

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]
House of Representatives, 15 September 1965

Words inserted by the Committee are shown in roman underlined with a double rule.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]
House of Representatives, 29 September 1965

Words struck out by the Committee of the Whole are shown with black rule at beginning and after last line of struck out matter; words inserted are shown with double rule before first line and after last line of new matter.

Hon. Mr Hanan

EXTRADITION

ANALYSIS

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A BILL INTITLED

An Act to make better provision in respect of the extradition of offenders

BE IT ENACTED by the General Assembly of New Zealand
5 in Parliament assembled, and by the authority of the same,
as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Extradition Act 1965.
(2) This Act shall come into force on the first day of
10 January, nineteen hundred and sixty-six.

No. 75—3

Price 1s. 6d.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Conviction” and “convicted” do not include a conviction which under foreign law is a conviction for contumacy; but “accused person” includes a person convicted under foreign law for contumacy: 5

“Court” means a Magistrate’s Court presided over by a Magistrate:

“Deposition” includes any affidavit or statement made on oath; and also includes any statement made before any Court or judicial officer, if under the law of the country in which it is made a person making such a statement falsely is liable to punishment: 10

“Extradition treaty”, or “treaty”, means any treaty or agreement for the time being in force between New Zealand and any foreign country or countries for the surrender of offenders: 15

“Extradition offence”, in relation to any foreign country, means any act or omission which, if it occurred in New Zealand, would be one of the crimes described in the First Schedule to this Act, and which amounts to one of the offences described in the extradition treaty with that country and is punishable in that country; and also has the extended meaning given by subsection (2) of this section: 20 25

“Foreign country” includes any territory for whose international relations the Government of a foreign country is responsible and to which the extradition treaty with that country extends:

“Minister” means the Minister of Justice: 30

“Oath”, in relation to any country, includes affirmation, where affirmation is allowed by the law of the country:

“Offender” means a person accused or convicted of an extradition offence committed within the jurisdiction of a foreign country; and references to an offender of any country have a corresponding meaning: 35

“Warrant”, in relation to any country, includes any judicial document authorising the arrest of a person accused or convicted of an offence. 40

(2) For the purposes of this Act, the expression "extradition offence", in relation to any foreign country, shall also include any act or omission which, if it occurred in New Zealand, would be one of the crimes of—

- 5 (a) Conspiring to commit any extradition offence (being a conspiracy to which section 310 of the Crimes Act 1961 applies) ; or
10 (b) Attempting to commit any extradition offence, or inciting, counselling, or attempting to procure any person to commit any extradition offence that is not committed (being any case to which section 311 of the Crimes Act 1961 applies) ; or
15 (c) Being accessory after the fact to any extradition offence (being any case to which section 312 of the Crimes Act 1961 applies)—

and which amounts to one of the offences described in the extradition treaty with that country and is punishable in that country.

(3) For the purposes of this Act, any vessel or aircraft 20 recognised by the law of any country as belonging to that country shall be deemed to be within the jurisdiction of and to be part of that country.

25 Cf. Extradition Act 1870, ss. 25, 26 (U.K.) ; Extradition Act 1873, ss. 3, 4, 8 (U.K.) ; Slave Trade Act 1873, s. 27 (U.K.) ; Extradition Act 1906, s. 1 (U.K.) ; Extradition Act 1932, s. 1 (U.K.) ; Counterfeit Currency (Convention) Act 1935, s. 4 (U.K.) ; Sexual Offences Act 1956, Third Schedule (U.K.) ; Suicide Act 1961, First Schedule (Part II) (U.K.) ; Extradition Act, Ch. 322 (1952), s. 2 (Can.)

Application of Act to Foreign Countries

3. Application of this Act—(1) Where a treaty has been concluded (whether before or after the commencement of this Act) between New Zealand and any foreign country in 35 respect of the surrender of offenders, the Governor-General may by Order in Council apply this Act to that foreign country.

(2) Every such Order in Council shall recite the terms of the treaty, and shall cease to have effect when the treaty ceases 40 to be in force.

