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LEGAL SUPPLEMENT — C

BILL No. 6 of 2025 *Wednesday 12th February, 2025*

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

12th February, 2025.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.

GUYANA

BILL No. 6 of 2025

CARICOM ARREST WARRANT BILL 2025

ARRANGEMENT OF SECTIONS

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A BILL

INTITULED

AN ACT to give effect to the CRICOM Arrest Warrant Treaty and to provide for related matters.

A.D.2025 Enacted by the Parliament of Guyana –

PART I

PRELIMINARY

Short title and commencement.

1. This Act may be cited as the CARICOM Arrest Warrant Act 2025 and shall come into operation on a date to be appointed by the Minister by Order.

Interpretation.

2. In this Act –

"applicable offence" means in relation to an offence under the laws of a Participating Member, an offence however described that if committed in the executing Participating Member would –

(a) be an offence which is punishable in the issuing Participating Member by a custodial sentence of one year or any greater punishment; and

First Schedule.

(b) include an offence described in the First Schedule;

"approved translation" means a translation accompanied by a certificate from an approved translator;

"approved translator" means a person recognised by the Minister as a person competent to make a true and accurate translation;

"CARICOM Arrest Warrant" means an arrest warrant issued by an issuing judicial authority for the arrest and surrender of a requested person in respect of an applicable offence;

"CARICOM Arrest Warrant Treaty" means the CARICOM Arrest Warrant Treaty signed at St. George's Grenada on the 6th day of 2017;

"Caribbean Community" means the Caribbean Community including the CARICOM Single Market and Economy established by the Revised Treaty:

"Central Authority" has the meaning assigned to it by section 6;

"Depositary" means the Secretary-General of the Caribbean Community;

"executing judicial authority" means the judicial authority competent under the law of the executing Participating Member, to authorise or determine any matter relating to the surrender of a requested person pursuant to a CARICOM Arrest Warrant;

"executing Participating Member" means the Participating Member requested to execute a CARICOM Arrest Warrant;

"issuing judicial authority" in relation to a CARICOM Arrest Warrant, means the judicial authority in the issuing Participating Member that issued the Warrant;

"issuing Participating Member" means the Participating Member in which a CARICOM Arrest Warrant has been issued;

"Member" means a Member of the Caribbean Community but does not include an Associate Member within the meaning of Article 231 of the Revised Treaty;

"Minister" means the Minister responsible for Home Affairs;

"Participating Member" means a Member who is a party to the CARICOM Arrest Warrant Treaty;

"requested person" means a person in respect of whom a CARICOM Arrest Warrant has been issued;

"Revised Treaty" means the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy signed at Nassau, The Bahamas on the 5th day of July, 2001 as amended by the Protocol to the Treaty;

"third State" means a state that is not a Participating Member.

Purpose of Act.

3. The purpose of this Act is to give effect to the CARICOM Arrest Warrant Treaty by providing a quick and efficient system of arrest and surrender of requested person for the purposes of –

(c) conducting in respect of the person a criminal prosecution for an applicable offence; or

(d) executing a custodial sentence or greater punishment where the requested person has fled from justice after being convicted or sentenced for an applicable offence.

Designated Participating Member.

4. For the purposes of this Act, the Minister responsible for Foreign Affairs may by Order published in the Gazette designate Participating Members that by national legislation have given effect to the CARICOM Arrest Warrant Treaty.

Application of this Act.

5. This Act applies in relation to an applicable offence, whether committed before or after the commencement of this Act.

PART II

CARICOM ARREST WARRANT

Central Authority.

6. (1) Where Guyana is the executing Participating Member the Minister shall be the Central Authority for the purposes of this Act.

(2) The Central Authority shall be responsible for the administrative transmission and reception of a CARICOM Arrest Warrant and all other documents and official correspondence relating to the CARICOM Arrest Warrant.

(3) The Minister may, by Order published in the Gazette, designate any person the Minister considers appropriate to perform such functions of the Central Authority as are specified in the Order and different persons may be designated to perform different functions of the Central Authority.

(4) The Minister shall notify the Depositary of any designation made under subsection (3) and the names of the persons designated.

(5) A reference in this Act to the Central Authority shall in so far as it relates to the performance of a function specified in the Order, be construed as a reference to the person designated by the Order to perform the function concerned.

Expense.

7. (1) Subject to this section, the expenses of administering this Act shall be defrayed out of moneys provided by Parliament for that purpose.

(2) The expenses of transporting the requested person from the executing Participating Member to the issuing Participating Member shall be borne by the issuing Participating Member.

(3) Notwithstanding subsections (1) and (2), the issuing Participating Member and the executing Participating Member may enter into an agreement for the payment or sharing of expenses incurred or to be incurred pursuant to the execution of the CARICOM Arrest Warrant, including the cost of transporting the requested person from the executing Participating Member to the issuing Participating Member and any other relevant expense.

(4) In proceedings arising out of a request for the surrender of a requested person, the executing Participating Member shall advise, assist, appear

in court on behalf of the issuing Participating Member and represent the interest of the issuing Participating Member.

Executing judicial authority.

8. (1) The High Court shall be the executing judicial authority for the executing Participating Member.

(2) The executing judicial authority shall have the power to –

(a) issue a CARICOM Arrest Warrant;

(b) authorise or determine any matter relating to the surrender of a requested person pursuant to a CARICOM Arrest Warrant issued in another Participating Member.

Grounds for issuance of CARICOM Arrest Warrant.

9. A CARICOM Arrest Warrant may be issued by an issuing judicial authority for the arrest and surrender of a person who –

(a) is reasonably suspected of having committed an applicable offence;

(b) is charged with an applicable offence; or

(c) has fled from justice after –

(i) having been convicted of an applicable offence; or

(ii) a custodial sentence of one year or greater punishment has been imposed on him for an applicable offence.

Power to arrest and surrender.

10. Where an executing judicial authority in an issuing Participating Member issues a CARICOM Arrest Warrant in respect of a requested person –

(a) against whom that Participating Member intends to institute proceedings for the offence to which the Warrant relates; or

(b) on whom a sentence of imprisonment or detention has been imposed and who fled from the issuing Participating Member before he –

(i) commenced serving the sentence; or

(ii) completed serving that sentence,

that person shall, in accordance with this Act and the CARICOM Arrest Warrant Treaty, be arrested and surrendered to the issuing Participating Member.

CARICOM Arrest Warrant.

Second Schedule.

11. (1) A CARICOM Arrest Warrant shall be in the form set out in the Second Schedule.

