opinion such evidence as would justify the issue of a warrant for the arrest of a person accused of committing (a) corresponding offence(s) (or alleged to be unlawfully at large after conviction of an offence) in Saint Christopher and Nevis.

And there being information that the defendant is or is believed to be in or on his or her way to Saint Christopher and Nevis.
You are hereby commanded to arrest the defendant and to bring him or her before a Magistrate sitting in Saint Christopher and Nevis.

Dated the day of, 20

.....
Magistrate

WARRANT OF COMMITMENT

Section 9(4) of the Fugitive Offenders Act, Cap. 4.11

In Saint Christopher and Nevis

To each and all of the constables and officers of the Royal Saint Christopher and Nevis Police Force, and to the Superintendent of Prisons at
(hereinafter called the defendant) having been brought this day before me, a Magistrate, sitting at
pursuant to a warrant for his or her arrest issued under section 8.

And an authority to proceed having been issued by the Governor-General under section 7 in respect of the defendant.

And I being satisfied that the following offence(s) (of which the defendant is accused in).
namely..... being (an) offence(s) to which the authority to proceed relates, is/are (a) relevant offence(s) as defined in the First Schedule to the Act namely.....
(here describe the appropriate relevant offence(s) as set out in the First Schedule to the Act).....
(and that the evidence given before me would be sufficient to warrant the defendant's trial for that/those offence(s) if it/they had been committed in Saint Christopher and Nevis (or that the defendant has been convicted of the offence(s) and appears to be unlawfully at large):

You the said constables and officers, are hereby commanded to convey the defendant to Her Majesty's Prison at
in Saint Christopher and Nevis and there deliver him or her to the Superintendent of Prisons thereof, together with this warrant; and you the Superintendent of Prisons of the said prison to receive him or her into your custody and keep him or her until he or she is delivered in accordance with a warrant issued by the Governor-General under section 11 or he or she is otherwise delivered in due course of law.

Dated the day of, 20

.....
Magistrate

WARRANT FOR RETURN TO REQUESTING COUNTRY

Section 11(1) of the Fugitive Offenders Act, Cap. 4.11

To the Keeper of Superintendent of Prisons at
..... and to each and all of the constables and officers of the Royal Saint Christopher and Nevis Police Force:

Whereas a request has been made to the Governor-General by or on behalf of for the return to that country of (hereinafter called the

prisoner) who is accused (or alleged to be unlawfully at large after conviction) of the offence(s) of

And whereas a Magistrate being satisfied that the evidence given before him or her would be sufficient to warrant the prisoner's trial for that/those offence(s) (or the offence(s) of if it/they had been committed in Saint Christopher and Nevis (or that the prisoner has been convicted of that/those offence(s) (or the offence(s) of (and appeared to be unlawfully at large), committed the prisoner to Her Majesty's Prison at on the day of 20....., to await his or her return to

And whereas the prisoner has not been discharged from custody by order of the High Court:

Now, therefore, the Governor-General hereby orders that the prisoner be returned to in respect of the offence(s) for which he or she was committed to custody by the Magistrate.

Dated the day of, 20

..... Governor-General.