(3) Where by virtue of any such Order in Council this Act applies to any foreign country, the treaty shall be read subject to subsections (1) to (6) of section 5 of this Act.

(4) Except as provided in subsection (3) of this section, this Act shall be read subject to the terms of the treaty and shall be so construed as to give effect to the treaty.

(5) While any such Order in Council continues to have effect it shall be conclusive evidence of the terms of the treaty and of the fact that this Act applies to the foreign country. 5

Cf. Extradition Act 1870, ss. 2, 4, 5 (U.K.)

Extradition from New Zealand

4. Liability of offenders to surrender—Subject to the provisions of this Act, where this Act applies to any foreign country, every offender of that country who is in New Zealand shall be liable to be arrested and surrendered in the manner provided by this Act, whether the act or omission in respect of which the surrender is sought occurred before or after the commencement of this Act or, as the case may be, before or 15 after its application to that country, and whether or not any New Zealand Court has jurisdiction in respect of that act or omission. 10

Cf. Extradition Act 1870, s. 6 (U.K.); Extradition Act, 20
Act, Ch. 322 (1952), s. 12 (Can.)

5. Restrictions on surrender—(1) An offender shall not be surrendered to a foreign country—

- (a) If the offence in respect of which his surrender is requested is one of a political character; or
- (b) If he proves to the satisfaction of the Court or of the 25 Minister, or, where he is brought before the Supreme Court or a Judge on *habeas corpus*, to the satisfaction of the Supreme Court or Judge, that the request for his surrender has in fact been made with a view to try or punish him for an offence of 30 a political character.

(2) An offender shall not be surrendered to a foreign country unless provision is made by the law of that country, or by the extradition treaty, that the offender will not, until he has left or has had an opportunity of leaving the foreign 35 country, be detained or tried in that country for any offence committed before his surrender other than an extradition offence disclosed by the facts on which the surrender is grounded.

(3) An offender who has been acquitted, on account of his insanity, of any offence within the jurisdiction of New Zealand, and who, consequent on such acquittal, is detained in any institution under section 31 of the Mental Health Act 1911, 5 shall not be surrendered until in accordance with law he ceases to be so detained.

(4) An offender who has been convicted of any offence within the jurisdiction of New Zealand, and who, consequent on his conviction, is detained in a penal institution or detained under section 38 of the Mental Health Act 1911, 10 shall not be surrendered until in accordance with law he ceases to be so detained.

(5) Where, in any case to which subsection (3) or subsection (4) of this section does not apply, an offender has 15 been accused of an offence within the jurisdiction of New Zealand, not being the offence for which his surrender is requested, he shall not be surrendered until the proceedings against him have been disposed of.

(6) An offender shall not be surrendered until after the 20 expiration of fifteen days from the date of his being committed to custody to await his surrender or, in any case where a writ of *habeas corpus* is issued, until after the Supreme Court has decided, on the return to the writ, that he is not to be discharged from custody, whichever event last happens.

25 (7) In every extradition treaty made between New Zealand and a foreign country after the commencement of this Act provision shall be made to the effect that the Minister may in his discretion refuse to surrender an offender who is a New Zealand citizen.

30 Cf. Extradition Act 1870, s. 3 (U.K.); Extradition Act, Ch. 322 (1952), ss. 21, 23, 24 (Can.)

6. Request for surrender—(1) Every request for the surrender of an offender who is in or suspected of being in New Zealand shall be made to the Minister of External Affairs, 35 for transmission to the Minister of Justice,—

(a) By a diplomatic or consular representative, or a Minister, of the country which seeks his surrender; or
(b) By such other means as is prescribed in the treaty.

(2) Where a request is so made, the Minister of Justice may, 40 by writing, notify a Magistrate that it has been made and request him to issue a warrant for the arrest of the offender.

(3) If the Minister of Justice is of opinion that the offence to which any request under subsection (1) of this section relates is

one of a political character, he may if he thinks fit refuse to notify a Magistrate as aforesaid, and may also at any time order an offender accused or convicted of the offence to be discharged from custody.

