



## EXTRADITION REGULATIONS 1999

---

MICHAEL HARDIE BOYS, Governor-General

### ORDER IN COUNCIL

At Wellington this 26th day of July 1999

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 102 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 regulations.

---

#### ANALYSIS

- |  |                              |
|--|------------------------------|
| 1. Title and commencement                                      | 5. Service of removal orders |
| 2. Interpretation  |                              |
| 3. Forms   |                              |
| 4. Solicitor to witness and explain effect of waiver of rights |                              |
- 
- SCHEDULE  
Forms

#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Extradition Regulations 1999.

(2) These regulations come into force on 1 September 1999.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires, “the Act” means the Extradition Act 1999.

(2) A reference to a numbered form is a reference to the form so numbered in the Schedule.

(3) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.

**3. Forms**—(1) The forms set out in the Schedule are the forms to be used in respect of the proceedings or matters under the Act to which those forms relate.

(2) Such variations may be made in any prescribed form as the circumstances of any particular case may require.

(3) Strict compliance with the prescribed forms is not necessary, and substantial compliance, or such compliance as the particular circumstances of the case allow, is sufficient.

(4) If there is no prescribed form, the parties or the court may devise an appropriate form, using as guides the forms prescribed by these regulations and in the Summary Proceedings Regulations 1958.

Cf. S.R. 1993/92, r. 3; S.R. 1996/148, r. 9

**4. Solicitor to witness and explain effect of waiver of rights**—

(1) The signature of the person whose surrender is sought on a waiver of rights under section 71 of the Act must be witnessed by a solicitor of the High Court of New Zealand.

(2) The witness must certify that before the person whose surrender is sought signed the waiver the witness explained to that person its effect and implications.

**5. Service of removal orders**—(1) A removal order made under section 96 of the Act must be served by a member of the police on the person named in the order by personal service only.

(2) A removal order may be served at any reasonable time by day or by night.

(3) In this regulation, “personal service”, in relation to a removal order, means personal delivery of the order to the person to whom it relates or, if the person refuses to accept the order, bringing the order to that person’s attention.

Cf. 1987, No. 74, s. 50 (4), (5)

---

## SCHEDULE

Reg. 3

## FORMS

- E.A.1 Warrant for Arrest under Part 3 of Extradition Act 1999
- E.A.2 Provisional Warrant for Arrest under Extradition Act 1999
- E.A.3 Warrant for Detention
- E.A.4 Surrender Order under Part 3 of Extradition Act 1999
- E.A.5 Order for Temporary Surrender under Part \*3 \*4 of Extradition Act 1999
- E.A.6 Endorsement of Arrest Warrant Issued in Extradition Country Authorising Execution of Warrant in New Zealand
- E.A.7 Surrender Order by District Court under Part 4 of Extradition Act 1999
- E.A.8 Surrender Order by Minister of Justice under Part 4 of Extradition Act 1999
- E.A.9 Notice of Appeal by Way of Case Stated on a Question of Law Only
- E.A.10 Case Stated on Appeal from Determination of District Court
- E.A.11 Warrant for \*Arrest and Detention of Person Pending Determination of Appeal
- E.A.12 Waiver of Rights to Apply for Habeas Corpus or to Lodge Appeal
- E.A.13 Warrant to Search for and Seize Evidence of Extradition Offence
- E.A.14 Notice of Execution of Search Warrant
- E.A.15 Order for Removal of Person \*in Transit in \*Surrendered to New Zealand

*\*Delete if inapplicable*

SCHEDULE—continued

FORMS—continued

Form E.A.1

**WARRANT FOR ARREST UNDER PART 3 OF EXTRADITION ACT 1999**

(Section 19, Extradition Act 1999)

**TO:** Every member of the police

On [Date][Name of extradition country] made a request under section 18 of the Extradition Act 1999 for the surrender of [Full name] of [Address], [Occupation].

On [Date] the Minister of Justice made a request under section 19 (1) of the Extradition Act 1999 that a warrant for the arrest of [Full name] be issued.

The request from [Name of extradition country] states that [Full name] \*is accused of \*has been convicted of the following offence(s): [Give description of offence(s), including statutory or other reference].

I am satisfied that—

(a) [Full name] \*is \*is suspected of being \*in \*on \*his \*her way to New Zealand; and

(b) There are reasonable grounds to believe that—

(i) [Full name] is an extraditable person within the meaning of section 3 of the Extradition Act 1999:

(ii) The offence(s) for which [Full name] is sought \*is an \*are extradition offence(s) within the meaning of section 4 of the Extradition Act 1999.

**I DIRECT YOU TO ARREST** [Full name] and bring \*him \*her before a District Court as soon as possible to be dealt with in accordance with the Act.

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
District Court Judge

\*Delete if inapplicable

\_\_\_\_\_

SCHEDULE—continued

FORMS—continued

Form E.A.2

**PROVISIONAL WARRANT FOR ARREST UNDER EXTRADITION ACT 1999**

(Sections 20 (1), 42, Extradition Act 1999)

**TO:** Every member of the police

On [Date] [Name of extradition country] applied for a provisional warrant under section \*20 \*42 of the Extradition Act 1999 for the arrest of [Full name] of [Address], [Occupation].

