
CHAPTER 276
EXTRADITION ACT

To make provision for and with respect to the extradition, to and from other countries, of persons accused or convicted of offences, and for any matter connected therewith or incidental thereto.

1st February, 1982

ACT XVIII of 1978, as amended by Acts XLIX of 1981 and VIII of 1990; Legal Notice 40 of 1993; and Acts XVII of 1996, III of 2001, III and XXIV of 2002, IX of 2003, III of 2004, VII of 2010 and XXIV of 2014.

ARRANGEMENT OF ACT

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SCHEDULE

PART I

PRELIMINARY

Short title.

1. The short title of this Act is the Extradition Act.

Interpretation.
Amended by:
XXIV. 2002.14;
XXIV. 2014.96.

2. (1) In this Act, other than in Part VI thereof and unless the context otherwise requires -

"arrangement", in relation to the return of fugitive criminals to or from any country, other than Malta, means any treaty, convention, agreement or understanding for that purpose between Malta and such other country or which applies to both such countries or of which both such countries are a party;

"accused person" includes a person, in respect of whom a warrant is issued, who is wanted in a designated foreign country for the purposes of conducting a criminal prosecution for the commission of an offence specified in the warrant;

"country" includes any territory;

"designated Commonwealth country" has the meaning assigned to it by article 4;

"designated foreign country" has the meaning assigned to it by article 6;

"extraditable offence" has the meaning assigned to it by either article 5 or article 8, as the case may require;

"fugitive criminal" means a person accused or convicted of an extraditable offence committed within the jurisdiction of any country other than Malta who is or is suspected of being in Malta; and whenever that term occurs in relation to any such country, means a fugitive criminal accused or convicted of an extraditable offence committed within the jurisdiction of that country;

"Minister" means the Minister responsible for justice;

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"prison" has the meaning assigned to it by the [Prisons Act](#);

"requesting country" means a country requesting the return under this Act of a fugitive criminal.

(2) For the purposes of this Act -

- (a) a person convicted of an offence in his absence shall be treated as a person accused of that offence;
- (b) an act or omission which constitutes an offence only against military law but not against the ordinary law of the land shall not be treated as an offence;
- (c) every colony, dependency and constituent part of a country, and every vessel and every aircraft of or registered in that country, shall (except where expressly mentioned as distinct in this Act or otherwise expressly provided) be deemed to be within the jurisdiction of and to be part of such country.

PART II

RETURN OF OFFENDERS TO COMMONWEALTH COUNTRIES

3. Subject to the provisions of this Act, a person found in Malta who is accused of an extraditable offence in any designated Commonwealth country or who is alleged to be unlawfully at large after conviction of such an offence in any such country, may be arrested and returned to that country as provided by this Act.

Persons liable to be returned.

4. (1) The Minister may by order designate for the purposes of article 3 any country for the time being mentioned in article 28(3) of the Constitution of Malta, or any other country within the Commonwealth; and any country for the time being so designated is in this Act referred to as a designated Commonwealth country.

Designated Commonwealth country.

(2) The Minister may by the same or any subsequent order direct that this Act shall have effect in relation to the return of persons to, or in relation to persons returned from, any designated Commonwealth country subject to such conditions, exceptions, adaptations or modifications as may be specified in the order.

(3) For the purposes of any order made under the foregoing provisions of this section, any territory for the external relations of which a Commonwealth country is responsible may be treated as part of that country or, if the Government of that country so requests, as a separate country.

5. (1) For the purposes of this Act an offence of which a person is accused or has been convicted in a designated Commonwealth country is an extraditable offence in respect of that country if -

Extraditable offences in respect of designated Commonwealth countries.

- (a) it is an offence which, however described in the law of that country, falls within any of the descriptions set out in the Schedule to this Act, and is punishable under that law with imprisonment for a term of twelve months or any greater punishment; and
- (b) the act or omission constituting the offence, or the equivalent act or omission, would constitute an offence against the law of Malta if it took place within Malta or, in the case of an extra-territorial offence, in corresponding circumstances outside Malta.

(2) In determining for the purposes of this section whether an offence against the law of a designated Commonwealth country falls within a description set out in the said Schedule any special intent or state of mind or special circumstances of aggravation which may be necessary to constitute that offence under the law shall be disregarded.

(3) The descriptions set out in the said Schedule include the offences therein described whether or not they are accompanied by any aggravating or mitigating circumstance, and include also in each case offences of complicity in any such offence or of attempting to commit any such offence within the meaning respectively of article 41 or 42 of the [Criminal Code](#).

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(4) References in this section to the law of any country include references to the law of any part of that country.

PART III

RETURN OF OFFENDERS TO OTHER FOREIGN COUNTRIES

Persons liable to be returned.

6. Subject to the provisions of this Act, a person found in Malta who is accused of an extraditable offence in any designated foreign country or who is alleged to be unlawfully at large after conviction of such offence in any such country, may be arrested and returned to that country as provided by this Act.