Cf. Extradition Act 1870, ss. 7, 17 (U.K.); Extradition 5
Act, Ch. 322 (1952), ss. 20, 22 (Can.)

7. Issue of warrant—(1) A warrant for the arrest of an offender who is in or suspected of being in New Zealand may be issued—

(a) By a Magistrate on receipt of a request from the 10 Minister as aforesaid and on such evidence as in his opinion shows that there is reasonable ground to believe that the offender has been accused or convicted of an extradition offence; or

(b) In any case, by a Magistrate or Justice on the production to him of a foreign warrant or on such other evidence as in his opinion shows that there is reasonable ground to believe that the offender has been accused or convicted of an extradition offence. 15

(2) Any Magistrate or Justice who issues a warrant under 20 this section without a request from the Minister to do so shall forthwith report the issue of it to the Minister and send to him a certified copy of any foreign warrant or other documentary evidence so produced and a note of any other evidence so produced. 25

(3) On receipt of the report the Minister may if he thinks fit order the cancellation of the warrant and the discharge of the person arrested thereon.

(4) Every offender arrested on a warrant issued under this section shall, unless he is sooner discharged, be brought before 30 a Court as soon as practicable.

Cf. Extradition Act 1870, s. 8 (U.K.); Extradition Act,
Ch. 322 (1952), ss. 10, 13, 22 (Can.)

8. Hearing—(1) Subject to the provisions of this Act, when 35 an offender is brought before a Court under this Act, the Court shall hear the case in the same manner, and have the same jurisdiction and powers, as if the proceedings were the preliminary hearing of an information for an indictable offence alleged to have been committed by the offender in New Zealand, and the provisions of Part V of the Summary 40 Proceedings Act 1957 shall apply, so far as they are applicable and with the necessary modifications.

(2) Where the offender has been arrested on a warrant issued by a Magistrate or Justice without a request from the Minister, the following provisions shall apply:

- 5 (a) The hearing of the case shall not proceed until the Court receives from the Minister a notice in writing stating that a request has been transmitted to him under section 6 of this Act for the surrender of the offender;
- 10 (b) Pending the receipt of such a notice the Court shall from time to time adjourn the hearing;
- 15 (c) If such a notice is not received by the Court within such time as may be prescribed in that behalf in the extradition treaty or, where no time is so prescribed, within such reasonable time as the Court may fix, the Court shall discharge the offender. The Court may from time to time in its discretion extend any time fixed by it under this paragraph.
- (3) The offender shall not in any case be bailable as of right or allowed to go at large without bail.
- 20 (4) The provisions of sections 32, 34, and 35 of the Mental Health Act 1911 shall apply, so far as they are applicable and with all necessary modifications.
- 25 (5) A warrant issued in the foreign country and authorising the arrest of the offender, or a copy of the warrant, shall be produced at the hearing.

Cf. Extradition Act 1870, ss. 8, 9 (U.K.); Extradition Act, Ch. 322 (1952), ss. 13, 14 (Can.)

9. Evidence on behalf of offender—(1) At the hearing the Court shall receive any evidence tendered by or on behalf of the offender to show—
- 30 (a) That he did not do or omit the act alleged to have been done or omitted by him; or
- 35 (b) That he is not the person against whom the foreign warrant was issued; or
- 40 (c) That the alleged act or omission is not an extradition offence in relation to the country which seeks his surrender; or
- (d) That the offence is of a political character, or that the proceedings are being taken with a view to try or punish him for an offence of a political character; or

- (e) That his surrender would not be in accordance with the provisions of the treaty between New Zealand and the country which seeks his surrender; or
- (f) That he has been previously convicted or acquitted in New Zealand in respect of the alleged act or omission.

(2) For the purposes of paragraph (d) of subsection (1) of this section, the Court may receive such evidence as in its opinion may assist it in determining the truth, whether or not such evidence is otherwise legally admissible in a Court of law.

