



SUPPLEMENT No. 3
TO
THE SOVEREIGN BASE AREAS GAZETTE
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SUBSIDIARY LEGISLATION

CONTENTS

The following SUBSIDIARY LEGISLATION is published in this Supplement which forms part of this Gazette :-

	Not.
The Extradition Ordinance, 1970—	
Order under Section 7	30
The Land Acquisition Ordinance—	
Notification under Section 7	31
The Probation of Offenders Ordinance—	
Appointment and Revocation of appointment of Probation Officer under Section 3	32
Appointment and Revocation of appointment of Probation Officer under Section 3	33

No. 30

THE EXTRADITION ACTS 1870 to 1932,
 EXTRADITION ORDINANCE 1970
 (Ordinance No. 5 of 1970).

THE EXTRADITION (SOVEREIGN BASE AREAS OF
 AKROTIRI AND DHEKELIA) ORDER IN COUNCIL 1970.

ORDER MADE BY THE ADMINISTRATOR UNDER
 SECTION 7 OF THE ORDINANCE AS MADE PART
 OF THE ACT BY THE ORDER IN COUNCIL.

In exercise of the powers vested in him by Section 7 of the Extradition Ordinance 1970 as made part of the Extradition Act 1870 by virtue of the Extradition (Sovereign Base Areas of Akrotiri and Dhekelia) Order in Council, the Administrator hereby makes the following Order :

1. This Order may be cited as the Extradition (Jurisdiction and Powers) (Committal Proceedings) Order, 1970.

2.—(1) In this Order unless the context otherwise requires :

“the Act” means the Extradition Act 1870 ;

“advocate” means an advocate as defined in the Advocates Ordinance, 1962 ;

“Court” means the Judge’s Court, and where a Judge is sitting alone includes the Judge and where the Court consists of three Judges includes any member of the Court acting with the consent of the majority of the Court ;

“requisitioning country” means the foreign state, a diplomatic representative of which has made a requisition to the Administrator under Section 7 as modified by Section 17 of the Act for the surrender of the fugitive criminal ;

“requisitioning party” means the Head of State or Government of a requisitioning country.

(2) Subject to the provisions of paragraph 1 of this Article all expressions used in this order shall, unless the contrary intention appears, have the same respective meanings as in the Act.

(3) The Interpretation Ordinance, and the Laws (Adaptation and Interpretation) Ordinance, 1968, shall apply for the purpose of interpreting this Order and otherwise in relation to this Order where such interpretation is not inconsistent with anything contained in the Act.

3. This Order shall apply to proceedings before the Judge’s Court in exercise of its powers under the Act.

4.—(1) Where a fugitive criminal is before the Court having been apprehended under a warrant issued by order of the

33 and 34
 Vict. c. 52

Ordinances
 13 of 1962 and
 24 of 1963.

Cap. 1 (Laws
 of Cyprus).
 Ordinance
 5 of 1968.

Administrator under Section 7 of the Act, the Court may if the requisitioning party is represented in Court, proceed to hear the case, or remand the fugitive criminal in custody or bail for a reasonable time until such date as the Court may fix for such hearing, notice of which shall be given to the requisitioning party if he is not represented in Court.

(2) Where a fugitive criminal is brought before the Court having been apprehended on a warrant issued without an order of the Administrator under Section 7 of the Act, the Court, if it does not discharge such fugitive criminal under Section 8 of the Act, may remand him in custody or on bail for a reasonable time under that section until the Court receives an order from the Administrator under the said section signifying that a requisition has been made for the surrender of such criminal, or an order from the Administrator under the said section that the warrant is to be cancelled and the criminal discharged.

(3) Where the Court has received an order from the Administrator under the said Section 7 signifying that such requisition has been made, the Court shall give notice to that effect to the requisitioning party and shall cause such criminal to be brought before the Court without unreasonable delay.