Designated foreign country.

Amended by:
XLIX. 1981.6;
L.N. 40 of 1993;
IX. 2003.49;
III. 2004.36.

7. (1) The Minister may by order designate for the purposes of article 6 any country with which an arrangement (including any arrangement, decision, direction or other act of the European Union made under or pursuant to the Treaty) exists or has been made, whether before or after the commencement of this section, for the return to such country of any fugitive criminal; and any country for the time being so designated is in this Act referred to as a designated foreign country:

Provided that, until an order is made under this section containing a provision to the contrary, the Republic of Italy and any other country with which there is an arrangement as is referred to in article 30 shall be treated as if an order designating it as a foreign country had been made under this section.

(2) The Minister may by the same or any subsequent order direct that this Act shall have effect in relation to the return of persons to or from, or in relation to persons returned from, any designated foreign country, subject to such conditions, exceptions, adaptations or modifications as may be specified in the order.

(3) Subject to the provisions of this Act, every such order shall either recite or embody the terms of the arrangement to which it refers or shall contain a reference to the publication thereof in the Gazette or to its presentation to the House of Representatives, and shall not remain in force for any longer period than the arrangement.

(4) Subarticle (3) shall not apply to any arrangement which is in force immediately before the commencement of this section.

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(5) For the purposes of this article "the Treaty" has the same meaning as is assigned to it by the [European Union Act](#).

Extraditable offences in respect of designated foreign countries.

8.* (1) For the purposes of this Act, an offence of which a person is accused or has been convicted in a designated foreign country is an extraditable offence in respect of that country if -

(a) it is an offence in respect of which a fugitive criminal may be returned to that country in accordance with the

*For the applicability of this article to the Republic of Tunisia and the United States of America, vide Subsidiary Legislation [S.L.276.06](#) and [S.L.276.07](#) respectively.

arrangement and is punishable under that law with imprisonment for a term of twelve months or a greater punishment; and

- (b) the act or omission constituting the offence or the equivalent act or omission, would constitute an offence against the law of Malta if it took place within Malta or, in the case of an extra-territorial offence, in corresponding circumstances outside Malta.

(2) In determining for the purposes of this section whether an offence falls within the requirements of subarticle (1)(a) and (b), the description of the offence shall not be regarded as material if the offences under the law of Malta and that of the requesting country are substantially of the same nature.

9. Repealed by Act [III. 2004.37](#).

Provisions of arrangements, etc., for return.

PART IV

PROVISIONS APPLICABLE TO RETURN OF OFFENDERS TO ALL COUNTRIES

10.* (1) A person shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, if it appears to the Minister or to the court of committal -

General restrictions on return.

- (a) that the offence of which that person is accused or was convicted is an offence of a political character; or
- (b) that the request for his return (though purporting to be made on account of an extraditable offence) is in fact made for the purpose of prosecuting or punishing him on account of his race, place of origin, nationality, political opinions, colour or creed; or
- (c) that he might, if returned, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, place of origin, nationality, political opinions, colour or creed.

(2) A person accused of an offence shall not be returned under this Act to any country, or committed to or kept in custody for the purpose of such return, if it appears as aforesaid that if charged with that offence in Malta he would be entitled to be acquitted under any rule of law relating to previous acquittal or conviction.

(3) A person shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, unless provision is made by the law of that country, or by an arrangement made with that country, for securing that he will not, unless he has first been restored or had an opportunity of returning to Malta, be dealt with in that country for or in respect of any offence committed before his return under this Act other than -

*For the applicability of this article to the Republic of Tunisia and the United States of America, vide Subsidiary Legislation [S.L.276.06](#) and [S.L.276.07](#) respectively.

- (a) the offence in respect of which his return under this Act is requested;
- (b) any lesser offence proved by the facts proved before the court of committal; or
- (c) any other offence being an extraditable offence in respect of which the Minister may consent to his being so dealt with.

(4) Any such arrangement as is mentioned in subarticle (3) may be an arrangement made for the particular case or an arrangement of a more general nature; and for the purpose of that subsection a certificate issued by or under the authority of the Minister confirming the existence of an arrangement with any country and stating its terms shall be conclusive evidence of the matters contained in that certificate.

(5) For the purposes of this section, an offence against the life or person of a head of state, or any related offence described in article 5(3), shall not necessarily be deemed to be an offence of a political character.

Powers of the
Minister with
respect to return of
offenders.

11.* (1) A person shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, if the Minister, in the exercise of any power conferred on or reserved by the Government in or in respect of any arrangement, has so directed.