The information provided in support of the application states that—

- (a) [Full name] \*is accused of \*has been convicted of the following offence(s) in [Name of extradition country]:  
[Give description of offence(s), including statutory or other reference];
- (b) On [Date] a warrant for the arrest of [Full name] in relation to the offence(s) was issued by [Name of issuing authority in the extradition country].

I am satisfied that—

- (a) The warrant for the arrest of [Full name] has been issued in [Name of extradition country] by a \*court \*Judge \*judicial authority having lawful authority to issue the warrant; and
- (b) [Full name] \*is \*is suspected of being \*in \*on \*his \*her way to New Zealand; and
- (c) There are reasonable grounds to believe that—
  - (i) [Full name] is an extraditable person within the meaning of section 3 of the Extradition Act 1999;
  - (ii) The offence(s) for which [Full name] is sought \*is an \*are extradition offence(s) within the meaning of section 4 of the Extradition Act 1999; and
- (d) It is necessary or desirable that a warrant for the arrest of [Full name] be issued urgently.

**I DIRECT YOU TO ARREST** [Full name] and bring \*him \*her before a District Court as soon as possible to be further dealt with in accordance with the Act.

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
District Court Judge

*\*Delete if inapplicable*



SCHEDULE—continued

FORMS—continued

Form E.A.3

**WARRANT FOR DETENTION**

(Sections 26 (1) (a), 28 (2), 46 (1) (a), Extradition Act 1999)

**TO:** Every member of the police

**AND TO:** The \*Superintendent \*Manager of [Name of penal institution or other place]

*Paragraph for Part 3 requests*

\*On [Date][Name of extradition country] made a request under section 18 of the Extradition Act 1999 for the surrender of [Full name] of [Address], [Occupation], and on [Date] [Name of Judge], District Court Judge, issued a \*provisional warrant \*warrant for the arrest of [Full name].

*Paragraph for Part 4 requests*

\*On [Date] a warrant issued in [Name of extradition country] for the arrest of [Full name] was endorsed on [Date] by [Name of Judge], District Court Judge. On [Date] [Full name] was arrested under the warrant.

*Paragraph where court makes determination of eligibility for surrender*

\*On [Date] I have determined, under section \*24 \*45 of the Extradition Act 1999 that [Full name] is eligible for surrender to [Name of extradition country] in relation to the following offence(s): [Specify all offence(s) in relation to which the determination is made].

*Paragraph where person consents to surrender*

\*On [Date] [Full name] notified the court under section \*28 \*53 of the Extradition Act 1999 that \*he \*she consents to being surrendered to [Name of extradition country] in relation to the following offence(s): [Specify all offence(s) in relation to which the consent is given].

**I DIRECT YOU, THE SAID MEMBERS OF THE POLICE, TO DELIVER** [Full name] to the \*Superintendent \*Manager of [Name of penal institution or other place]; and

**I DIRECT YOU, THE SAID \*SUPERINTENDENT \*MANAGER, TO RECEIVE** [Full name] into custody and to detain \*him \*her pending surrender to [Name of extradition country] or discharge according to law.

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
District Court Judge

*\*Delete if inapplicable*



SCHEDULE—*continued*

FORMS—*continued*

Form E.A.3—*continued*

[Back]

**CERTIFICATE OF GRANT OF BAIL**

I certify that I have granted bail to [Full name] subject to the following condition(s): [Specify conditions if any].

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
District Court Judge

\_\_\_\_\_

SCHEDULE—*continued*FORMS—*continued*

## Form E.A.4

**SURRENDER ORDER UNDER PART 3 OF EXTRADITION ACT 1999***(Sections 31 and 67, Extradition Act 1999)***TO:** Every member of the police**\*AND TO:** The \*Superintendent \*Manager of [*Name of penal institution or other place*]*Paragraphs to be used if provisional arrest warrant was not issued*

On [*Date*] [*Name of extradition country*] made a request for the surrender of [*Full name*] of [*Address*], [*Occupation*], under section 18 of the Extradition Act 1999; and

On [*Date*] the Minister of Justice made a request under section 19 (1) of the Extradition Act 1999 that a warrant for the arrest of [*Full name*] be issued; and

On [*Date*] a warrant for the arrest of [*Full name*] was issued by [*Name of Judge*], District Court Judge, under section 19 (2) of the Extradition Act 1999 and was duly executed on [*Full name*] on [*Date*].

*Paragraphs to be used if provisional warrant was issued*

On [*Date*] a provisional warrant for the arrest of [*Full name*] of [*Address*], [*Occupation*], was issued by [*Name of Judge*], District Court Judge, under section 20 (1) of the Extradition Act 1999 and was duly executed on [*Full name*] on [*Date*].

On [*Date*] notice was given to the Minister of Justice of the issue of the warrant under section 21 of the Extradition Act 1999 but no order for the discontinuance of the proceedings was made.