(4) Where the fugitive criminal has been brought before the Court under paragraph (3) of this Article, the provisions of paragraph (1) of this Article should apply as if such criminal had been brought before the Court having been apprehended under a warrant issued by order of the Administrator.

5. Before hearing the case the Court shall cause to be served upon the fugitive criminal :

- (a) a copy of the order of the Administrator under Section 7 or 8 of the Act signifying that a requisition has been made ; and
- (b) (if available to the Court before such hearing) copies of the requisition made to the Administrator, and of any documents furnished with such requisition.

Refusal or failure to serve any of the copies of the documents described in this Article shall not invalidate any proceedings to which this Order relates.

6. When a fugitive criminal is before the Court for the hearing of the case under the Act the Court shall invite the requisitioning party to tender evidence in support of this requisition.

7.—(1) After the Court has taken the evidence tendered under Article 6 of this Order and if, in the case of a fugitive criminal accused of an extradition crime, the Court considers that the foreign warrant authorising the arrest of such criminal is duly authenticated, and if in any case the Court considers that the offence to which the requisition relates is an extradition crime and that there is a prima facie case, and furthermore if the Court in any case is not satisfied on the evidence so far tendered that the offence to which the requisition relates is an offence of a political character, the Court shall say to the fugitive criminal :

“The Administrator has signified to the Court that the Government of.....which has made an arrangement with Her Majesty’s Government in the United Kingdom for the surrender to..... of fugitive criminals has made a requisition to the Administrator, under the Extradition Acts 1870 - 1932, which apply to the Sovereign Base Areas as modified by the Extradition Ordinance 1970 on the grounds that you are accused of the offence of.....

/or

on the ground that you have been convicted of the offence of

The Court has heard the evidence tendered on behalf of the Government of.....and considers you have a case to answer and you now have certain rights.

You may say nothing, or may now either make a statement not on oath, or give evidence on oath or in any case call witnesses on your behalf. If you give evidence on oath you will be liable to cross-examination but I must warn you that anything you say whether on oath or not will be taken down and may be used in evidence in any Court proceedings inif the laws of that country so permit” or words to that effect.

And the Court shall proceed to state to the fugitive criminal that he has nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession, but that whatsoever he then says may be given in evidence in a Court of the requisitioning country, notwithstanding any such promise or threat. The Court shall then further say to the fugitive criminal:

“Whether or not you make a statement not on oath or give evidence on oath or keep silent, or whether or not you call witnesses on your behalf, you or your advocate may address the Court to show cause why you should not be returned to.....under the Extradition Acts 1870 - 1932” or words to that effect.

(2) If the Court does not hold that the fugitive criminal has a case to answer under paragraph (1) of this Article, he shall be discharged.

(3) Everything which the fugitive criminal says, either by way of statement or evidence, shall be recorded by the Court and shall be read over to him and, whilst it is so read, the fugitive criminal shall be at liberty to explain or add to the record thereof. The record shall then be signed by the fugitive criminal and attested by the Court ; if the fugitive criminal is unable to sign his name, he shall affix his mark which shall be witnessed by the Court and, if the fugitive criminal refuses either to sign or affix his mark, the Court shall make a note of such refusal and his record may be used as if the fugitive criminal has signed it or affixed his mark thereto.

(4) The Court shall then, and whether the fugitive criminal has or has not made a statement or given evidence, ask him whether he desires to call witnesses on his own behalf and the Court shall take the evidence of any witnesses called by the fugitive criminal.

(5) The fugitive criminal or his advocate shall be at liberty to address the Court—

- (i) after taking of all the evidence tendered by the requisitioning party ;
- (ii) if no evidence is tendered on behalf of the fugitive criminal immediately after the statement or evidence of the fugitive criminal ; if evidence is tendered on behalf of the fugitive criminal immediately after the taking of all such evidence.

(6) If the fugitive criminal or his advocate addresses the Court in accordance with the provisions of paragraph (3) of this Article the requisitioning party shall have the right of reply.

