

THE ISLAND OF NAURU

No. 5 of 1934

AN ORDINANCE

Relating to Extradition.

I, the Administrator of the Island of Nauru, do hereby enact, order and proclaim as under :-

1. This Ordinance may be cited as the Extradition Ordinance 1934.
2. - (1.) In this Ordinance, unless the contrary intention appears -
"the Act" means the Extradition Acts 1870 to 1932 of the United Kingdom, as adopted as laws of the Island of Nauru.
(2.) Terms defined in the Act have in this Ordinance the same meaning as in the Act unless the contrary intention appears.
3. The Act is, subject to the modifications specified in this Ordinance, hereby adopted as a law of the Island of Nauru, so far as it is applicable to the circumstances of the Island of Nauru, and is not repugnant to or inconsistent with the provisions of any Act, Ordinance, law, regulation, rule, order or proclamation having the force of law that is, whether before or after the commencement of this Ordinance, expressed to extend to or applied to or made or promulgated in the Island of Nauru.
4. The Act shall apply in the case of a foreign State from the date of the extension to the Island of Nauru of the provisions of an arrangement by His Majesty the King with the foreign State with respect to the surrender to that State of any fugitive criminals, but not before the date of the Order in Council made by His Majesty under section two of the Extradition Act 1870 of the United Kingdom, directing that that Act shall apply in the case of that foreign State.
5. The Act shall apply with the following modifications :-
 - (a) Any reference to Her Majesty's Dominions, the United Kingdom and England shall be read as a reference to the Island of Nauru;
 - (b) Any reference to English jurisdiction shall be read as a reference to the jurisdiction of the Island of Nauru;
 - (c) The requisition for the surrender of a fugitive criminal who is in or suspected of being in the Island of Nauru may be made to the Administrator by any person recognised by the Administrator as a Consul-General, Consul or Vice-Consul, or (if the fugitive criminal has escaped from the colony or dependency of the foreign State on behalf of which the requisition is made) as the Governor of that colony or dependency;
 - (d) No warrant of a Secretary of State shall be required, and all powers vested in and acts authorised or required to be done by a Secretary of State in relation to the surrender of a fugitive criminal, shall be vested in, and may, in the Island of Nauru, be exercised and done by, the Administrator;
 - (e) All powers vested in and acts authorised or required to be done by a Police Magistrate or any justice of the peace, in relation to the surrender of a fugitive criminal, shall be vested in, and may, in the Island of Nauru, be exercised and done by, the Administrator;

- (f) Any prison in the Island of Nauru may be substituted for a prison in Middlesex;
- (g) The Administrator may exercise the power of discharging a fugitive criminal when not conveyed out of the Island of Nauru within two months after committal to prison.

6. Where the Act applies in the case of any Foreign State, a requisition for the surrender of a person, accused or convicted of an extradition crime in the Island of Nauru, who is or is suspected to be in that foreign State, may be made by the Administrator to any Minister of that State through the diplomatic representative of His Majesty the King in that State or in such other mode as is settled by arrangement.

7. Any person accused or convicted of an extradition crime who is surrendered by a foreign State may, under the warrant for his surrender issued in the foreign State, be brought into the Island of Nauru and delivered to the proper authorities to be dealt with according to law.

GIVEN under my hand at Administration Head-quarters, Nauru, Central Pacific, the twenty-third day of June in the year One thousand nine hundred and thirty-four.

Rupert C. Garcia.

ADMINISTRATOR OF THE ISLAND OF NAURU.