\*On [*Date*] the District Court at [*Place*] determined that [*Full name*] is eligible for surrender and a warrant was issued for the detention of [*Full name*] in [*Name of penal institution or other place*] under section 26 (1) (a) of the Extradition Act 1999, pending surrender to [*Name of extradition country*] or discharge according to law.

\*On [*Date*] [*Full name*] notified the District Court at [*Place*] that \*he \*she consents to being surrendered to [*Name of extradition country*] and a warrant was issued for the detention of [*Full name*] in [*Name of penal institution or other place*] under section 28 (2) (a) of the Extradition Act 1999, pending surrender to [*Name of extradition country*] or discharge according to law.

\*The period of 15 days after the issue of the warrant of detention elapsed on [*Date*] and no application for a writ of habeas corpus or appeal has been lodged.

\*On [*Date*] in a judgment delivered in the High Court at [*Place*] \*an application for a writ of habeas corpus \*an appeal by [*Full name*] was \*dismissed and the period for further appeal elapsed on [*Date*]. [*Give details of decision if necessary*].

\*By a waiver dated [*Date*] [*Full name*] has waived \*his \*her right to apply for habeas corpus or to appeal the determination of the District Court.



SCHEDULE—continued

FORMS—continued

Form E.A.4—continued

The Minister of Justice has received from [State name of Judge making final decision on eligibility for surrender] a copy of the warrant of detention, the record of the offences in relation to which the court has determined [Full name] is eligible for surrender, and other material referred to in section \*26 (1) (b) \*28 (2) (b) of the Extradition Act 1999.

[Full Name] is currently \*detained at [Name of penal institution or other place] \*on bail.

**I AM SATISFIED** that an order for the surrender of [Full name] may now be made under sections 30 and 31 of the Extradition Act 1999.

**I ORDER THE SURRENDER** of [Full name] to [Name of extradition country] to be dealt with there according to law in relation to the following offence(s): [Specify all offence(s) in relation to which the person is being surrendered]; and

**\*I ORDER YOU**, the \*Superintendent \*Manager of [Name of penal institution or other place], to release [Full name] into the custody of any police officer, or any officer or security officer within the meaning of section 2 of the Penal Institutions Act 1954.

**\*I AUTHORISE** any police officer to take [Full name] who is currently on bail into custody; and

**I AUTHORISE** the police officer or other officer to transport [Full name] in custody and, if necessary or convenient, to detain [Full name] in custody, for the purpose of enabling [Full name] to be placed in the custody of [Give details of any person authorised to receive person on behalf of extradition country] whom I authorise to take [Full name] into custody and transport out of New Zealand as soon as practicable to [Name of extradition country].

*Additional paragraph where order does not come into effect immediately*

\*This order comes into effect in accordance with section 32 of the Extradition Act 1999—

\*(a) When [Full name] ceases to be liable to be detained in a penal institution for an offence against the law of New Zealand:

\*(b) At the expiry of [State period applicable where commencement deferred under section 32 (4) of the Extradition Act 1999].

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
Minister of Justice

*\*Delete if inapplicable*



## SCHEDULE—continued

## FORMS—continued

## Form E.A.5

**ORDER FOR TEMPORARY SURRENDER UNDER PART \*3 \*4 OF EXTRADITION ACT 1999**

(Sections 33, 54, 67, Extradition Act 1999)

**TO:** Every member of the police

**AND TO:** Superintendent of [*Name of penal institution where person detained*]

On [*Date*] [*Full name*] was sentenced to imprisonment for a term of [*Specify duration of sentence*] for [*Specify offence*], being an offence against the law of New Zealand, and is currently an inmate of [*Name of penal institution*].

*Paragraphs to be used in Part 3 cases if no provisional arrest warrant issued*

On [*Date*] [*Name of extradition country*] made a request for the surrender of [*Full name*] under section 18 of the Extradition Act 1999.

On [*Date*] the Minister of Justice made a request under section 19 (1) of the Extradition Act 1999 that a warrant for the arrest of [*Full name*] be issued.

On [*Date*] a warrant for the arrest of [*Full name*] was issued by [*Name of Judge*], District Court Judge, under section 19 (2) of the Extradition Act 1999 and was duly executed on [*Full name*] on [*Date*].

*Paragraphs to be used in Part 4 cases if no provisional arrest warrant issued*

On [*Date*] a warrant from [*Name of extradition country*] for the arrest of [*Full name*] of [*Address*], [*Occupation*], was endorsed by [*Name of Judge*], District Court Judge, under section 41 of the Extradition Act 1999 and was duly executed on [*Full name*] on [*Date*].

*Paragraphs to be used in Parts 3 and 4 cases if provisional arrest warrant issued*

On [*Date*] a provisional warrant for the arrest of [*Full name*] was issued by [*Name of Judge*], District Court Judge, under section \*20 (1) \*42 (1) of the Extradition Act 1999 and was duly executed on [*Full name*] on [*Date*].