(2) Where the official language of the issuing Participating Member is different from that of the executing Participating Member, the issuing Participating Member shall cause an approved translation of the CARICOM Arrest Warrant to be made into the official language of the executing Participating Member.

Transmission of CARICOM Arrest Warrant.

12. (1) A request to the executing Participating Member for the arrest and surrender of a requested person shall be made by the Central Authority of the issuing Participating Member to the Central Authority of the executing Participating Member.

(2) Where a CARICOM Arrest Warrant transmitted to the executing Participating Member is in the official language, the issuing Participating Member shall transmit the original CARICOM Arrest Warrant together with three certified copies of the Warrant.

(3) Where the official language of the issuing Participating Member is a language other than the official language of the executing Participating Member, the issuing Participating Member shall transmit to the Central Authority of the executing Participating Member the original CARICOM Arrest

Warrant, the approved translation and three certified copies of the approved translation.

(4) The Central Authority of the issuing Participating Member shall forward the documents under subsections (2) and (3) by any secure means capable of producing written records under the conditions that allow the executing Participating Member to establish the authenticity of the documents.

(5) Where a request for the arrest and surrender of a requested person has been made in accordance with subsection (1), and the request is no longer being pursued, the Central Authority of the issuing Participating Member shall immediately notify the Central Authority of the executing Participating Member.

(6) Where the Central Authority receives a notification under subsection (5) the requested person shall be released immediately.

Authentication of document.

13. (1) An approved translation under section 11 is duly authenticated in the case of a –

(a) CARICOM Arrest Warrant or a copy thereof, if it purports to be the original Warrant signed, or true copies thereof certified, by the issuing judicial authority in the prescribed manner;

(b) deposition or a copy thereof, if it purports to be the original deposition signed, or a true copy thereof certified by the issuing judicial authority in the prescribed manner; or

(c) certificate of conviction, or a judicial document stating the fact of conviction, or a copy thereof, if it purports to be the original certificate or judicial document signed, or a true copy thereof certified by the issuing judicial authority in the prescribed manner.

(2) For the purposes of subsection (1), "in the prescribed manner" means that the document is authenticated by the oath or affirmation of, or by being sealed by the seal of, the judicial authority.

(3) For the purposes of this Act, judicial notice shall be taken of the official seal under subsection (2).

Arrest and detention.

14. (1) The Central Authority shall within two weeks after it receives a CARICOM Arrest Warrant transmitted to it in accordance with section 12, apply to the High Court for the endorsement of the CARICOM Arrest Warrant, or true copy thereof, for its execution.

(2) Where upon an application under subsection (1), a Judge of the High Court is satisfied that, in relation to a CARICOM Arrest Warrant there has been compliance with the provisions of this Act, the Judge may endorse for execution –

(a) the CARICOM Arrest Warrant; or

(b) where compliance with section 12(1) was effected by transmitting a certified copy of the CARICOM Arrest Warrant in accordance with section 12(4), the certified copy of the CARICOM Arrest Warrant.

(3) A CARICOM Arrest Warrant may, on there being compliance with subsection (2), be executed by any member of the Police Force.

(4) A person arrested under a CARICOM Arrest Warrant shall, upon arrest, be informed of his or her right –

(a) to consent to being surrendered to the issuing Participating Member under section 16;

(b) to be represented by an attorney-at-law; and

(c) where appropriate, to obtain or to be provided with the services of an interpreter.

(5) The Central Authority of the executing Participating Member shall immediately notify the Central Authority of the issuing Participating Member of the arrest of the requested person.

(6) The Central Authority of the issuing Participating Member, upon receipt of the notification under subsection (5) shall advise the Central Authority of the executing Participating Member on whether the execution of the CARICOM Arrest Warrant is to be proceeded with.

(7) Where the issuing Participating Member advises that a CARICOM Arrest Warrant is to be proceeded with, a person under subsection (4), shall, as soon as practicable after arrest, be brought before a magistrate and the magistrate shall, if satisfied that the person is the person in respect of whom the CARICOM Arrest Warrant was issued –

(a) inform the person that he has the right –

(i) to be represented by an attorney-at-law;

(ii) to consent to his surrender to the issuing Participating Member;

(iii) where appropriate, to obtain, or to be provided with the services of an interpreter; and

(b) remand the person in custody or admit the person to bail and, for that purpose, the magistrate shall have the same powers as he would have if the person brought before him was charged with an indictable offence.

Jurisdiction of magistrate.

15. (1) A magistrate may exercise jurisdiction under this Act within any district of the executing Participating Member notwithstanding the Summary Jurisdiction (Procedure) Act but nothing in this Act confers on any magistrate any jurisdiction in *habeas corpus* matters.

Cap. 10:02.

(2) The magistrate before whom a requested person is brought shall determine, subject to this Act, whether the requested person shall be committed for surrender or be discharged.

(3) In making a determination under subsection (2) the magistrate shall deal with the requested person in the same manner, as if the requested person had been brought before the magistrate and charged with an offence committed in the executing Participating Member that is triable on indictment.

Consent to surrender.

16. (1) Where a requested person is brought before a magistrate under section 14, the requested person may consent to being surrendered to the issuing Participating Member and where the requested person does so consent, the magistrate shall make an Order for the surrender of the requested person to the issuing Participating Member –

(a) upon production of the CARICOM Arrest Warrant; and

(b) if satisfied that –

(i) the surrender of the requested person is not prohibited by section 20, 28 or 29;

(ii) the surrender of the requested person is not prohibited by the CARICOM Arrest Warrant Treaty;

(iii) the requested person voluntarily consents to being surrendered to the issuing Participating Member and is aware of the consequences of so consenting; and

(iv) the requested person has obtained legal advice from an attorney-at-law before consenting to the surrender.

(2) The issuing Participating Member shall be notified of an Order made under subsection (1).

(3) Where the magistrate makes an Order under this section, the magistrate shall –

(a) record in writing that the requested person has consented to being surrendered to the issuing Participating Member; and

(b) commit the requested person to a prison pending the carrying out of the terms of the Order.

(4) The executing judicial authority shall make the final decision whether or not to authorise the surrender of the requested person within 48 hours after consent has been given.

CARICOM arrest warrant relating to more than one offence.

17. Where, in relation to an applicable offence specified in a CARICOM Arrest Warrant, the magistrate decides not to make an Order under section 16 or 19, it shall not be necessary for the issuing judicial authority to issue another CARICOM Arrest Warrant in respect of such other offences as are specified in the CARICOM Arrest Warrant, that Warrant shall be treated as having been issued in respect of those offences only.

Surrender procedure.