(3) Nothing in this section shall limit the power of the Court to receive any other evidence that may be tendered to show that the offender should not be surrendered.

Cf. Extradition Act 1870, s. 9 (U.K.); Extradition Act, 15
Ch. 322 (1952), s. 15 (Can.)

10. Detention or discharge of offender—(1) On hearing the case the Court shall order the committal of the offender to a penal institution, to remain there until he is surrendered to the foreign country or discharged according to law, if— 20

- (a) In the case of a person alleged to have been convicted of an extradition offence, such evidence is produced as would according to the law of New Zealand, subject to the provisions of this Act, prove that he was so convicted: 25
- (b) In the case of a person accused of an extradition offence, the foreign warrant authorising his arrest, or the copy of that warrant, is duly authenticated and such evidence is produced as would according to the law of New Zealand, subject to the provisions of this 30 Act, justify his committal for trial if the alleged act or omission had occurred in New Zealand.

(2) If such evidence as aforesaid is not produced the Court shall discharge the offender.

(3) Where the Court commits the offender to a penal institution as aforesaid, it shall— 35

- (a) Inform him that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus*; and
- (b) Send to the Minister a certificate of the committal, 40 together with a copy of all the evidence taken before it that has not already been sent to the Minister, and such report on the case as it thinks fit.

(4) Notwithstanding anything in subsection (1) of this section, where the Court commits the offender to a penal institution a Judge of the Supreme Court may in his discretion, on application and on such terms and subject to such conditions as he thinks fit, grant bail to the offender.

Cf. Extradition Act 1870, ss. 10, 11 (U.K.) ; Extradition Act, Ch. 322 (1952), ss. 18, 19 (Can.)

11. Surrender of offender—(1) Subject to the provisions of this Act, after the expiration of fifteen days from the date of the offender's being committed to a penal institution as aforesaid, or, in any case where a writ of *habeas corpus* is issued, after the Supreme Court has decided, on the return to the writ, that he is not to be discharged from custody (whichever event last happens), the Minister may order that the offender be surrendered to the person who in the opinion of the Minister is duly authorised to receive him in the name and on behalf of the foreign country seeking his surrender, for the purpose of his being taken to that country.

(2) Any person to whom any such order is directed may take the offender into custody and deliver him to the person specified in the order, and the person so specified may receive the offender, hold him in custody, and convey him to the foreign country, to be dealt with there according to law.

(3) Until the offender is conveyed out of New Zealand, he shall be deemed for the purposes of section 41 of the Penal Institutions Act 1954 to be a person committed to an institution.

Cf. Extradition Act 1870, s. 11 (U.K.) ; Extradition Act, Ch. 322 (1952), ss. 25, 26 (Can.)

30 12. Discharge of offender if not removed within two months—If an offender who has been committed to a penal institution under section 10 of this Act is not surrendered and conveyed out of New Zealand within two months—

(a) After the committal; or
 (b) If a writ of *habeas corpus* is issued, after the decision of the Supreme Court upon the return to the writ—whichever period last expires, a Judge of the Supreme Court may, on application and on proof that reasonable notice of

the intention to make the application has been given to the Minister, order the offender to be discharged, unless sufficient cause is shown against such discharge.

Cf. Extradition Act 1870, ss. 12, 17 (U.K.) ; Extradition Act, Ch. 322 (1952), s. 28 (Can.) 5

Extradition from a Foreign Country

13. Extradition from a foreign country—Where a person accused or convicted of an offence in New Zealand is in or suspected of being in any foreign country with which there is an extradition treaty applicable to that offence, a request for his surrender may be made by the Minister and shall be transmitted by the Minister of External Affairs to a diplomatic or consular representative, or a Minister, of that country, or to such other authority as is prescribed in the treaty. 10

Cf. Extradition Act, Ch. 322 (1952), s. 30 (Can.) 15

14. Offender not triable for previous offence—Where pursuant to any extradition treaty any person accused or convicted of an offence in New Zealand is surrendered by a foreign country, that person shall not, until he has left or has had an opportunity of leaving New Zealand, be detained or 20 tried for any offence committed within the jurisdiction of New Zealand before his surrender other than an offence disclosed by the facts on which the surrender is grounded.