\*On [*Date*] under section 21 of the Extradition Act 1999, notice was given to the Minister of Justice of the issue of the warrant but no order for the discontinuance of the proceedings was made.

\*On [*Date*] the District Court at [*Place*] determined that [*Full name*] is eligible for surrender and a warrant was issued for the detention of [*Full name*] in [*Name of penal institution*] under section \*26 (1) (a) \*46 of the Extradition Act 1999, pending surrender to [*Name of extradition country*] or discharge according to law.

\*On [*Date*] [*Full name*] notified the District Court at [*Place*] that \*he \*she consents to being surrendered to [*Name of extradition country*] and a warrant was issued for the detention of [*Full name*] in [*Name of penal institution or other place*] under section \*28 (2) (a) \*53 of the Extradition Act 1999, pending surrender to [*Name of extradition country*] or discharge according to law.

SCHEDULE—*continued*FORMS—*continued*Form E.A.5—*continued*

\*The period of 15 days after the issue of the warrant of detention elapsed on [Date] and no \*application for a writ of habeas corpus \*appeal has been lodged.

\*On [Date] in a judgment delivered in the High Court at [Place] \*an application for a writ of habeas corpus \*an appeal by [Full name] was \*dismissed and the period for further appeal elapsed on [Date]. [Give details of decision if necessary].

\*By a waiver dated [Date] [Full name] has waived \*his \*her right to apply for habeas corpus or to appeal the determination of the District Court.

The Minister of Justice has received from [State name of Judge making final decision on eligibility for surrender] a copy of the warrant of detention, the record of the offences in relation to which the court has determined [Full name] is eligible for surrender, and other material referred to in section \*26 (1) (b) \*28 (2) (b) \*53 (2) (b) (ii) of the Extradition Act 1999.

**I AM SATISFIED** that—

- (a) The offence for which the surrender of [Full name] is requested is an offence of which \*he \*she is accused:
- (b) The District Court has determined under section \*24 \*45 of the Extradition Act 1999 that [Full name] is eligible for surrender:
- (c) Under \*section 30 \*section 54 (4) (c) of the Extradition Act 1999, [Full name] should be surrendered:
- (d) [Full name] is detained in a New Zealand penal institution for a sentence imposed for an offence against the law of New Zealand:
- (e) It is in the interests of justice that a temporary surrender order be made under section \*33 \*54 of the Extradition Act 1999:
- (f) [Name of extradition country] has given satisfactory undertakings relating to—
  - (i) There taking place a trial of [Full name] in [Name of extradition country] for the extradition offence(s) of which [Full name] is accused and in respect of which the surrender of [Full name] is sought; and
  - (ii) The return of [Full name] to New Zealand; and
  - (iii) The custody of [Full name] while travelling to and from and while in [Name of extradition country]; and
  - (iv) Any other appropriate matters.

**I ORDER THE TEMPORARY SURRENDER** of [Full name] to [Name of extradition country] to be dealt with there according to law in relation to the following offence(s): [Specify all offence(s) in relation to which the person is being surrendered]; and

**I ORDER** you, the \*Superintendent of [Name of penal institution], to release [Full name] into the custody of any police officer, or any officer or security officer within the meaning of section 2 of the Penal Institutions Act 1954; and

**I AUTHORISE** the police officer or other officer to transport [Full name] in custody and, if necessary or convenient, to detain [Full name] in custody, for the purpose of enabling [Full name] to be placed in the custody of [Give details of any person authorised to receive person on behalf of the extradition

SCHEDULE—*continued*

FORMS—*continued*

Form E.A.5—*continued*

*country*] whom I authorise to take [*Full name*] into custody and transport out of New Zealand as soon as practicable to [*Name of extradition country*].

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
Minister of Justice

*\*Delete if inapplicable*

\_\_\_\_\_

SCHEDULE—*continued*

FORMS—*continued*

Form E.A.6

**ENDORSEMENT OF ARREST WARRANT ISSUED IN  
EXTRADITION COUNTRY AUTHORISING EXECUTION OF  
WARRANT IN NEW ZEALAND**

*(Section 41, Extradition Act 1999)*

**TO:** Every member of the police

I, [*Name of Judge*], District Court Judge, authorise and request you to arrest [*Full name*], being the person named in the warrant to which this endorsement relates, and to bring \*him \*her before a District Court as soon as possible to be further dealt with in accordance with the Extradition Act 1999.

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
District Court Judge

*\*Delete if inapplicable*

\_\_\_\_\_

SCHEDULE—*continued*FORMS—*continued*

## Form E.A.7

**SURRENDER ORDER BY DISTRICT COURT UNDER  
PART 4 OF EXTRADITION ACT 1999***(Sections 47 and 67, Extradition Act 1999)***TO:** Every member of the police**\*AND TO:** The \*Superintendent \*Manager of [*Name of penal institution or other place*]*Paragraph to be used where provisional arrest warrant was not issued*

On [*Date*] a warrant from [*Name of extradition country*] for the arrest of [*Full name*] of [*Address*], [*Occupation*], was endorsed by [*Name of Judge*], District Court Judge, under section 41 of the Extradition Act 1999 and was duly executed on [*Full name*] on [*Date*].