18. (1) Where a requested person is brought before a magistrate and does not consent to surrender, the magistrate shall determine subject to this Act, whether the requested person shall be committed for surrender or be discharged.

(2) In making a determination under subsection (1), the magistrate shall deal with the requested person and hear the case in the same manner, as nearly as may be, as if the requested person had been brought before the magistrate

charged with an offence committed in the executing Participating Member that is triable on indictment.

(3) Subject to subsection (4), but notwithstanding any other enactment, a requested person shall be detained in custody pending a determination of his or her case under subsection (2).

(4) The requested person need not be detained in custody if the requested person establishes to the satisfaction of a magistrate, that, having regard in addition to any other relevant factor, to the length of time the requested person has resided in the executing Participating Member –

(a) detention of the requested person is not necessary to ensure his attendance whenever it is required for the purposes of this Act; and

(b) detention of the requested person is not necessary in the public interest or for the protection or safety of the public, having regard to all the circumstances, including any substantial likelihood that the requested person might, if released from custody commit a criminal offence or an interference with the administration of justice.

Surrender decision.

19. (1) A CARICOM Arrest Warrant shall be dealt with as a matter of urgency.

(2) Where in accordance with section 16 the requested person consents to surrender, the executing judicial authority shall make the final decision within 48 hours after consent has been given.

(3) Subject to subsection (4), where the requested person does not consent to surrender to the issuing Participating Member, the final decision on whether the requested person should be surrendered or discharged shall be made within 60 days after the arrest of the requested person.

(4) Where the evidence provided by the issuing judicial authority is insufficient for the executing judicial authority to make a decision on surrender of the requested person, the executing judicial authority may request the issuing judicial authority to furnish the necessary supplementary information as a matter of urgency.

(5) In proceedings under this Act, evidence as to any matter to which such proceedings relate may be given by affidavit or by a statement in writing that purports to have been sworn –

(c) by the deponent in a place other than the executing Participating Member; and

(d) in the presence of a person duly authorised under the law of the place concerned to attest to the swearing of such a statement by a deponent,

however such a statement is described under the law of that place.

(6) In proceedings under this section, the magistrate may, if the magistrate considers that the interests of justice so require, direct that oral evidence of the matters described in the affidavit or statement concerned be given, and the court may, for the purpose of receiving oral evidence, adjourn the proceedings to a later date.

(7) The supplementary information requested under subsection (4) shall be furnished within 30 days after the expiry of the time mentioned in subsection (3).

(8) A requested person who is arrested shall be released immediately if –

(a) the executing judicial authority has refused to authorise the surrender of the requested person; or

(b) no decision on the surrender of the requested person is taken within the aggregate of the periods mentioned in subsections (3) and (7).

(9) The executing judicial authority shall give reasons for its refusal to authorise the surrender of the requested person.

Rule of speciality.

20. A requested person who has been surrendered under this Act shall not be prosecuted or sentenced for an offence committed prior to the requested person's surrender, other than that for which the requested person was surrendered, unless –

(a) the requested person consents to such prosecution or sentence;

(b) the requested person is being prosecuted or sentenced for a lesser offence disclosed by the facts upon which the request for surrender had been made;

(c) the executing judicial authority consents to the requested person being so dealt with for another applicable offence; or

(d) the requested person having had an opportunity to leave the territory of the Participating Member to which the requested person has been surrendered has not done so within forty-five days of the final discharge or has returned to that territory after leaving it.

Deduction of period of detention.

21. (1) Where a requested person is surrendered to the issuing Participating Member, any period of detention served by that person in the executing Participating Member shall be deducted from the sentence to be served in the issuing Participating Member.

(2) Any information concerning the duration of the detention of the requested person pursuant to a CARICOM Arrest Warrant shall be transmitted

by the Central Authority of the executing Participating Member to the Central Authority of the issuing Participating Member at the time of surrender of the requested person.

Grounds for mandatory non-execution of CARICOM Arrest Warrant.

22. (1) A CARICOM Arrest Warrant shall not be executed where –

(a) the competent authority of the issuing Participating Member has decided to terminate, or not institute, proceedings against the requested person for the offence to which the CARICOM Arrest Warrant relates;

(b) the requested person has been finally judged by a Participating Member in respect of the same acts to which the CARICOM Arrest Warrant relates and the person has been sentenced and has served or is currently serving the sentence;

(c) the requested person by reason of age is not criminally responsible for the offence under the laws of the executing Participating Member;

(d) the offence is covered by amnesty in the executing Participating Member;

(e) the offence is one of a political nature;

(f) there are reasonable grounds to believe that –

(i) the CARICOM Arrest Warrant was issued for the purpose of proceeding against or punishing the requested person on the grounds of sex, race, religion, ethnic origin, nationality, political opinions or sexual orientation;

(ii) the requested person's position may be prejudiced for any reason mentioned in subparagraph (i); or

(iii) there is a serious risk that the requested person shall be subjected in the executing Participating Member to torture or other inhuman or degrading punishment.

(2) For the purposes of this Act, the offences set out in the First Schedule shall not be regarded as offences of a political nature.

First Schedule.

(3) A request by an issuing Participating Member for the surrender of a requested person for an applicable offence referred to in subsection (1) shall not be refused solely on the ground that it concerns a political offence or an offence connected with a political offence inspired by political motives.

Grounds for optional non-execution of CARICOM Arrest Warrant.

23. (1) A CARICOM Arrest warrant may not be executed where –

(a) the requested person is being or has been prosecuted in the executing Participating Member for the same offence as that for which the CARICOM Arrest Warrant is issued;

(b) the offence is statute barred under the law of the executing Participating Member for the same offence as that for which the CARICOM Arrest Warrant is issued;

(c) the CARICOM Arrest Warrant relates to an applicable offence which –

(i) is regarded by the law of the executing Participating Member as having been committed in whole or in part in the territory of the executing Participating Member or in a place treated as part of the territory of the executing Participating Member; or

(ii) has been committed outside the territory of the issuing Participating Member and the law of the executing Participating Member does not allow prosecution for offences committed outside its territory; or

(d) the requested person is charged with or convicted for an offence for which the penalty may be death and the offence is not punishable in the executing Participating Member by death, unless an assurance satisfactory is given to the executing judicial authority of the executing Participating Member by the issuing Participating Member, that the death penalty shall not be imposed and if imposed shall not be carried out.

(2) The surrender of a requested person to an issuing Participating Member under this Act shall not be refused on the ground that, in relation to an applicable offence relating to taxes, duties or customs and excise –

(a) no tax, duty or customs and excise of the kind to which the offence relates is imposed in the executing Participating Member; or

(b) the rules relating to taxes, duties or customs and excise in the executing Participating Member are not the same as the issuing Participating Member.

