



Jersey

**EXTRADITION (JERSEY) LAW 2004
(MULTIPLE OFFENCES) (JERSEY)
ORDER 2009**

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EXTRADITION (JERSEY) LAW 2004 (MULTIPLE OFFENCES) (JERSEY) ORDER 2009

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EXTRADITION (JERSEY) LAW 2004 (MULTIPLE OFFENCES) (JERSEY) ORDER 2009

THE MINISTER FOR HOME AFFAIRS, in pursuance of Article 113 of the [Extradition \(Jersey\) Law 2004](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, unless the context otherwise requires “the Law” means the [Extradition \(Jersey\) Law 2004](#) and includes subsidiary legislation made under the Law.

2 Application of Order

This Order shall have effect where a request for extradition or re-extradition under the Law is made in respect of more than one offence.

3 General modifications of the Law

- (1) Unless the context otherwise requires, the Law shall have effect with the modifications specified in this Article.
- (2) A reference to an offence or to an extradition offence shall be construed as a reference to offences or extradition offences, as the case may be.
- (3) A power or function conferred or exercisable under the Law, including a power or function of the Magistrate, Royal Court, Attorney General and Privy Council, shall be exercisable separately and severally in respect of each and every offence for which extradition or re-extradition is requested.
- (4) If –
 - (a) an order for extradition or re-extradition is not made under the Law in respect of an offence specified in the extradition or re-extradition request; and
 - (b) another offence is specified in the request,

it shall not be necessary for the requesting territory to issue another extradition or re-extradition request in respect of the other offence. The request shall be treated as if it had not been made in respect of the offence for which an order for extradition or re-extradition was not made.

4 Specific modifications of the Law

(1) Articles 55 and 56 of the Law shall be modified to read –

“55 Time limit for extradition if there is no appeal

(1) If –

- (a) the Attorney General orders a person’s extradition in relation to an offence to a designated territory; and
- (b) no notice of an appeal under Article 40 or Article 45 is given before the end of the period of 14 days commencing on the day on which the Attorney General informs the person under Article 38(1) that the Attorney General has ordered the person’s extradition,

the person shall be extradited to the designated territory before the end of the period of 28 days commencing the day on which the Attorney General makes the order or if proceedings are continuing in relation to other offences contained in the extradition request, 10 days starting with the day on which the Attorney General makes the final order in relation to the last of the offences in respect of which the same extradition request was made.

(2) If –

- (a) the person is not extradited to the designated territory before the end of the period of 28 days commencing the day on which the Attorney General makes the order or 10 days commencing on the day on which the Attorney General makes the final order, as the case may be; and
- (b) the person applies to the Magistrate to be discharged, the Magistrate shall order that the person be discharged, unless reasonable cause is shown for the delay.

(3) For the purposes of paragraph (1) –

- (a) any power of a court to extend the period permitted for giving notice of appeal; and
- (b) any power of a court to grant leave to take a step out of time, shall be disregarded.

(4) This Article is subject to Article 57(6).

56 Time limit for extradition if there is an appeal

(1) If –

(a) there is an appeal to the Royal Court under any of Articles 40, 45 and 47 against a decision or order relating to a person's extradition to a designated territory; and

(b) the effect of the decision of the relevant court on appeal is that the person is to be extradited there,

the person shall be extradited to the designated territory before the end of the required period.

(2) The required period is 28 days commencing –

(a) on the day on which the decision of the relevant court on appeal becomes final;

(b) the day on which further proceedings on appeal are abandoned; or

(c) if there is more than one appeal outstanding in relation to offences contained in the same extradition request, the day on which the last decision of the relevant court becomes final or on which the last proceedings on the appeal are abandoned.

(3) The relevant court on appeal is –

(a) the Royal Court, if there is no further appeal to the Privy Council against the decision on the appeal to the Royal Court, or proceedings on any further appeal to the Privy Council are abandoned; or

(b) the Privy Council, if there is a further appeal to the Privy Council and proceedings on that further appeal are not abandoned.

(4) The decision of the Royal Court becomes final –

(a) at the end of the period for applying to the Royal Court for leave to appeal to the Privy Council under Article 52, if there is no application to the Royal Court for leave under Article 52(5);

(b) at the end of the period permitted for applying to the Privy Council for leave to appeal under Article 52, if the Royal Court refuses leave to appeal under Article 52(5) and there is no application to the Privy Council itself for leave under Article 52(6);

(c) if the Privy Council refuses leave to appeal under Article 52(6); or

(d) if, leave to appeal under Article 52 having been granted, paragraph (7) of that Article (relating to the time for bringing the appeal) is not complied with.