Cf. Extradition Act 1870, s. 19 (U.K.) ; Extradition Act, Ch. 322 (1952), s. 33 (Can.) 25

General Provisions

15. Depositions and official documents—(1) Depositions taken outside New Zealand, whether taken in the absence of the offender or otherwise, and copies thereof, and official certificates of or judicial documents stating the fact of conviction or other facts, given or made out of New Zealand, may, if duly authenticated, be received in evidence in any proceedings under this Act. 30

(2) For the purposes of section 13 of this Act, a Magistrate may, in the absence of the person accused of an offence to 35 which that section relates, take depositions in the same manner, so far as applicable, as if that person were present and the proceedings were the preliminary hearing of an information for an indictable offence; and for the purpose of

taking any such depositions the Magistrate shall have the same jurisdiction and powers as if the proceedings were such a hearing as aforesaid.

5 (3) Nothing in this Act shall authorise the reception of any such depositions, copies, certificates, or documents in evidence against any person on his trial for any offence.

Cf. Extradition Act 1870, ss. 14, 24 (U.K.); Extradition Act 1873, s. 5 (U.K.); Extradition Act, Ch. 322 (1952), s. 16 (Can.)

10 16. **Authentication of documents**—(1) For the purposes of this Act, any warrant, deposition, official certificate, or judicial document issued, taken, given or made outside New Zealand, and any copy thereof, shall be deemed to be duly authenticated if it is authenticated in the manner for the 15 time being provided by the law of New Zealand in respect of documents executed out of New Zealand, or if it purports—

- (a) In the case of a warrant, to be signed by a Judge, Magistrate, or official of the country where it was issued:
20 (b) In the case of a deposition, to be certified, under the hand of a Judge, Magistrate, or official of the country where the deposition was taken, to be the original deposition or, as the case may require, to be a true copy thereof:
25 (c) In the case of a certificate of or judicial document stating the fact of conviction or other facts, to be certified by a Judge, Magistrate, or official of the country where it was made—

and is authenticated by the oath of some witness or by being 30 signed by or sealed with the official seal of the Minister of Justice or some other Minister of the country in which it is issued, taken, or made.

(2) Every Court shall take judicial notice of every such signature or seal as aforesaid.

35 Cf. Extradition Act 1870, s. 15 (U.K.); Extradition Act, Ch. 322 (1952), s. 17 (Can.)

17. Regulations—The Governor-General may from time to time by Order in Council make regulations for all or any of the following purposes:

40 (a) Prescribing forms for any of the purposes of this Act:

(b) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

Cf. Extradition Act 1870, s. 20 (U.K.) ; Extradition Act, Ch. 322 (1952), s. 29 (Can.)

Struck Out

18. Application of Act to Niue—(1) The Cook Islands Act 1915 is hereby amended by inserting, after section 349, the following heading and section:

"Application of Extradition Act to Niue"

"349A. **Extradition Act in force in Niue**—(1) Subject to the provisions of this Act, the Extradition Act 1965, so far as it is applicable, shall extend to and be in force in Niue.

"(2) In the application of the Extradition Act 1965 to Niue, unless the context otherwise requires,—

"(a) Every reference in that Act to New Zealand shall be read as a reference to Niue:

"(b) Every reference in that Act to the Court, or to the Supreme Court or a Judge thereof, or to a Magistrate or Justice, shall be read as a reference to the 20 High Court of the Cook Islands or a Judge of that Court:

"(c) Every reference in that Act to the Minister of Justice shall be read as a reference to the Minister of Justice acting with the concurrence of the Minister 25 of Island Territories:

"(d) The reference in the definition of the expression 'extradition offence' in subsection (1) of section 2 of that Act to the crimes described in the First Schedule to that Act shall be read as a reference to such of 30 the criminal offences described in Part V of this Act as correspond to the crimes described in Part I of that Schedule, and also as a reference to such of the enactments specified in Part II of that Schedule as are in force in Niue:

"(e) The references in subsection (2) of section 2 of that Act to sections 310, 311, and 312 of the Crimes Act 1961 shall be read as references to sections 263, 264, 265, 268, and 268B of this Act, as the case may require:

Struck Out

- 5 “(f) The references in subsections (3) and (4) of section 5
of that Act to sections 31 and 38 of the Mental
Health Act 1911 shall be read as references to
sections 591 and 593 of this Act, as the case may
require:
- 10 “(g) The references in sections 8 and 15 of that Act to the
preliminary hearing of an information for an in-
dictable offence shall be read as references to the
trial of an offence punishable by the High Court
in the ordinary course of its criminal jurisdiction
and procedure:
- 15 “(h) The reference in section 8 of that Act to the Summary
Proceedings Act 1957 shall be read as a reference
to this Act, and the reference in that section to
sections 32, 34, and 35 of the Mental Health Act
1911 shall be construed as a reference to sections
590, 592, and 593 of this Act.”
- (2) The First Schedule to the Cook Islands Amendment
20 Act 1964 is hereby amended by adding, in the appropriate
columns thereof, the following words:
“1965, No. 00—
The Extradition Act 1965 | The whole Act.”

New

- 25 **18. Application of Act to Cook Islands**—Whereas in accordance with Article 46 of the Constitution of the Cook Islands (as set out in the Schedule to the Cook Islands Constitution Act 1964) the Government of the Cook Islands has requested and consented to the enactment of a provision extending the
30 provisions of this Act to the Cook Islands as part of the law of the Cook Islands: Be it therefore enacted as follows:
- (1) The Cook Islands Act 1915 is hereby amended by inserting, after section 349, the following heading and section:

“Application of Extradition Act to Cook Islands”

- 35 **“349A. Extradition Act in force in Cook Islands**—(1) Subject to the provisions of this Act, the Extradition Act 1965, so far as it is applicable, shall extend to and be in force in the Cook Islands and Niue.
- 40 “(2) In the application of the Extradition Act 1965 to the Cook Islands and Niue, unless the context otherwise requires,—
- “(a) Every reference in that Act to New Zealand shall be read as a reference to the Cook Islands or to Niue, as the case may require:

New

- “(b) Every reference in that Act to the Court, or to the Supreme Court or a Judge thereof, or to a Magistrate or Justice, shall be read as a reference to the High Court of the Cook Islands or a Judge of that Court: 5
- “(c) Every reference in that Act to the Minister of Justice shall be read, in relation to the Cook Islands, as a reference to the Minister in Charge of the Justice Department of the Cook Islands, and, in relation to Niue, as a reference to the Minister of Justice of New Zealand acting with the concurrence of the Minister of Island Territories of New Zealand: 10
- “(d) The reference in the definition of the expression ‘extradition offence’ in subsection (1) of section 2 of that Act to the crimes described in the First Schedule to that Act shall be read as a reference to such of the criminal offences described in Part V of this Act as correspond to the crimes described in Part I of that Schedule, and also as a reference to such of the enactments specified in Part II of that Schedule as are in force in the Cook Islands or in Niue, as the case may be: 15
- “(e) The references in subsection (2) of section 2 of that Act to sections 310, 311, and 312 of the Crimes Act 1961 shall be read as references to sections 263, 264, 265, 268, and 268B of this Act, as the case may require: 25
- “(f) The references in subsections (3) and (4) of section 5 of that Act to sections 31 and 38 of the Mental Health Act 1911 shall be read as references to sections 591 and 593 of this Act, as the case may require: 30
- “(g) The references in sections 8 and 15 of that Act to the preliminary hearing of an information for an indictable offence shall be read as references to the trial of an offence punishable by the High Court in the ordinary course of its criminal jurisdiction and procedure: 35
- “(h) The reference in section 8 of that Act to the Summary Proceedings Act 1957 shall be read as a reference to this Act, and the reference in that section to sections 32, 34, and 35 of the Mental Health Act 1911 shall be construed as a reference to sections 590, 592, and 593 of this Act: 40 45