Proportionality.

24. (1) A CARICOM Arrest Warrant shall not be issued where its issuance is disproportionate.

(2) In deciding whether a CARICOM Arrest Warrant is disproportionate the issuing judicial authority shall take into account the matters set out in subsection (3).

(3) The matters referred to in subsection (2) are –

(a) the seriousness of the conduct alleged to constitute the applicable offence;

(b) the penalty that may be imposed if the requested person were found guilty of the applicable offence in the executing Participating Member; and

(c) the possibility of the executing Participating Member taking measures that would be less coercive than the surrender of the requested person.

Multiple CARICOM Arrest Warrants.

25. (1) Where the Central Authority receives two or more CARICOM Arrest Warrants in respect of a person, not all of which have been issued by the same issuing Participating Member, the Central Authority in the executing Participating Member shall, where the executing judicial authority has not yet made an Order under section 16 or 19(1), in relation to the person inform the judicial authority as soon as may be of the receipts by it of those Warrants and the judicial authority shall, having regard to all the circumstances, decide, in relation to which of those Warrants it shall –

(a) perform functions under section 14; or

(b) where it has already performed such functions in relation to one of those CARICOM Arrest Warrants, perform functions under section 18, as may be appropriate.

(2) Without prejudice to the generality of subsection (1), the executing judicial authority shall in making a decision under subsection (1) have regard to –

(a) the seriousness of the offences specified in the CARICOM Arrest Warrants;

(b) the places where the offences were committed;

(c) the dates on which the CARICOM Arrest Warrants were issued; and

(d) whether the CARICOM Arrest Warrants were issued for the purposes of bringing proceedings for an offence against the person named in the Warrants or for the purposes of executing a sentence or detention Order in respect of the person.

Decision on whether CARICOM Arrest Warrant or request for extradition shall take precedence.

26. (1) Where the Central Authority receives a CARICOM Arrest Warrant in respect of a person and a request from a third State for the extradition of that person, the decision on whether the CARICOM Arrest Warrant or the extradition request shall take precedence shall be taken by the competent authority.

(2) For the purposes of subsection (1), the Minister shall –

(a) by Order, designate the competent authority; and

(b) notify the Depositary of any designation made pursuant to paragraph (a).

(3) The Depositary shall promptly inform each Participating Member of the information received pursuant to subsection (2)(b).

(4) In making a decision under subsection (1), the competent authority shall give due consideration to all the circumstances, in particular, the following –

(a) the seriousness of the offences –

(i) specified in the CARICOM Arrest Warrant; and

(ii) to which the request for extradition relates;

(b) the places where the offences were committed or alleged to have been committed;

(c) the date on which the CARICOM Arrest Warrant was issued and the date on which the request for extradition was made;

(d) whether the CARICOM Arrest Warrant was issued or the request for the purpose of instituting proceedings for an offence against the person concerned or for the purpose of executing a sentence or detention Order in respect of the person; and

Cap. 10:04.

(e) the provisions of this Act and the Fugitive Offenders Act.

Transit.

27. (1) Transit through a Participating Member of a person being conveyed from an executing Participating Member to an issuing Participating Member, on the surrender of the person pursuant to a CARICOM Arrest Warrant, shall be permitted where the Central Authority in the Participating Member receives a request in that behalf from the issuing Participating Member and where the issuing Participating Member provides the Central Authority in the Participating Member with the following information –

(a) the nationality of the person and such other information as will enable the person to be identified by the Central Authority in the Participating Member;

(b) information showing that a CARICOM Arrest Warrant has been issued by the issuing Participating Member in respect of the person;

(c) the nature and classification of the offence to which the CARICOM Arrest Warrant relates under the law of the issuing Participating Member; and

(d) the circumstances in which the offence specified in the CARICOM Arrest Warrant was committed or is alleged to have been committed, including the date and place of its commission.

(2) The transit of a person through a Participating Member shall be supervised by members of the Police Force if the Central Authority in the Participating Member considers it appropriate and, where a person's transit is so supervised, the person shall be deemed to be in the custody of any member of the Police Force who accompanies him.

(3) This subsection applies to an aircraft that has departed from a place other than the executing Participating Member and that is scheduled to land in a place other than the issuing Participating Member and on board which there is a person who is being conveyed to an issuing Participating Member upon surrender of the person pursuant to a CARICOM Arrest Warrant and –

(a) where the aircraft lands in the executing Participating Member, the executing Participating Member upon the aircraft's landing or as soon as may be after it lands, provide the Central Authority in the Participating Member with the information referred to in subsection (1);

(b) while the aircraft is in the executing Participating Member, a person referred to in paragraph (a) who is on board that aircraft shall be deemed to be in transit through the executing Participating Member and subsection (2) shall apply accordingly.

(4) Where a person has been extradited by a third state to a Participating Member, this section shall apply, subject to the modifications that –

(a) the reference to an executing Participating Member shall be construed as a reference to a third State;

(b) references to a CARICOM Arrest Warrant shall be construed as references to an extradition request; and

(c) references to an issuing Participating Member shall be construed as references to a third State.

Surrender of person by issuing Participating Member to other Participating Member.

28. (1) Subject to this section, a person shall not be surrendered under this Act unless –

(a) under the law of the issuing Participating Member the person shall not be surrendered to another Participating Member pursuant to a CARICOM Arrest Warrant issued by a judicial authority in that Participating Member in respect of an offence committed before his surrender to the issuing Participating Member; or

(b) an undertaking in writing is given to the executing judicial authority by the issuing judicial authority that the person shall not be surrendered to another Participating Member pursuant to a CARICOM Arrest Warrant issued by a judicial authority in that Participating Member in respect of such an offence.

(2) Subject to subsection (3), a person shall not be surrendered under this Act unless –

(a) under the law of the issuing Participating Member a person shall not be surrendered; or

(b) an undertaking in writing is given to the executing judicial authority by or on behalf of the issuing judicial authority that the person shall not be surrendered,

to another Participating Member pursuant to a CARICOM Arrest Warrant issued by a judicial authority in that Participating Member in the circumstances set out in subsection (3).

(3) The circumstances referred to in subsection (2) are –

(a) before the expiration of a period of thirty days from the date of the person's final discharge in respect of the offence for which the person is surrendered to the issuing Participating Member during which time the person shall be free to leave the issuing Participating Member;

(b) unless having been so discharged he leaves the issuing Participating Member and later returns thereto;

(c) the person voluntarily gives his consent to being so surrendered to another Participating Member and is fully aware of the consequences of his so doing;

(d) that consent is given before the competent authority of the issuing Participating Member; and

(e) the person obtains or is given the opportunity to obtain legal advice in relation to the matters to which this subsection applies before he gives that consent.