(5) The decision of the Privy Council becomes final when it is made.

(6) If –

(a) paragraph (1) is not complied with; and

(b) the person applies to the Magistrate to be discharged,

the Magistrate shall order that the person be discharged, unless reasonable cause is shown for the delay.

(7) For the purposes of paragraph (4) –

- (a) any power of a court to extend the period permitted for giving notice of appeal; and
- (b) any power of a court to grant leave to take a step out of time, shall be disregarded.

(8) This Article is subject to Article 57(6).”.

(2) Articles 62 and 63 of the Law shall be modified to read –

“62 General provisions as to consent to extradition

- (1) A person arrested under a warrant issued under Article 8 may consent to being extradited to the designated territory to which extradition is requested in relation to one or more offences contained within the extradition request.
- (2) A person arrested under a provisional warrant may consent to being extradited in relation to one or more offences contained within the extradition request to the designated territory in which the person is accused of the commission of the offence or offences or is alleged to have been convicted of the offence or offences.
- (3) Consent under this Article must be given in writing and is irrevocable.

63 Consent to extradition before case sent to Attorney General

- (1) If a person consents under Article 62 to being extradited before the person’s case is sent to the Attorney General for the Attorney General’s decision as to whether the person is to be extradited, the consent must be given to the Magistrate, in a manner to be prescribed by rules of court.
- (2) If the Magistrate has not under Article 12 or Article 13 fixed a date on which the extradition hearing is to begin, the Magistrate is not required to do so unless there are other offences contained within the extradition request in relation to which the person has not consented to his or her extradition.
- (3) If the extradition hearing has begun, the Magistrate is no longer required to proceed or continue proceeding under any of Articles 15 to 28 (inclusive) (relating to the extradition hearing) unless there are other offences contained within the extradition request in relation to which the person has not consented to his or her extradition.
- (4) The Magistrate shall send the case to the Attorney General for a decision as to whether the person is to be extradited.
- (5) The person shall be taken to have waived any right that he or she would have (apart from the consent) not to be dealt with in the

designated territory for an offence committed before the person's extradition if the person has consented to his or her extradition in relation to every offence contained within the extradition request."

- (3) Paragraphs 40 and 41 of Schedule 2 to the Law shall be modified to read –

"40 Time limit for re-extradition if there is no appeal

- (1) If –

- (a) the Magistrate orders a person's re-extradition in relation to an offence to a designated territory; and
- (b) no notice of an appeal under paragraph 25 or paragraph 30 is given before the end of the period permitted under that paragraph,

the person shall be re-extradited to the designated territory before the end of the period of 28 days commencing the day on which the Magistrate makes the order or if proceedings are continuing in relation to other offences contained in the request for re-extradition, 10 days starting with the day on which the Magistrate makes the final order in relation to the last of the offences in respect of which the request for re-extradition was made.

- (2) However, sub-paragraph (1) does not apply if the order for the person's re-extradition is made under paragraph 48.

- (3) If –

- (a) the person is not re-extradited to the designated territory before the end of the period of 28 days commencing the day on which the Magistrate makes the order or 10 days commencing on the day on which the Magistrate makes the final order, as the case may be; and
 - (b) the person applies to the Magistrate to be discharged,
- the Magistrate shall order that the person be discharged, unless reasonable cause is shown for the delay.

- (4) For the purposes of sub-paragraph (1) –

- (a) any power of a court to extend the period permitted for giving notice of appeal; and
 - (b) any power of a court to grant leave to take a step out of time,
- shall be disregarded.

- (5) This paragraph is subject to paragraph 42(6).

41 Time limit for re-extradition if there is an appeal

- (1) If –

(a) there is an appeal to the Royal Court under any of paragraphs 25, 30 and 32 against a decision or order relating to a person's re-extradition to a designated territory; and

(b) the effect of the decision of the relevant court on appeal is that the person is to be re-extradited there,

the person shall be re-extradited to the designated territory before the end of the required period.

(2) The required period is 28 days commencing –

(a) on the day on which the decision of the relevant court on appeal becomes final;

(b) the day on which further proceedings on appeal are abandoned; or

(c) if there is more than one appeal outstanding in relation to offences contained in the same request for re-extradition, the day on which the last decision of the relevant court becomes final or on which the last proceedings on the appeal are abandoned.