*Paragraph to be used where provisional warrant was issued*

On [*Date*] a provisional warrant for the arrest of [*Full name*] of [*Address*], [*Occupation*], was issued by [*Name of Judge*], District Court Judge, under section 42 of the Extradition Act 1999, and was duly executed on [*Full name*] on [*Date*].

\*On [*Date*] the District Court at [*Place*] determined that [*Full name*] is eligible for surrender and issued a warrant for the detention of [*Full name*] in [*Name and location of penal institution or other place*] under section 46 of the Extradition Act 1999, pending surrender to [*Name of extradition country*] or discharge according to law.

\*On [*Date*] [*Full name*] notified the District Court at [*Place*] that \*he \*she consents to being surrendered to [*Name of extradition country*] and a warrant was issued for the detention of [*Full name*] in [*Name and location of penal institution or other place*] under section 53 (2) of the Extradition Act 1999, pending surrender to [*Name of extradition country*] or discharge according to law.

\*By a waiver dated [*Date*] [*Full name*] has waived \*his \*her right to apply for habeas corpus or to appeal the determination of the District Court.

**I AM SATISFIED** that an order for the surrender of [*Full name*] may now be made under section 47 of the Extradition Act 1999 and that the case is not one that needs to be referred to the Minister of Justice under section 48 of the Extradition Act 1999.

**I ORDER THE SURRENDER** of [*Full name*] to [*Name of extradition country*] to be dealt with there according to law in relation to the following offence(s): [*Specify all offence(s) in relation to which the person is being surrendered*]; and

**\*I ORDER YOU**, the \*Superintendent \*Manager of [*Name of penal institution or other place*] to release [*Full name*] into the custody of any police officer, or any officer or security officer within the meaning of section 2 of the Penal Institutions Act 1954.

**\*I AUTHORISE** any police officer to take [*Full name*] who is currently on bail into custody; and

SCHEDULE—*continued*

FORMS—*continued*

Form E.A.7—*continued*

**I AUTHORISE** the police officer or other officer to transport [*Full name*] in custody and, if necessary or convenient, to detain [*Full name*] in custody, for the purpose of enabling [*Full name*] to be placed in the custody of [*Give details of any person authorised to receive person on behalf of the extradition country*] whom I authorise to take [*Full name*] into custody and transport out of New Zealand as soon as practicable to [*Name of extradition country*].

*If no consent or waiver*

\*This order comes into effect on the later of—

(a) [*Date*], being 15 days after the date of issue of the warrant of detention;  
or

(b) The date after which any appeal or application for review or habeas corpus proceedings lodged in respect of a determination under the Extradition Act 1999 has been finally determined.

*If consent or waiver*

\*This order for surrender comes into effect on [*Date*].

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
District Court Judge

*\*Delete if inapplicable*

\_\_\_\_\_

## SCHEDULE—continued

## FORMS—continued

## Form E.A.8

**SURRENDER ORDER BY MINISTER OF JUSTICE UNDER PART 4 OF EXTRADITION ACT 1999***(Sections 50 and 67, Extradition Act 1999)***TO:** Every member of the police**\*AND TO:** The \*Superintendent \*Manager of [*Name of penal institution or other place*]*Paragraph to be used where provisional arrest warrant was not issued*

On [*Date*] a warrant from [*Name of Extradition Country*] for the arrest of [*Full name*] of [*Address*], [*Occupation*], was endorsed by [*Name of Judge*], District Court Judge, under section 41 of the Extradition Act 1999 and was duly executed on [*Full name*] on [*Date*].

*Paragraph to be used where provisional warrant was issued*

On [*Date*] a provisional warrant for the arrest of [*Full name*] of [*Address*], [*Occupation*], was issued by [*Name of Judge*], District Court Judge, under section 42 of the Extradition Act 1999, and was duly executed on [*Full name*] on [*Date*].

\*On [*Date*] the District Court at [*Place*] determined that [*Full name*] is eligible for surrender and issued a warrant for the detention of [*Full name*] in [*Name and location of penal institution or other place*] under section 46 of the Extradition Act 1999, pending surrender to [*Name of extradition country*] or discharge according to law.

\*On [*Date*] [*Full name*] notified the District Court at [*Place*] that \*he \*she consents to being surrendered to [*Name of extradition country*] and a warrant was issued for the detention of [*Full name*] in [*Name and location of penal institution or other place*] under section 53 (2) of the Extradition Act 1999, pending surrender to [*Name of extradition country*] or discharge according to law.

Although the District Court Judge was satisfied that the grounds for making a surrender order in respect of [*Full name*] otherwise exist, the case has been referred to the Minister of Justice under section 48 of the Extradition Act 1999 for the following reason(s): [*Specify reason(s) for referral, being a ground set out in section 48*].

\*The period of 15 days after the issue of the warrant of detention elapsed on [*Date*] and no application for a writ of habeas corpus or appeal has been lodged.