(4) The surrender of a person under this Act shall not be refused on the ground that, in relation to the issuing Participating Member, there is no compliance with subsection (2)(a) or (b) –

(a) if, in relation to the person, the magistrate is satisfied as to the matters specified in section 22(a); or

(b) if the Central Authority in the Participating Member gives its consent under subsection (5).

(5) An issuing judicial authority of the Participating Member may request the Central Authority in that Participating Member to consent to a person named in a CARICOM Arrest Warrant being surrendered by the issuing Participating Member concerned to another Participating Member pursuant to a CARICOM Arrest Warrant issued by a judicial authority in that other Participating Member in respect of that person.

(6) On receipt of a request under subsection (3), the Central Authority in the Participating Member shall give its consent to the surrender of the person in respect of the offence specified in the CARICOM Arrest Warrant issued by a judicial authority in that other Participating Member unless the surrender of the person in respect of the offence specified in the CARICOM Arrest Warrant issued by a judicial authority in that other Participating Member shall, if that person's surrender were sought by that other Participating Member under this Act, be prohibited under the CARICOM Arrest Warrant Treaty.

Surrender of person by issuing Participating Member to third State.

29. (1) A person shall not be surrendered under this Act unless the issuing judicial authority gives an undertaking in writing that the person shall not be extradited to a third State without the consent of the executing judicial authority and the Minister.

(2) The issuing judicial authority and the Minister may request in writing that the executing judicial authority give consent to the surrender to a third State by the issuing judicial authority of a person surrendered to the issuing Participating Member under this Act.

(3) The executing judicial authority shall not give its consent to a request under subsection (2) unless the extradition of the person to the third state in respect of the offence concerned would be permitted under the Fugitive Offenders Act were a request for such extradition to be received by the executing Participating Member from the third State.

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Searches for purposes of CARICOM Arrest Warrant.

30. (1) A member of the Police Force may, for the purposes of section 31, enter any place if necessary, by the use of reasonable force and search that place, if he has reasonable grounds for believing that a person in respect of whom CARICOM Arrest Warrant has been issued is to be found at that place.

(2) Where a member of the Police Force enters a place under subsection (1), he may search that place and any person found in that place, and may seize anything found or anything found in the possession of a person present at that place at the time of the search that the said member believes to be evidence of, or relating to, an offence specified in a CARICOM Arrest Warrant, or to be property obtained or received at any time whether before or after the commencement of this Act as a result of or in connection with the commission of that offence.

(3) Subject to subsection (4), a member of the Police Force who has reasonable grounds for believing that evidence of, or relating to, an offence specified in a CARICOM Arrest Warrant, or property obtained or received at any time whether before or after the commencement of this Act as a result of, or in connection with, the commission of that offence is to be found therein, and may seize anything found at that place or anything found in the possession of a person present at that place at the time of the search that the member of the Police Force believes to be such evidence or property.

(4) A member of the Police Force shall not enter a dwelling house pursuant to subsection (3), except –

(a) with the consent of the occupier; or

(b) in accordance with a warrant issued under subsection (5).

(5) A magistrate may, if satisfied on the application of a member of the Police Force that there are reasonable grounds for believing that –

(a) evidence of, or relating to, an offence specified in a CARICOM Arrest Warrant; or

(b) property obtained or received at any time as a result of or in connection with the commission of that offence,

is to be found in any dwelling house, issue a warrant authorising the member of the Police Force to enter and search the dwelling house.

(6) A member of the Police Service acting under this section may –

(a) require any person present at the place where the search is carried out to give to the member his name and address; and

(b) arrest, otherwise than pursuant to a warrant, any person who –

(i) obstructs or attempts to obstruct that member in the execution of his duties;

(ii) fails to comply with a requirement under paragraph (a); or

(iii) gives a name or address which the member has reasonable cause to believe is false or misleading.

(7) A person who –

(a) obstructs a member of the Police Force in the execution of his duties under this section;

(b) fails to comply with a requirement under subsection (6)(a); or

(c) gives a false name or address to a member of the Police Force,

commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for six months.

Handing over of property.

31. (1) Subject to this section, any property seized under section 30 shall, if a person is surrendered under this Act, be handed over to any person authorised by the issuing Participating Member to receive it, as soon as may be after the surrender of the person, and the property shall be handed over notwithstanding that the surrender of the person is not carried out by reason of his death or escape from custody.

(2) Any property seized under section 30 may, if any criminal proceedings to which the property relates are pending in the executing Participating Member, be retained in the executing Participating Member for the purposes of those proceedings or may, if the Central Authority in the executing Participating Member, after consultation with the Director of Public Prosecutions, so directs, be handed over to the issuing Participating Member subject to the issuing Participating Member agreeing to return the property.

(3) This section does not operate to abrogate any rights lawfully vested in the executing Participating Member, or any person, in any property to which this section applies and, where any such rights exist, the property shall not be handed over unless an undertaking is given by the issuing Participating Member that it will return the property as soon as may be after the trial of the person surrendered and without charge to the executing Participating Member or person in whom such rights vest.

Remand.

32. (1) A person remanded in custody under this Act may be detained in a correctional facility.

(2) A person shall not be admitted to bail or otherwise released from custody under this Act –

(a) if the person has been sentenced to a term of imprisonment for an offence of which the person was convicted in the executing Participating Member;

(b) if on the date of the person being remanded or on which the person would, but for this paragraph, be entitled to be released, all or part of the term of imprisonment remains unexpired;

(c) if the person is required to serve all or part of the remainder of that term of imprisonment;

(d) if the person has been charged with or convicted of an offence in the executing Participating Member; and

(e) if on the date of the person being remanded or on which the person would, but for this subsection, be entitled to be released, the person is required to be in custody by virtue of having been remanded in custody pending trial for that offence or the imposition of sentence in respect of that offence.

CARICOM Arrest Warrant and request for extradition.

33. (1) If the Central Authority in the executing Participating Member receives a CARICOM Arrest Warrant in respect of a person and a request from a third country for the extradition of that person, the Central Authority shall where the executing judicial authority has not made an Order under section 16(1) or 19(2) in relation to the person, inform the executing judicial authority in the executing Participating Member as soon as possible of the receipt by it of the CARICOM Arrest Warrant and the request for extradition and the executing judicial authority shall, having regard to all the circumstances, decide whether it shall perform functions –

(a) in relation to the CARICOM Arrest Warrant, under this Act; or

(b) in relation to the request for extradition, under the Fugitive Offenders Act.