8. After the Court has heard the statement or evidence (if any) tendered by or on behalf of the fugitive criminal, and any address by him or his advocate and any reply by the requisitioning party, the Court shall consider all the evidence (including the statement (if any)) of the fugitive criminal tendered by the requisitioning party, and the fugitive criminal, and arguments submitted in such address and reply, and announce in open Court in the presence of the fugitive criminal its decision. as required by and subject to the directions contained in the Act.

9. If the Court decides to commit the fugitive criminal to custody to await his return to the requisitioning country, two certified copies of the record of proceedings, including certified or authenticated copies of documentary evidence and of documents served upon the fugitive criminal in anticipation of such proceedings, shall be transmitted without delay by the Senior Registrar to the Chief Officer.

10. A fugitive criminal who has been committed to custody following proceedings under this Order shall be entitled to have a copy of the record of his statement or evidence and, where practicable, of any documents which have been put in evidence, or read to him in the course of proceedings, on payment of fees chargeable unless the Court otherwise orders, at the rates as are payable in respect of the furnishing of copies on the file of civil proceedings in a civil action, as provided by any legislation in force at the time.

11.—(1) The fugitive criminal shall be entitled to be present in Court during the whole of the proceedings under this Order so long as he conducts himself properly, and shall be unfettered unless the Court shall otherwise order.

(2) If the fugitive criminal does not conduct himself properly. the Court may, at its discretion, direct him to be removed and kept in custody and continue the proceedings in his absence making such provision as in its discretion appears sufficient for him being informed of what passed at the proceedings and for the conduct of his case in showing cause why he should not be returned to the requisitioning country.

(3) The Court may, if it thinks proper, permit the fugitive criminal to be out of Court during the whole or any part of the proceedings on such terms it may think fit.

12. The fugitive criminal may be represented by an advocate at the proceedings under this Order, and if he is not so represented and the Court is satisfied that he has insufficient means to employ an advocate, the Court may assign an advocate to appear on his behalf at the proceedings and such advocate shall receive such honorarium out of public funds as the Court, subject to the general directions of the Senior Judge, may allow.

13.—(1) Whenever any evidence is given in a language not understood by the fugitive criminal and he is present in person, it shall be interpreted to him in open Court in a language which he understands :

Provided that when he is represented by an advocate interpretation may, with the consent of the advocate and the approval of the Court, be dispensed with.

(2) When documents are put in for the purpose of normal proof, it shall be in the discretion of the Court to have interpreted as much thereof as appears necessary.

(3) The Court may test in such manner as it may think fit the ability of the interpreter and may administer to him such oath, as it may think fit, that he will well and truly carry out the interpretation.

(4) Where documents are required under this Order to be served upon the fugitive criminal and such person is not represented by an advocate, the Court shall satisfy itself before proceedings under this Order commence that either the fugitive criminal is literate and fully conversant with the English language or that the contents of such documents have been read to him or interpreted to him in a language which he understands as the case may be, and that in any such case the fugitive criminal fully understands the said contents.

14. The requisitioning party may be represented in proceedings under this Order by the Legal Adviser, any advocate, or by any police officer of the rank of Inspector or above.

15.—(1) Proceedings under this Order shall be treated as criminal proceedings for the purposes of the Criminal Code, the Criminal Procedure Ordinance, the Evidence Ordinance and the Courts Ordinance, 1960 and as judicial proceedings for the purposes of the Criminal Code and the provisions of such Ordinances relating to such respective proceedings which are not inconsistent with the provisions of this Order or the Act shall apply to proceedings under this Order.

(2) Parts I and II (with such modifications that circumstances may require) of the relevant forms in Appendix "A" and "B" to the Criminal Procedure Rules shall apply in respect of proceedings under this Order.

