

BERMUDA STATUTORY INSTRUMENT

SR&O 6/1968

FUGITIVE OFFENDERS (FORMS) ORDER 1968.

[made under the section 13(2) of the Fugitive Offenders Act 1967, of the United Kingdom [title 8 item 38] (as applied to Bermuda) and brought into operation on 7 February 1968]

[7 February 1968]

1 In this Order "The Fugitive Offenders Act, 1967", means the Act of the Parliament of the United Kingdom entitled The Fugitive Offenders Act, 1967, as modified and adapted by the Order made by Her Majesty-in-Council entitled The Fugitive Offenders (Bermuda) Order, 1967, and any reference to any provision of that Act shall be construed as a reference to such provision as so modified and adapted.

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

FUGITIVE OFFENDERS (FORMS) ORDER 1968

SCHEDULE

FORMS

Form 1

Authority to proceed

(Fugitive Offenders Act, 1967, s.5)

To the Senior Magistrate.

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

The Governor hereby orders that a magistrate proceed with the case in accordance with the provisions of the Fugitive Offenders Act, 1967:

Dated the [blank] day of [blank], 19 [blank].

Deputy Governor.

Form 2

Warrant of arrest

(Fugitive Offenders Act, 1967, s.6 (1) (a).)

BERMUDA ISLANDS

To each and all of the police officers of Bermuda.

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

And there being evidence that the offence(s) is/are relevant offence(s) as defined in section 3 of the Fugitive Offenders Act, 1967:

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 corresponding offence(s) (or alleged to be unlawfully at large after conviction of an offence) in Bermuda:

You are hereby commanded to arrest the defendant and to bring him/her before a magistrate sitting at the Magistrates' Court in the City of Hamilton.

Dated the [blank] day of [blank], 19 [blank].

Magistrate.

Form 3

Provisional warrant of arrest

(Fugitive Offenders Act, 1967, s.6 (1) (b).)

BERMUDA ISLANDS

To each and all of the police officers of Bermuda.

There being evidence that A.B. (hereinafter called the defendant) is accused (or is alleged to be unlawfully at large after conviction) of the offence(s) of [blank] against the law of [blank], and that the offence(s) is /are relevant offence(s) as defined in section 3 of the Fugitive Offenders Act, 1967.

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 corresponding offence(s) (or alleged to be unlawfully at large after conviction of an offence in Bermuda):

And there being information that the defendant is or is believed to be in or on his/her way to Bermuda:

You are hereby commanded to arrest the defendant and to bring him/her before a magistrate sitting at the Magistrates' Court in the City of Hamilton.

Dated the [blank] day of [blank], 19 [blank].

Magistrate.

Form 4

Warrant of commitment

(Fugitive Offenders Act, 1967 s.7 (4).)

BERMUDA ISLANDS

To each and all of the police officers of Bermuda and to the Commissioner of Prisons.

A.B. (hereinafter called the defendant) having been brought this day before me, a magistrate sitting at [blank], pursuant to a warrant for his/her arrest issued under section 6 of the Fugitive Offenders Act, 1967:

FUGITIVE OFFENDERS (FORMS) ORDER 1968

And an authority to proceed having been issued by the Governor under section 5 of that Act in respect of the defendant:

And I being satisfied that the following offence(s) (of which the defendant is accused in [blank]), namely [blank] being (an) offence(s) to which the authority to proceed relates, is/are relevant offence(s) are defined in section 3 of that Act namely, (hereby describe the appropriate relevant offence(s) as set out in Schedule 1 to the Fugitive Offenders Act, 1967) (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 Bermuda) (or that the defendant has been convicted of the offence(s) and appears to be unlawfully at large):

You, the said police officers, are hereby commanded to convey the defendant to a prison and there deliver him/her to the Commissioner of Prisons, together with this warrant; and you, the Commissioner of Prisons, to receive him/her into your custody and keep him/her until he/she is delivered in accordance with a warrant issued by the Governor under section 9 of that Act or he/she is otherwise delivered in due course of law.

Dated the [blank] day of [blank], 19 [blank].

Magistrate.

Form 5

Warrant for return to requesting country

(Fugitive Offenders Act, 1967 s9 (1).)

To the Commissioner of Prisons and to each and all of the police officers of Bermuda.

Whereas a request has been made to the Governor by or on behalf of [blank] for the return to the country of A.B. (hereinafter called the prisoner) who is accused (or alleged to be unlawfully at large after conviction) of the offence (s) of [blank]

And whereas a magistrate, being satisfied that the evidence given before him would be sufficient to warrant the prisoner's trial for that/those offence(s) (or the offence(s) of [blank]) if it/they had been committed in Bermuda (or that the prisoner had been convicted of that/those offence(s) (or the offence(s) of [blank]) and appeared to be unlawfully at large), committed the prisoner to a prison on the [blank] day of [blank] 19 [blank], to await his/her return to [blank]:

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

Now, therefore, the Governor hereby orders that the prisoner be returned to [blank] in respect of the offence(s) for which he/she was committed to custody by the magistrate.

Dated the [blank] day of [blank], 19 [blank].

Deputy Governor.

[Amended by
SR&O 1969/2]