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(2) Without prejudice to the generality of subsection (1), the executing judicial authority in the executing Participating Member shall in making a decision under subsection (1) have regard to –

(a) the seriousness of –

(i) the offence specified in the CARICOM Arrest Warrant; and

(ii) the offence to which the request for extradition relates;

(b) the places where the offences concerned were committed or are alleged to have been committed;

(c) the date on which the CARICOM Arrest Warrant was issued and the date on which the request for extradition was made;

(d) whether the CARICOM Arrest Warrant was issued or the request for extradition was made, for the purposes of bringing proceedings for an offence against the person concerned or for the purposes of executing a sentence or detention Order in respect of the person; and

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(e) the provisions of this Act and the Fugitive Offenders Act.

(3) Where the Central Authority in the executing Participating Member receives a CARICOM Arrest Warrant in respect of a requested person and a request is received from the International Criminal Court for the arrest and surrender of the same person, the Central Authority in the executing Participating Member shall, where an Order has not yet been made under section 16(1) or section 19(2) in relation to that person, inform the executing judicial authority which shall not perform functions under this Act in relation to the CARICOM Arrest Warrant, unless the arrest and the surrender of that person pursuant to such

a request is prohibited or not provided for under the law of the executing Participating Member.

Bilateral arrangement between Participating Members.

34. For the purposes of this section, a Participating Member may by bilateral arrangement with another Participating Member agree that a CARICOM Arrest Warrant in respect of a requested person who has –

(a) not yet been sentenced, may be executed by the executing Participating Member subject to the condition that the requested person is returned to the issuing Participating Member to serve the sentence imposed, where the requested person –

(i) a national of the first-mentioned Participating Member;

(ii) would have better possibilities of reintegration in the first-mentioned Participating Member; and

(iii) consents to serve the sentence imposed in the first-mentioned Participating Member; and

(b) already been sentenced, may be refused where the requested person –

(i) is a national of the first-mentioned Participating Member;

(ii) would have better possibilities of reintegration in the first-mentioned Participating Member; and

(iii) consents to serve the sentence in the first-mentioned Participating Member.

Double jeopardy.

35. A person shall not be surrendered under this Act for the purpose of being prosecuted in the issuing Participating Member for an offence consisting of an

act that constitutes in whole or in part an offence in respect of which final judgment has been given –

(a) in the executing Participating Member or another Participating Member; or

(b) in a third State if a sentence of imprisonment was imposed on the person in the third State in respect of the offence and –

(i) the person has served the sentence; or

(ii) the person is no longer liable under the law of the third State to serve any period of imprisonment in respect of the offence.

PART III

MISCELLANEOUS

Regulations.

36. The Minister may –

(a) make such regulations as may be necessary for the purpose of giving effect to the provisions of this Act; and

(b) prescribe anything that is authorised or required by this Act to be prescribed.

Negative resolution.

37. Any subsidiary legislation made under this Act shall be subject to negative resolution of the National Assembly.

Amendment of Schedules.

38. The Minister may by Order published in the Gazette amend the Schedules to this Act.

Savings and transitional.
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39. (1) With effect from the commencement of this Act, the Fugitive Offenders Act shall cease to apply to those States that are Participating Members.

(2) Any proceedings commenced under the Fugitive Offenders Act before the commencement of this Act for the surrender of a fugitive to a State to which this Act applies shall continue under that Act as if this Act had not been enacted.

FIRST SCHEDULE

S. 2

CARICOM ARREST WARRANT ACT 2025

APPLICABLE OFFENCES

PART A.

1. Capital murder, murder, attempted murder, assault with intent to commit murder;
2. Manslaughter, wounding with intent to cause grievous bodily harm and malicious or unlawful wounding;
3. Offences of a sexual nature, including rape, sexual assault, indecent assault, unlawful sexual acts upon children or persons with mental disabilities;
4. Procuring a person for immoral purposes, living on the earnings of prostitution;
5. Bigamy;
6. Kidnapping and abduction, false-imprisonment and hostage taking;
7. Offences relating to children, including neglecting, ill-treating, abandoning, exposing, stealing or exploiting a child, whether for sexual or other purposes;
8. Theft, robbery, assault with intent to rob;
9. Burglary, malicious damage or injury to property and similar offences;
10. Receiving or otherwise handling any goods, money, valuable securities or other property, knowing the same to have been stolen or unlawfully obtained;
11. Obtaining property, money, valuable securities or other pecuniary advantage by false pretense or other forms of deception, theft, larceny, embezzlement and any other offence in respect of property involving fraud;
12. Criminal intimidation, blackmail, extortion and racketeering;
13. Arson;
14. Money laundering;
15. Offences against the law relating to fi rearms, weapons or explosives;
16. Illicit trade in nuclear and radioactive materials;
17. Trafficking in stolen vehicles;
18. Offences against the laws relating to corporations or companies, including false statements and other offences committed by company directors, promoters and other officers;
19. False accounting;
20. Any offence relating to counterfeiting;

21. Any offence against the laws relating to forgery or uttering what is forged, including the wilful issuance of a cheque under a false name or without having made arrangements with financial institution, or after transactions have been suspended by such an institution and the wilful failure to honour the cheque;

22. Fraud, including fraud against the Government or against individuals, including behaviour which has the effect of depriving the Government, its agencies, or its citizens of money, valuable property, or the ability to conduct their affairs free from false statements and deceit;

23. Offences against the law relating to bribery of persons, including the corrupt offering, paying, or making of inducements to any foreign official or foreign political party, official thereof, or candidate for foreign political office to assist such person in obtaining or retaining business for himself or in directing business to any other person, soliciting bribes, offering or accepting bribes;

24. Perjury and subornation of perjury, false statement, attempting to pervert or obstruct the course of justice;

25. Cybercrime;

26. An offence relating to the protection of public health or the environment, including conduct directed at the destruction, defacing, deterioration, or harming of the earth's environment;

27. An offence against the laws relating to protection of intellectual property, copyrights, patents, or trademarks;

28. Offences relating to fiscal matters, taxes or duties, including tax evasion or fiscal fraud, notwithstanding that the law of the executing Participating Member does not impose the same kind or duty or does not contain a tax, duty, or customs regulation of the same kind as the law of the issuing Participating Member;

29. Smuggling, an offence against the law relating to the control of exportation or importation of goods of any type, or the intentional transfer of funds;

30. Immigration offences, including human smuggling and trafficking;

31. Piracy, mutiny or other mutinous acts committed on board a vessel at sea;

32. Unlawful use, destruction, possession, control, seizure or hijacking of aircraft, vessels or other means of transportation;

33. Any malicious act done with intent to endanger the safety of persons travelling or being upon a railway;

34. Genocide or direct and public incitement to commit genocide;

35. An offence relating to the law against terrorism or the financing of terrorism;

36. Illicit trafficking in narcotic drugs and psychotropic substances;

37. Illicit trade in human organs and tissues;

38. Illicit trafficking in cultural goods, including antiques, works of arts and artefacts;

39. Counterfeiting and piracy of products;

40. 40. Participating in a criminal organization;

41. 41. Corruption.