\*On [*Date*] in a judgment delivered in the High Court at [*Place*], \*an application for a writ of habeas corpus \*an appeal by [*Full name*] was \*dismissed and the period for further appeal elapsed on [*Date*]. [*Give details of decision if necessary*].

\*By a waiver dated [*Date*] [*Full name*] has waived \*his \*her right to apply for habeas corpus or to appeal the determination of the District Court.

The Minister of Justice has received from [*State name of Judge making final decision on eligibility for surrender*] a copy of the warrant of detention, the record of the offences in relation to which the court has determined



SCHEDULE—continued

FORMS—continued

Form E.A.8—continued

[Full name] is eligible for surrender, and other material referred to in section \*48 (5) \*53 (2) (b) of the Extradition Act 1999.

[Full name] is currently \*detained at [Name of penal institution or other place] \*on bail.

**I AM SATISFIED** that an order for the surrender of [Full name] may now be made under section 50 of the Extradition Act 1999.

**I ORDER THE SURRENDER** of [Full name] to [Name of extradition country] to be dealt with there according to law in relation to the following offence(s): [Specify all offence(s) in relation to which person is being surrendered]; and

**\*I ORDER YOU**, the \*Superintendent \*Manager of [Name of penal institution or other place], to release [Full name] into the custody of any police officer, or any officer or security officer within meaning of section 2 of the Penal Institutions Act 1954.

**\*I AUTHORISE** any police officer to take [Full name] who is currently on bail into custody; and

**I AUTHORISE** the police officer or other officer to transport [Full name] in custody and, if necessary or convenient, to detain [Full name] in custody, for the purpose of enabling [Full name] to be placed in the custody of [Give details of any person authorised to receive person on behalf of extradition country] whom I authorise to take [Full name] into custody and transport out of New Zealand as soon as practicable to [Name of extradition country].

*Additional paragraph where order does not come into effect immediately*

\*This order comes into effect in accordance with section 51 of the Extradition Act 1999—

\*(a) When [Full name] ceases to be liable to be detained in a penal institution for an offence against the law of New Zealand:

\*(b) At the expiry of [State period applicable where commencement deferred under section 51 (4)].

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
Minister of Justice

*\*Delete if inapplicable*



SCHEDULE—continued

FORMS—continued

Form E.A.9

No. ....

**NOTICE OF APPEAL BY WAY OF CASE STATED ON A QUESTION OF LAW ONLY**

*(Section 68 (3), Extradition Act 1999)*

Title of original proceedings: .....

Type of proceedings: .....

Proceedings to which \*section 24  
\*section 45 of the Extradition Act  
1999 applies

Place where dealt with: .....

Date of decision: .....

Order: That the [*Name of person whose  
surrender is sought*] is \*not eligible  
\*eligible for surrender in relation  
to the following offence(s) [*Specify  
offence(s) to which order relates*].

Name and address of Appellant: .....

Name and address of Respondent: .....

1. I, the Appellant, give notice that I intend to appeal to the High Court by way of case stated against the above determination as being erroneous in point of law.
2. I have \*a \*no solicitor acting for me.  
\*My solicitor's name and address are: [*Give details*].
- \*3. I \*do \*do not wish to be granted bail.

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
[Signature of Appellant]

**TO:** The Registrar of the District Court at .....  
(This notice must be filed in duplicate)

*\*Delete if inapplicable*

\_\_\_\_\_

SCHEDULE—continued

FORMS—continued

Form E.A.10

No. ....

**CASE STATED ON APPEAL FROM DETERMINATION OF DISTRICT COURT**

*(Section 69, Extradition Act 1999)*

In the High Court of New Zealand  
..... District  
..... Registry

In the matter of an appeal from a determination of the District Court at *[Place]*  
Between *[Name of extradition country]*  
And *[Name of person whose surrender is sought]*.

*[Name of extradition country]* sought the surrender of *[Name of person whose surrender is sought]* from New Zealand to *[Name of extradition country]* under Part \*3 \*4 of the Extradition Act 1999 in relation to the following offence(s): *[Set out the nature of the application, including the offence(s) in relation to which extradition is sought]*.

*[Name of person whose surrender is sought]* defended the proceedings, and after hearing the parties and the evidence adduced by them, on *[Date]*, I made the following determination: *[Here state nature of decision]*.

Within 15 days after the determination, *[Name of party instituting appeal proceedings]* filed in the office of the District Court at *[Place]* a notice of intention to appeal by way of case stated for the opinion of this Honourable Court on a question of law only; and I therefore state the following case:

It was proved (or admitted) upon the hearing that *[Here state the facts]*.

I determined that *[Here state grounds of determination on which appeal is based]*.

The question for the opinion of the Court is whether my decision was erroneous in point of law.

.....  
District Court Judge

\_\_\_\_\_

SCHEDULE—continued

FORMS—continued

Form E.A.11

**WARRANT FOR \*ARREST AND DETENTION OF PERSON  
PENDING DETERMINATION OF APPEAL**

*(Section 70, Extradition Act 1999)*

\*TO: Every member of the police

\*AND TO: The \*Superintendent \*Manager of [*Name of penal institution or other place*]

On [*Date*] the District Court at [*Place*] made a determination under section \*24 \*45 of the Extradition Act 1999 in relation to the eligibility for surrender of [*Full name*] of [*Address*], [*Occupation*].