New

- 5 “(i) No Order in Council made under that Act shall have any force or effect in the Cook Islands unless it is made at the request and with the consent of the Government of the Cook Islands made and given in the manner provided in Article 88 of the Constitution of the Cook Islands (as set out in the Schedule to the Cook Islands Constitution Act 1964).”
- 10 (2) The First Schedule to the Cook Islands Amendment Act 1964 is hereby amended by adding, in the appropriate columns thereof, the following words:
“1965, No. 00—
The Extradition Act 1965 | The whole Act.”
- 15 19. **Other Acts not affected**—Nothing in this Act shall be construed to limit or affect the operation of any of the provisions of the Aliens Act 1948 or the Immigration Act 1964 relating to deportation, or of Part XV of the Shipping and Seamen Act 1952.
- 20 20. **Repeals and revocation**—(1) The following enactments are hereby repealed, namely:
(a) The Extradition Act 1908;
(b) The Extradition Amendment Act 1924.
(2) As from the commencement of this Act, the enactments
25 of the United Kingdom Parliament specified in the Second Schedule to this Act shall cease to have effect as part of the law of New Zealand.
(3) As from the commencement of this Act, the New Zealand Extradition Order 1941,* made on the fifth day of
30 August, nineteen hundred and forty-one, by His Majesty by Order in Council under the Extradition Act 1870, shall cease to have effect as part of the law of New Zealand.
(4) Subject to the provisions of this Act, it is hereby declared
35 that the provisions of sections 20, 20A, and 21 of the Acts Interpretation Act 1924 (as amended by the Acts Interpretation Amendment Act 1960 and the Acts Interpretation Amendment Act 1962) shall apply with respect to the enactments and Order in Council referred to in subsections (2) and (3) of this section as if those enactments were Acts of the General
40 Assembly of New Zealand.

*S.R. 1941/185

21. Savings—Every Order in Council made under the provisions of the Extradition Acts 1870 to 1935 of the United Kingdom Parliament and applicable to New Zealand immediately before the commencement of this Act shall, until it ceases to have effect in New Zealand by virtue of an Order in Council made under this Act, continue to have effect for the purposes of this Act as if it had been made thereunder. The Governor-General may, by any Order in Council made under this Act or any subsequent Order in Council, declare that any such first-mentioned Order in Council shall cease to have effect as part of the law of New Zealand, and every such declaration shall have effect accordingly.

5 10

SCHEMES

FIRST SCHEDULE
EXTRADITION OFFENCES

Section 2**PART I—CRIMES UNDER THE CRIMES ACT 1961**

Section of Act	Offence
<i>Part V—Crimes Against Public Order</i>	
92	Piracy
93	Piratical acts
95	Attempt to commit piracy
96	Conspiring to commit piracy
98	Dealing in slaves
<i>Part VI—Crimes Affecting the Administration of Law and Justice</i>	
100, 101, 102, }	Corruption and bribery
103, 104, 105 }	
108	Perjury
110	False oaths
113	Fabricating evidence
115	Conspiring to bring false accusation
117	Corrupting juries and witnesses
<i>Part VII—Crimes Against Religion, Morality, and Public Welfare</i>	
128	Rape
129	Attempt to commit rape
130	Incest
132	Sexual intercourse with girl under twelve
133	Indecency with girl under twelve
134	Sexual intercourse or indecency with girl between twelve and sixteen
135	Indecent assault on woman or girl
136	Conspiracy to induce sexual intercourse
137	Inducing sexual intercourse under pretence of marriage
138	Sexual intercourse with idiot or imbecile woman or girl
140, 141	Indecency between males
142	Sodomy
146	Keeping place of resort for homosexual acts
149	Procuring sexual intercourse