PART B.

Aiding and abetting, or counselling or procuring the commission of, or being an accessory before or after the fact to, or attempting or conspiring to commit, any of the offences listed in paragraph A above.

SECOND SCHEDULE

S. 13(1)

CARICOM ARREST WARRANT ACT 2025

CARICOM ARREST WARRANT

FORM

CARICOM STANDARD

CARICOM ARREST WARRANT
[LEGAL AUTHORITY]

This warrant has been issued by a competent judicial authority and authorises the arrest and surrender of the person mentioned herein for the purposes of conducting a criminal prosecution or executing a custodial sentence or greater punishment:

(a) Information regarding the identity of the requested person:

Surname: _____

First name: _____

Other name(s): _____

Maiden name, where applicable: _____

Any pseudonym or alias by which he or she is known: _____

Sex: _____

Nationality: _____

Date of birth: _____

Place of birth: _____

Residence: _____

Place and address of employment:

Distinctive marks:

Photograph and fingerprints of the requested person (if available):

A DNA profile (if available and necessary).

(b) The Central Authority of the Participating Member which issued the request and to which the requested person shall be surrendered:

Name of the authority:

Competent official (title or rank and name):

Address:

Telephone number: Facsimile number:

Email:

(c) Decision(s), Order(s) or Judgment(s) on which this Warrant is based:

(i) Arrest warrant(s), Order(s) or Judicial decision(s) having the same effect:

State whether requested person reasonably suspected, charged, convicted, or sentenced:

Date(s):_____

(ii) Enforceable judgment(s):_____

Reference(s) (if applicable): _____

Date(s):_____

(d) Applicable offence(s). State whether common law or statutory offence(s). If statutory offence(s) state statute(s) and section(s):

_____

_____

_____

_____

(e) Description of the circumstances in which the applicable offence(s) was or were committed, including the date(s), time(s), place(s) and degree of participation in the applicable offence(s) by the requested person:

_____

_____

_____

_____

(f) The custodial sentence(s) imposed, or the maximum custodial sentence(s) which may be imposed and other consequences of the applicable offence(s) such as confiscation of assets:

_____

_____

(g) Other consequences of the applicable offence(s), in particular the impact of the offence(s) on any victim or victims:

_____

_____

(h) State whether the requested person has already been arrested for the same applicable offence(s):

(i) State whether the requested person has escaped from custody:

(j) This warrant pertains also to the seizure and handing over of property which may be required as evidence.

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the applicable offence(s).

Description of the property and location (if known):

(k) Other information:

(l) Central Authority

Name of the _____ central authority:

Address: _____

_____

Telephone number: (country code) (area/city code):_____

Facsimile number: (country code) (area/city code):_____

Email: _____

Details of the contact person to make necessary practical arrangements for the surrender (title or grade and name):_____

_____

(m) Details of the High Court

Address of the High Court:_____

_____

Telephone number: (country code) (area/city code):_____

Facsimile number: (country code) (area/city code):_____

Email: _____

Signature of the issuing judicial authority: _____

Title or rank and name:_____

Date:_____

NOTE: This warrant must be written in, or translated into, the official language of the executing Participating Member.

EXPLANATORY MEMORANDUM

This Bill seeks to give effect to the CRICOM Arrest Warrant Treaty and to provide for related matters.

Part I, which includes **Clauses 1 to 5** of the Bill deals with the preliminary matters pertaining to the Bill. **Clause 1** provides for the short title and commencement of the Bill.

Clause 2 provides for the definition of key words used throughout the Act.

Clause 3 sets out the purpose of the Act, which is to is to give effect to the CARICOM Arrest Warrant Treaty by providing the legal framework for a quick and efficient system of arrest and surrender of a requested person under the Act.

Clause 4 provides that the Minister responsible for Foreign Affairs may by Order published in the Gazette designate Participating Members, that by national legislation, have given effect to the CARICOM Arrest Warrant Treaty.

Clause 5 specifies the type of offence to which the Act applies.

Part II includes **Clauses 6** to **35** of the Bill. **Clause 6** provides for the establishment of the Central Authority, which shall be the Minister responsible for Home Affairs. It also sets out the main function of the Central Authority which is, to facilitate administrative transmission and reception of a CARICOM Arrest Warrant and all other documents and official correspondence relating to the CARICOM Arrest Warrant.

Clause 7 provides for the expenses of administering the Act and shall be defrayed out of moneys provided by Parliament for that purpose.

Clause 8 provides that the High Court shall be the executing judicial authority for the executing Participating Member. The executing judicial authority shall have the power to:

(a) issue a CARICOM Arrest Warrant;

(b) authorize or determine any matter relating to the surrender of a requested person pursuant to a CARICOM Arrest Warrant issued in another Participating Member.

Clause 9 sets out the grounds for the issuance of a CARICOM Arrest Warrant in circumstances where a person:

(a) is reasonably suspected of having committed an applicable offence;

(b) is charged with an applicable offence; or

(c) has fled from justice after –

(i) having been convicted of an applicable offence; or

(ii) a custodial sentence of one year or greater punishment has been imposed on him for an applicable offence.

Clause 10 provides for the power to arrest and surrender a requested person under the Act.

Clause 11 provides for the CARICOM Arrest Warrant form as set out in the Second Schedule of the Act.

Clause 12 provides for the transmission of a CARICOM Arrest Warrant which shall be transmitted between the Central Authority of both the issuing Participating Member and the Executing Participating Member.

Clause 13 makes provision for the authentication of certain instrumental documents issued under the Act.

Clause 14 outlines and details the procedure in relation to the arrest and detention of a requested person. According to this provision, the CARICOM Arrest Warrant may be executed by any member of the Police Force provided that the warrant is in compliance with the provisions of the Act. A person arrested under a CARICOM Arrest Warrant shall, upon arrest, be informed of his or her right –

(a) to consent to being surrendered to the issuing Participating Member;

(b) to be represented by an attorney-at-law; and

(c) where appropriate, to obtain or to be provided with the services of an interpreter.