\*Immediately after the determination was made \*[*Full name of person who is the subject of the determination*] \*[*Applicant for surrender of person*] informed the Court that the party intends to appeal against the determination.

\*[*Full name of person who is the subject of the determination*] \*[*Applicant for surrender of person*] has lodged an appeal against the determination.

[*Full name of person who is the subject of the determination*] \*is \*is not currently detained in custody.

**\*I DIRECT YOU**, the said members of the police, to arrest [*Full name of person who is the subject of the determination*] and deliver \*him \*her to the \*Superintendent \*Manager of [*Name of penal institution or other place*]; and

**I DIRECT YOU**, the said \*Superintendent \*Manager, to receive [*Full name of person who is the subject of the determination*] into custody and to detain \*him \*her pending the determination of the appeal or discharge according to law.

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
\*High \*District Court Judge

\*Delete if inapplicable



SCHEDULE—*continued*FORMS—*continued*

## Form E.A.12

**WAIVER OF RIGHTS TO APPLY FOR HABEAS CORPUS OR TO LODGE APPEAL***(Section 71, Extradition Act 1999)*

\*On [Date] the District Court at [Place] determined that I, [Full Name] of [Address], [Occupation], am eligible for surrender to [Name of extradition country] in respect of the following offence(s): [Specify all offence(s) in relation to which the person is being surrendered].

\*On [Date] I, [Full Name] of [Address], [Occupation], notified the District Court at [Place] that I consent to surrender to [Name of extradition country] in respect of the following offence(s): [Specify all offence(s) in relation to which the person has consented to surrender].

A warrant was issued for my detention in [Name of penal institution or other place] under section \*26 \*28 \*46 \*53 of the Extradition Act 1999, pending surrender to [Name of extradition country] or discharge according to law.

**I NOW WAIVE MY RIGHT—**

1. To make an application for a writ of habeas corpus within 15 days after the issue of a warrant for my detention; and
2. To lodge an appeal under Part 8 of the Extradition Act 1999 in relation to any offence or offences for which the Court has determined that I am eligible for surrender.

This waiver does not limit section \*28 \*53 of the Extradition Act 1999.

DATED at ..... this ..... day of ..... \*19/\*20.....

Signed by

[Full name] in the presence of:

[Signature of person waiving right]

[Name of witness]

who certifies that \*he \*she has explained to [Full name] the effect and implications of the waiver:

[Witness' signature]

A Solicitor of the High Court of New Zealand

*\*Delete if inapplicable*

\_\_\_\_\_

SCHEDULE—*continued*FORMS—*continued*

## Form E.A.13

**WARRANT TO SEARCH FOR AND SEIZE EVIDENCE OF EXTRADITION OFFENCE***(Sections 83 to 85, Extradition Act 1999)***\*TO:** Every member of the police**\*TO:** *[Insert class of members of the police]***\*TO:** *[Full name]*, member of the police*Paragraph to be used for Part 3 requests where no provisional warrant issued*

**\*On** *[Date]* *[Name of extradition country]* made a request under Part 3 of the Extradition Act 1999 for the surrender of *[Full name]* of *[Address]*, *[Occupation]*, in respect of the following offence(s): *[Specify all offence(s) in relation to which the person is being surrendered]*.

*Paragraph to be used for Part 4 case where no provisional warrant issued*

**\*On** *[Date]* a warrant from *[Name of extradition country]* for the arrest of *[Full name]* of *[Address]*, *[Occupation]*, was endorsed by *[Name of Judge]*, District Court Judge, under section 41 of the Extradition Act 1999 in respect of the following offence(s): *[Specify all offence(s) to which warrant relates]*.

*Paragraph to be used where provisional warrant issued under either Part 3 or Part 4*

On *[Date]* a provisional warrant for the arrest of *[Full name]* of *[Address]*, *[Occupation]*, was issued by *[Name of Judge]*, District Court Judge, under section \*20 \*42 of the Extradition Act 1999, in respect of the following offence(s): *[Specify all offence(s) to which the warrant relates]*.

**I AM SATISFIED** on application in writing made on oath by *[Full name]*, *[Occupation]*, that there are reasonable grounds for believing that there is **\*in** **\*on** *[Describe place or thing to be searched]*, the following thing: *[Describe the thing to be searched for]* that may be evidence as to the commission of **\*an** extradition offence(s) for which surrender is sought, namely *[Specify relevant extradition offence(s)]*.

**I AUTHORISE YOU—**

- (a) To enter and search *[Describe place or thing to be searched]* at any time by day or night from the date of this warrant until *[Specify duration of warrant]*; and
- (b) To use such assistants as may be reasonable in the circumstances for the purpose of the entry and search; and
- (c) To use such force as is reasonable in the circumstances for the purpose of effecting entry, and for breaking open anything in or on the place searched; and
- (d) To search for and seize *[Describe the thing to be searched for]* that may be evidence as to the commission of **\*an** extradition offence(s) for which surrender is sought.

