



**BERMUDA
1877 : 5**

EXTRADITION ACT 1877

ARRANGEMENT OF SECTIONS

- 1 Powers of magistrates
- 2 Consolidated Fund to bear expense of extradition to Bermuda
- 3 Payment out of Consolidated Fund of expenses where required by an arrangement with foreign state

[6 July 1877]

WHEREAS by the Act of the Parliament of the United Kingdom entitled the Extradition Act, 1870, it is amongst other things enacted that the said Act when applied by Order-in-Council, shall, unless it is otherwise provided by such Order, extend to every British possession but with the following among other modifications, that is to say, that no warrant of a Secretary of State shall be required, and all powers vested in or acts authorized or required to be done under the said Act by the Police Magistrates and the Secretary of State, or either of them in relation to the surrender of a fugitive criminal, may be done by the Governor of the British possession alone; and any prison in the British possession may be substituted for a prison in Middlesex:

AND WHEREAS by the said Act it is also enacted that if by any law or ordinance made before or after the passing of the said Act by the Legislature of any British possession, provision is made for carrying into effect, within such possession, the surrender of fugitive criminals who are in, or suspected of being in, such British possession, Her Majesty may, by the Order-in-Council applying the said Act in the case of any Foreign State or by any subsequent Order, either suspend the operation within any such British possession of the said Act, or any part thereof, so far as it relates to such Foreign State, and so long as such law or ordinance continues in force there, and no longer; or direct that such law

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or ordinance or any part thereof shall have effect in such British possession, with or without modifications and alterations, as if it were part of the said Act:

AND WHEREAS by another Act of the Parliament of the United Kingdom entitled the Extradition Act, 1873, it is enacted that the said Act shall be construed as one with the Extradition Act, 1870, and that the said two Acts may be cited together as the Extradition Acts, 1870 and 1873:

AND WHEREAS it is expedient to provide for the more convenient administration within Bermuda of the Extradition Acts, 1870 and 1873, by conferring on the magistrates of Bermuda the like powers and authorities in relation to the surrender of fugitive criminals as are by the said Acts vested in Police Magistrates and Justices of the Peace in the United Kingdom:

AND WHEREAS it is expedient to make provision for defraying the expenses of and incidental to the extradition and return to Bermuda of persons charged with offences committed in Bermuda and intended to be brought to Bermuda for trial:

[words of enactment omitted]

Powers of magistrates

1 All powers vested in, and acts authorized and required to be done by, a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom, under the Extradition Acts, 1870 and 1873, are hereby vested in, and may in Bermuda be exercised and done by, any magistrate, in relation to the surrender of fugitive criminals under the said Acts.

Consolidated Fund to bear expense of extradition to Bermuda

2 Whenever any person who is charged with having committed any felony or misdemeanour in Bermuda is out of Bermuda, and it is deemed expedient that steps should be taken to obtain the return of such person to Bermuda to be tried for such felony or misdemeanour, then the costs and expenses of and incidental to the extradition of such person from any foreign country, or of or incidental to the apprehension of such person in any British possession, and in either case of or incidental to the return of such person to Bermuda to be tried as aforesaid, and also the expenses of and incidental to the bringing to Bermuda of any necessary witness from abroad for the purpose of the trial of such person shall be defrayed out of the Consolidated Fund.

Payment out of Consolidated Fund of expenses where required by an arrangement with foreign state

3 Where—

- (a) an arrangement has been made with any foreign state with respect to the surrender to that state of any fugitive criminals; and
- (b) Her Majesty has, by Order in Council under section 2 of the Extradition Act 1870 of the United Kingdom in consequence thereof applied that Act in the case of such foreign state; and
- (c) such arrangement as read with such Order in Council has the effect of requiring any expenses incurred in, or in relation to, any proceedings under the said Extradition Act 1870 to be paid to such foreign state by the Government of Bermuda,

such expenses shall be defrayed out of the Consolidated Fund.

[The Act was brought into operation on 22 March 1879]

[The Act, as printed, embodies the provisions of the Extradition Expenses Act, 1905 (Act No. 15 of 1905). The latter Act, originally of limited duration, was continued in force indefinitely by Act No. 31 of 1912.]

[Amended by:

1948 : 25

1951 : 68

1951 : 78

1952 : 11

1971 : 83

1973 : 94]