Where the issuing Participating Member advises that a CARICOM Arrest Warrant is to be proceeded with, the arrested person shall as soon as practicable after arrest be brought before a magistrate and the magistrate shall, if satisfied that the person is the person in respect of whom the CARICOM Arrest Warrant was issued –

(a) inform the person that he has the right –

(i) to be represented by an attorney-at-law;

(ii) to consent to his surrender to the issuing Participating Member;

(iii) where appropriate, to obtain, or to be provided with the services of an interpreter; and

(b) remand the person in custody or admit the person to bail and, for that purpose, the magistrate shall have the same powers as he would have if the person brought before him was charged with an indictable offence.

Clause 15 provides for the jurisdiction of the magistrate under the Act which notably does not extend to *habeas corpus* matters.

Clause 16 provides that a requested person may consent to his surrender to the issuing Participating Member however, the executing judicial authority shall make the final decision whether or not to authorise the surrender of the requested person within 48 hours after consent has been given.

Clause 17 makes provision for a CARICOM Arrest Warrant that relates to more than one offence.

Clause 18 outlines and details the surrender procedure. It provides that, where a requested person is brought before a magistrate and does not consent to surrender, the magistrate shall

determine subject to this Act, whether the requested person shall be committed for surrender or be discharged.

Clause 19 provides that, where the requested person does not consent to surrender to the issuing Participating Member, the final decision on whether the requested person should be surrendered or discharged shall be made within 60 days after the arrest of the requested person. Where the executing judicial authority refuses to surrender the requested person the executing judicial authority must provide reasons for its refusal.

Clause 20 provides for the rule of specialty under the Act.

Clause 21 provides for any period of detention served by the requested person in the executing Participating Member to be deducted from the sentence to be served in the issuing Participating Member.

Clause 22 specifies the grounds for mandatory non-execution of a CARICOM Arrest Warrant.

Clause 23 makes provision for the optional non-execution of a CARICOM Arrest Warrant.

Clause 24 provides for the proportionality of a CARICOM Arrest Warrant which shall not be issued where its issuance is disproportionate. Under this section the issuing judicial authority shall take the following into account in deciding whether the warrant is disproportionate:

(a) the seriousness of the conduct alleged to constitute the applicable offence;

(b) the penalty that may be imposed if the requested person were found guilty of the applicable offence in the executing Participating Member; and

(c) the possibility of the executing Participating Member taking measures that would be less coercive than the surrender of the requested person.

Clause 25 sets out the role of the Central Authority in instances where the Central Authority is in receipt of two or more CARICOM Arrest Warrants in respect of a person, all of which have not been issued by the same issuing Participating Member.

Clause 26 provides that the Central Authority receives a CARICOM Arrest Warrant in respect of a person and a request from a third State for the extradition of that person, the decision on whether the CARICOM Arrest Warrant or the extradition request shall take precedence shall be taken by the competent authority. To fulfil this mandate the Minister shall by Order designate the competent authority.

Clause 27 provides for the transit of a requested person through a Participating Member and shall be supervised by members of the Police Force if the Central Authority in the Participating Member considers it appropriate.

Clause 28 makes provision for the surrender of a person by an issuing Participating Member to another Participating member.

Clause 29 provides for the surrender of a person by an issuing Participating Member to a Third State. A person shall not be surrendered unless the issuing judicial authority gives an undertaking in writing that the person shall not be extradited to a third State without the consent of the executing judicial authority and the Minister.

Clause 30 makes provision for a member of the Police Force to enter any place if necessary, by the use of reasonable force and search that place, if the police has reasonable grounds for believing that the person in respect of whom CARICOM Arrest Warrant has been issued is to be found at that place. The police may seize anything found or anything found in the possession of the person present at the time of the search that the Police believes to be evidence of, or relating to, an offence specified in the CARICOM Arrest Warrant, or to be property obtained or received at any time whether before or after the commencement of this Act as a result of or in connection with the commission of that offence.

Clause 31 provides that any property seized under section 30 shall, if a person is surrendered under this Act, be handed over to any person authorised by the issuing Participating Member to receive it, as soon as may be after the surrender of the person, and the property shall be handed over notwithstanding that the surrender of the person is not carried out by reason of his death or escape from custody.

Clause 32 makes provision for the remand of a person in custody under this Act.

Clause 33 provides for the executing judicial authority to exercise its functions in relation to a CARICOM Arrest Warrant or request for extradition.

Clause 34 makes provision for bilateral arrangements between Participating Members.

Clause 35 makes provision for double jeopardy. A person shall not be surrendered under this Act for the purpose of being prosecuted in the issuing Participating Member for an offence consisting of an act that constitutes in whole or in part an offence in respect of which final judgment has been given:

(a) in the executing Participating Member or another Participating Member; or

(b) in a third State if a sentence of imprisonment was imposed on the person in the third State in respect of the offence and:

(i) the person has served the sentence; or

(ii) the person is no longer liable under the law of the third State to serve any period of imprisonment in respect of the offence.

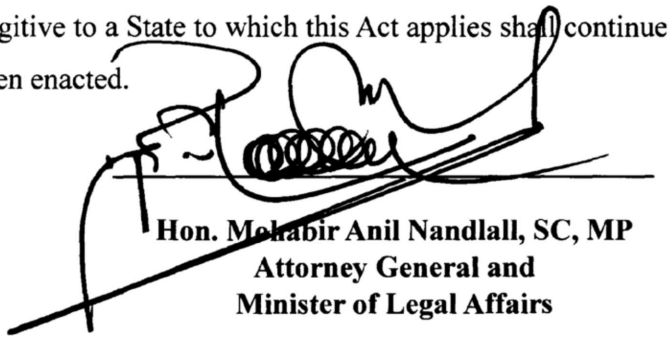
Clause 36 makes provision for the creation of Regulations by the Minister for the purpose of giving effect to the provisions of the Act or prescribing anything that is authorised by the Act.

Clause 37 provides that any subsidiary legislation made under the Act shall be subject to a negative resolution of the National Assembly.

Clause 38 provides for the amendments of the Schedules under the Act.

Clause 39 provides that, with effect from the commencement of this Act, the Fugitive Offenders Act shall cease to apply to those States that are Participating Members.

Any proceedings commenced under the Fugitive Offenders Act before the commencement of this Act for the surrender of a fugitive to a State to which this Act applies shall continue under that Act as if this Act had not been enacted.



Hon. Mahabir Anil Nandlall, SC, MP
Attorney General and
Minister of Legal Affairs