SCHEDULE—*continued*

FORMS—*continued*

Form E.A.13—*continued*

**\*THIS WARRANT** is subject to the following special conditions: [*Insert any special conditions*].

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
District Court Judge

*\*Delete if inapplicable*

\_\_\_\_\_

SCHEDULE—continued

FORMS—continued

Form E.A.14

**NOTICE OF EXECUTION OF SEARCH WARRANT**

*(Section 88, Extradition Act 1999)*

**TO:** *[Name of owner or occupier of place or thing searched],*  
*[Address]*

**\*AND TO:** *[Enter details of every other person whom the member of the police has reason to believe may have an interest in the thing seized].*

**ON** ..... the ..... day of ..... \*19/\*20....., at .....am/pm, a warrant issued under section 83 of the Extradition Act 1999 was executed at *[Address searched]* by *[Identity of member of police who executed the warrant]*; and

The following things were seized under the warrant: *[List thing(s) seized].*

DATED ..... the ..... day of ..... \*19/\*20.....

.....  
*[Signature of member of police who executed warrant]*

*\*Delete if inapplicable*





SCHEDULE—*continued*FORMS—*continued*

## Form E.A.15

**ORDER FOR REMOVAL OF PERSON \*IN TRANSIT IN  
\*SURRENDERED TO NEW ZEALAND***(Section 96, Extradition Act 1999)***TO:** *[Full name of person to whom order applies]***\*AND TO:** The \*Superintendent \*Manager of *[Name of penal institution or other place]**Paragraphs to be used if section 90 of the Extradition Act 1999 applies**\*[Full name of person being transported]* is a person who is being transported in custody from *[Name of country]* to *[Name of country to which person is being transported, being a country to which Part 3 or Part 4 of the Act applies]* for the purpose of being surrendered to that country.On *[Date]* *[Full name of person being transported]* arrived in New Zealand and is now being held in custody in accordance with an order made by the District Court at *[Place]* under section 90 (3) of the Extradition Act 1999.**\*I AM SATISFIED** that the transportation of *[Full name of person being transported]* to *[Name of country to which person is being transported]* has not been continued within a reasonable time.*Paragraphs to be used if section 65 of the Extradition Act 1999 applies**\*[Full name]* was accused of an extradition offence in New Zealand and was surrendered to New Zealand by *[Name of extradition country]*; and proceedings against *[Full name]* for the offence in respect of which \*he \*she was surrendered were not begun within 6 months after the date of arrival of *[Full name]* in New Zealand.*Paragraphs to be used if section 93 of the Extradition Act 1999 applies**\*[Full name]*—

- (a) Was accused of an extradition offence in New Zealand; and
- (b) Was surrendered to New Zealand by *[Name of extradition country]*; and
- (c) On the completion of proceedings for the offence, has been acquitted.

*\*[Full name]*—

- (a) Was surrendered to New Zealand in relation to an extradition offence by *[Name of extradition country]*; and
- (b) Was sentenced to a term of imprisonment or any other punishment in respect of that offence; and
- (c) Has ceased to be serving the sentence.

*\*[Full name]*—

- (a) Was surrendered to New Zealand in relation to an extradition offence by *[Name of extradition country]*; and
- (b) Has been discharged without conviction.

**\*I AM SATISFIED** that there are no special circumstances that would make it inappropriate to make a removal order under section 93 of the Extradition Act 1999.

SCHEDULE—*continued*

FORMS—*continued*

Form E.A.15—*continued*

**I ORDER** the removal of [*Full name*] from New Zealand.

This order authorises—

- \*1 The \*Superintendent \*Manager of [*Name of penal institution or other place*] to release [*Full name*] into the custody of a member of the police; and
- \*1 Any member of the police to take [*Full name*] into custody, if \*he \*she is not already in custody; and
- 2 Any member of the police to place [*Full name*] on board any craft for the purpose of effecting \*his \*her removal from New Zealand; and
- \*3 The detention in custody of [*Full name*] while awaiting removal from New Zealand in either—
  - (a) A penal institution or any other place in which the person could be detained under section 26 (1) (a) of the Extradition Act 1999 if \*he \*she were subject to proceedings under Part 3 of the Extradition Act 1999; or
  - (b) At a seaport or airport.

If [*Full name*] is not able to be conveyed out of New Zealand within 48 hours after the service of this order, the person is to be brought before a District Court Judge to determine whether he or she should be detained in custody or released pending removal.

This removal order continues in force until it is executed or is cancelled.

DATED at ..... this ..... day of ..... \*19/\*20.....

.....  
Minister of Justice.

*\*Delete if inapplicable*

MARIE SHROFF,  
Clerk of the Executive Council.

\_\_\_\_\_

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 September 1999, prescribe the forms to be used for the purposes of the Extradition Act 1999.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 29 July 1999.  
These regulations are administered in the Ministry of Justice.