FIRST SCHEDULE—*continued*

Section of Act	Offence
<i>Part VIII—Crimes Against the Person</i>	
154	Abandoning child under six
167, 168	Murder
171	Manslaughter
173	Attempt to murder
174	Counselling or attempting to procure murder
175	Conspiracy to murder
176	Accessory after the fact to murder
179	Aiding and abetting suicide
182	Killing unborn child
183, 184	Procuring abortion
186	Supplying means of procuring abortion
188	Wounding with intent
189	Injuring with intent
191	Aggravated wounding or injury
192	Aggravated assault
195	Cruelty to a child
197	Disabling
198	Discharging firearm or doing dangerous act with intent
199	Acid throwing
200	Poisoning with intent
201	Infecting with disease
203	Endangering transport
206	Bigamy
208	Abduction of woman or girl
209	Kidnapping
210	Abduction of child under sixteen
<i>Part X—Crimes Against Rights of Property</i>	
220, 221, 222,	Theft
223, 224, 225,	
226	
230	Criminal breach of trust
231	Fraudulently destroying document
232	Fraudulent concealment
234	Robbery
235	Aggravated robbery
236	Compelling execution of documents by force
237	Assault with intent to rob
238	Extortion by certain threats
239	Demanding with intent to steal
241	Burglary

FIRST SCHEDULE—*continued*

Section of Act	Offence
<i>Part X—Crimes Against Rights of Property—continued</i>	
242	Entering with intent
246	Obtaining by false pretence
248	Personation
249	Acknowledging instrument in false name
250	False statement by promoter
251	Falsifying accounts relating to public funds
252	False accounting by officer or member of body corporate
253	False accounting by employee
254	False statement by public officer
255	Issuing false dividend warrants
256	Concealing deeds and encumbrances
257	Conspiracy to defraud
258	Receiving property dishonestly obtained
264	Forgery
266	Uttering forged documents
267	Counterfeiting public seals
268	Counterfeiting corporate seals
270	Procuring execution of document by fraud
271	Possessing forged banknote
272	Drawing document without authority
273	Using probate obtained by forgery or perjury
274	Paper or implements for forgery
275	Counterfeiting stamps
276	Falsifying registers
277	Falsifying extracts from registers
278	Uttering false certificates
279	Forging certificates
283, 284, 285,	Preparations for coining, counterfeiting, altering, impairing, or defacing coin
286, 287	
289, 290, 291,	Possessing, uttering, buying or selling, or importing or exporting counterfeit coin
292	
294	Arson
295	Attempted arson
296	Damage to other property by fire or explosive
297	Attempt to damage property by fire or explosive
298	Wilful damage
300	Interfering with means of transport
301	Wrecking
302	Attempting to wreck
303	Interfering with signals, etc.
304	Interfering with mines

FIRST SCHEDULE—*continued*

Section of Act	Offence
<i>Part XI—Threatening, Conspiring, and Attempting to Commit Offences</i>	
306	Threatening to kill or do grievous bodily harm

PART II—CRIMES UNDER OTHER ENACTMENTS

Short Title of Act	Section of Act	Offence
The Bankruptcy Act 1908	138	Crimes by bankrupt
<u>The Dangerous Drugs Act 1927</u>	14	Illegal import or export of dangerous drugs
	15	Unlawful supply or possession of dangerous drugs
	16	Abetting offence against corres- ponding law in another country

Section 20 (2)

SECOND SCHEDULE

UNITED KINGDOM ENACTMENTS CEASING TO HAVE EFFECT IN
NEW ZEALAND

- | | |
|------------------------|---|
| 33 & 34 Vict., ch. 52 | The Extradition Act 1870. |
| 36 & 37 Vict., ch. 60 | The Extradition Act 1873. |
| 36 & 37 Vict., ch. 88 | The Slave Trade Act 1873: Section 27. |
| 58 & 59 Vict., ch. 33 | The Extradition Act 1895. |
| 6 Edw. 7, ch. 15 | The Extradition Act 1906. |
| 22 & 23 Geo. 5, ch. 39 | The Extradition Act 1932. |
| 25 & 26 Geo. 5, ch. 25 | The Counterfeit Currency (Convention)
Act 1935: Section 4. |