(3) The relevant court on appeal is –

(a) the Royal Court, if there is no further appeal to the Privy Council against the decision on the appeal to the Royal Court, or proceedings on any further appeal to the Privy Council are abandoned; or

(b) the Privy Council, if there is a further appeal to the Privy Council and proceedings on that further appeal are not abandoned.

(4) The decision of the Royal Court becomes final –

(a) at the end of the period for applying to the Royal Court for leave to appeal to the Privy Council under paragraph 37, if there is no application to the Royal Court for leave under paragraph 37(5);

(b) at the end of the period permitted for applying to the Privy Council for leave to appeal under paragraph 37, if the Royal Court refuses leave to appeal under paragraph 37(5) and there is no application to the Privy Council itself for leave under paragraph 37(6);

(c) if the Privy Council refuses leave to appeal under paragraph 37(6); or

(d) if, leave to appeal under paragraph 37 having been granted, sub-paragraph (7) of that paragraph (relating to the time for bringing the appeal) is not complied with.

(5) The decision of the Privy Council becomes final when it is made.

(6) If –

(a) sub-paragraph (1) is not complied with; and

(b) the person applies to the Magistrate to be discharged,

the Magistrate shall order that the person be discharged, unless reasonable cause is shown for the delay.

(7) For the purposes of sub-paragraph (4) –

- (a) any power of a court to extend the period permitted for giving notice of appeal; and
- (b) any power of a court to grant leave to take a step out of time, shall be disregarded.

(8) This paragraph is subject to paragraph 42(6).”.

(4) Paragraphs 47 to 49 of Schedule 2 to the Law shall be modified to read –

“47 General provisions as to consent to re-extradition

- (1) A person brought before the Magistrate under Article 72 may consent to the person’s re-extradition to the designated territory in which the overseas sentence was imposed in relation to one or more offences contained within the request for re-extradition.
- (2) Consent under this paragraph must be given in writing before the Magistrate, and is irrevocable.

48 Consent to re-extradition before case sent to Attorney General

- (1) If a person consents under paragraph 47 to being re-extradited –
 - (a) the Magistrate shall remand the person in custody or on bail; and
 - (b) if the Magistrate remands the person in custody, the Magistrate may later grant bail to the person.
- (2) If the Magistrate has not fixed a date on which the re-extradition hearing is to begin, the Magistrate is not required to do so unless there are other offences contained within the request for re-extradition in relation to which the person has not consented to his or her re-extradition.
- (3) If the re-extradition hearing has begun, the Magistrate is no longer required to proceed or continue proceeding under any of paragraphs 2 to 13 (inclusive) (relating to the re-extradition hearing) unless there are other offences contained within the request for re-extradition in relation to which the person has not consented to his or her re-extradition.
- (4) The Magistrate shall, within the period of 10 days commencing on the day on which the consent is given, order that the person be re-extradited to the designated territory in respect of the offences contained within the request for re-extradition in relation to which the person has consented to his or her re-extradition.
- (5) The person shall be taken to have waived any right that he or she would have (apart from the consent) not to be dealt with in the

designated territory for an offence committed before the person's re-extradition.

- (6) Sub-paragraph (4) has effect subject to paragraph 50.
- (7) If sub-paragraph (4) is not complied with, and the person applies to the Magistrate to be discharged, the Magistrate shall order that the person be discharged in respect of the offences contained within the request for re-extradition in relation to which the person has consented to his or her re-extradition, unless reasonable cause is shown for the delay.

49 Time limit for re-extradition following consent

- (1) This paragraph applies if the Magistrate makes an order under paragraph 48(4) for a person's re-extradition to a designated territory.
- (2) The person shall be re-extradited to the designated territory before the end of the period of 28 days commencing on the day on which the order is made or if proceedings are continuing in relation to other offences contained in the request for re-extradition, 10 days starting with the day on which the Magistrate makes the final order in relation to the last of the offences in respect of which the same request for re-extradition was made.
- (3) If sub-paragraph (2) is not complied with, and the person applies to the Magistrate to be discharged, the Magistrate shall order that the person be discharged, unless reasonable cause is shown for the delay."

5 Citation

This Order may be cited as the Extradition (Jersey) Law 2004 (Multiple Offences) (Jersey) Order 2009.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Extradition (Jersey) Law 2004 (Multiple Offences) (Jersey) Order 2009	R&O.52/2009	18 June 2009

Table of Renumbered Provisions

Original	Current
6	Spent, omitted

Table of Endnote References

There are currently no endnote references