Cap. 154 Laws
of Cyprus)
Ordinances
11 of 1963,
17 of 1963,
10 of 1966.
Cap. 155 (Laws
of Cyprus)
Ordinances
4 of 1960,
19 of 1963,
1 of 1966.
Ordinances
3 of 1960,
7 of 1961,
19 of 1962,
5 of 1963,
3 of 1965.

(3) Without prejudice to the generality of the provisions of this Article, the provisions of the Ordinances and Rules referred to in this Article shall be applicable to proceedings under this Order as if for references to the "prosecutor" or "prosecution" there were substituted references to the "requisitioning party"; as if for references to the accused or a person charged with an offence or expressions to like effect, there were substituted references to "fugitive criminal" and as if for references to "judgement" there were substituted references to a decision under Section 10 of the Act and Article 8 of this Order.

Made at Episkopi this 27th day of June, 1970.

By the Administrator's Command,
J.E. CARRUTHERS
Chief Officer,
Sovereign Base Areas.

(SBA/128/4/2/Vol. III)

THE LAND ACQUISITION ORDINANCE

(Cap. 226—Laws of Cyprus—and Ordinances
12 of 1963 and 9 of 1964).

NOTIFICATION UNDER SECTION 7.

Whereas by Public Instrument No. 25 published in Supplement No. 3 to the Gazette No. 301 of 1st June, 1970, the Administrator declared the establishment of a wireless transmitting station on the west side of the Salt Lake Akrotiri to be an undertaking of public utility ;

And whereas the Area Officer Akrotiri, in compliance with subsection (1) of Section 6 of the Land Acquisition Ordinance, by Public Instrument No. 26 of 1970, gave particulars of the privileges to be acquired in connection with the said undertaking of public utility (hereinafter referred to as "the privileges") ;

And whereas the Area Officer Akrotiri, in compliance with subsection (2) of the said section, forwarded to the Administrator the required recommendations, plan and particulars ;

And whereas the Administrator has approved the plan and particulars submitted and has considered it expedient, having regard to the circumstances of the case, that the privileges be acquired :

Now, therefore, in exercise of the powers vested in him by section 7 of the Land Acquisition Ordinance, the Administrator hereby sanctions the acquisition of the privileges under the provisions of the said Ordinance.

Dated this 27th day of June, 1970.

By the Administrator's Command,

J.E. CARRUTHERS

Chief Officer,

Sovereign Base Areas.

(SBA/C106/31/Vol. II)

THE PROBATION OF OFFENDERS ORDINANCE

(Cap. 162—Laws of Cyprus)APPOINTMENT AND REVOCATION OF APPOINTMENT
OF PROBATION OFFICER UNDER SECTION 3.

In exercise of the powers vested in him by Section 3 of the Probation of Offenders Ordinance, the Administrator has appointed Mrs. Dalia Ann Hughes to be a Probation Officer.

2. The appointment as a Probation Officer of Mrs. P. Bunn, made by Public Instrument No. 30 of 1969, is hereby revoked.

Dated this 27th day of June, 1970.

By the Administrator's Command,
J.E. CARRUTHERS
Chief Officer,
Sovereign Base Areas.

(SBA/103/5/Vol. III)

THE PROBATION OF OFFENDERS ORDINANCE

(Cap. 162—Laws of Cyprus)

APPOINTMENT AND REVOCATION OF APPOINTMENT
OF PROBATION OFFICER UNDER SECTION 3.

In exercise of the powers vested in him by Section 3 of the Probation of Offenders Ordinance, the Administrator has appointed Mr. Ronald Gregg Norster to be a Probation Officer with effect from 11th July, 1970.

2. The appointment as a Probation Officer of Mr. A.R. Lowe, made by Public Instrument No. 2 of 1969, shall be revoked on the 10th July, 1970.

Dated this 27th day of June, 1970.

By the Administrator's Command,
J.E. CARRUTHERS
Chief Officer,
Sovereign Base Areas.

(SBA/103/5/Vol. III)