

2018

1999/371



EXTRADITION (EXEMPTED COUNTRY: TONGA) ORDER 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 18th day of October 1999

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 17 of the Extradition Act 1999, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following order.

ANALYSIS

1. Title and commencement

| 2. Tonga exempted

ORDER

1. Title and commencement—(1) This order may be cited as the Extradition (Exempted Country: Tonga) Order 1999.

(2) This order comes into force on 19 November 1999.

2. Tonga exempted—The Kingdom of Tonga is an exempted country to which section 25 of the Extradition Act 1999 applies.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 19 November 1999, provides that Tonga is an exempted country to which section 25 of the Extradition Act 1999 applies.

Under Part 3 of the Extradition Act 1999, a country seeking extradition of a person from New Zealand must satisfy a court that there would be sufficient evidence to justify the person's trial in New Zealand if the alleged offence had occurred in New Zealand, or, in other words, that a prima facie case exists against that person.

Section 25 of the Extradition Act 1999 introduces a new procedure into the regime for determining whether a person is eligible for surrender from New Zealand. It allows exempted countries to produce, or have produced on their behalf, a record of the case. This record may be used as evidence for the purposes of determining whether there is a prima facie case against the person.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 October 1999.
This order is administered in the Ministry of Justice.