(2) Without prejudice to the generality of the provision of subsection (1) of this section, the Minister may refuse to make an order under article 13 or article 21 in any of the following cases:

- (a) where the request is for a person unlawfully at large after conviction and the punishment awarded is less than four months imprisonment;
- (b) where according to the law of the requesting country the offence in respect of which the return is requested is subject to the death penalty and the requesting country has not given an assurance accepted as sufficient by the Minister that the death penalty will not be awarded or will, if awarded, not be carried out;
- (c) where the request is for the return of a person convicted of an offence in his absence and the requesting country has not given an assurance accepted as sufficient by the Minister that such person will be granted a new trial if he so requests;
- (d) if prosecution for the offence in respect of which extradition is requested is barred by prescription either according to the law of Malta or according to the law of the requesting country;
- (e) where the request is for a person who is in Malta having been returned thereto as mentioned in article

*For the applicability of this article to the Republic of Tunisia and the United States of America, vide Subsidiary Legislation [S.L.276.06](#) and [S.L.276.07](#) respectively.

25(1) and the Government is under an obligation not to return such a person to another country;

- (f) if any amnesty has been granted in respect of the offence for which the return is requested and the courts of Malta had jurisdiction to try that offence;
- (g) if the person whose extradition is requested is a citizen of Malta.

12.* A person who has been accused of some offence within Maltese jurisdiction, not being the offence for which his return is asked, or is undergoing sentence under any conviction in Malta, shall not be returned under this Act to any country, until after he has been discharged whether by acquittal or on the expiration of his sentence or otherwise.

Delay of return.
Amended by:
III. 2002.163.

13. (1) Subject to the provisions of this Act relating to provisional warrants, a person shall not be dealt with under this Act except in pursuance of an order of the Minister (in this Act referred to as an authority to proceed) issued in pursuance of a request made in writing to a Minister by or on behalf of the Government of the designated Commonwealth country or of the designated foreign country in which the person to be returned is accused or was convicted.

Authority to proceed.

(2) There shall be furnished with any request made for the purposes of this section on behalf of any country -

- (a) in the case of a person accused of an offence, a warrant for his arrest issued in that country;
- (b) in the case of a person unlawfully at large after conviction of an offence, a certificate of the conviction and sentence in that country, and a statement of the amount if any of that sentence which has been served,

together, in each case, with -

- (i) particulars of the person whose return is requested, including information sufficient to establish his identity and nationality;
- (ii) particulars of the facts upon which and the law under which such person is accused or was convicted, the legal description of the offence and a copy of the relative enactments or (if this is not practicable) a statement of the relevant law; and
- (iii) evidence sufficient to justify the issue of a warrant for his arrest under article 14.

(3) On receipt of such a request, the Minister may issue an order to proceed unless it appears to him that an order for the return of the person concerned could not lawfully be made, or would not in fact be made, in accordance with the provisions of this Act.

*For the applicability of this article to the Republic of Tunisia and the United States of America, vide Subsidiary Legislation [S.L.276.06](#) and [S.L.276.07](#) respectively.

Arrest for purposes
of committal.
Amended by:
III. 2004.38.

14. (1) A warrant for the arrest of a person accused of an extraditable offence, or alleged to be unlawfully at large after conviction of such an offence, may be issued by a magistrate -

- (a) on the receipt of an authority to proceed; or
- (b) without such authority, upon information that the said person is, or is believed to be, in or on his way to Malta,

and any warrant issued by virtue of paragraph (b) is in this Act referred to as a provisional warrant.

(2) A warrant of arrest under this section may be issued upon such evidence as would, in the opinion of the magistrate, authorise the issue of a warrant for the arrest of a person accused of committing a corresponding offence or, as the case may be, of a person alleged to be unlawfully at large after conviction of an offence within the jurisdiction of the Courts of Criminal Justice of Malta.

(3) Where a provisional warrant is issued under this section, the magistrate by whom it is issued shall forthwith give notice to the Minister, and transmit to him the information and evidence, or certified copies of the information and evidence, upon which it was issued; and the Minister may in any case, and shall if he decides not to issue an authority to proceed in respect of the person to whom the warrant relates, by order cancel the warrant and, if that person has been arrested thereunder, discharge him from custody.

(4) A warrant issued under this section shall be forthwith executed by a Police officer.

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(5) The provisions of articles 355E, 355F, 355I, 355AB, 355AC and 357 of the [Criminal Code](#) shall apply *mutatis mutandis* to a warrant of arrest and to a warrant of search issued for the purposes of this Act.

Proceedings for
committal.
Amended by:
VIII. 1990.3;
III. 2002.163.

15.* (1) A person arrested in pursuance of a warrant under article 14 shall (unless previously discharged under subarticle (3) of that article) be brought as soon as practicable and in any case not later than forty-eight hours from his arrest before the Court of Magistrates (Malta) as a court of criminal inquiry (in this Act referred to as the court of committal) which shall have for the purposes of proceedings under this section the same powers, as nearly as may be, including power to remand in custody or on bail, as the said court has when sitting as aforesaid.

(2) Where the person arrested is in custody by virtue of a provisional warrant and no authority to proceed has been received in respect of him, the court of committal may fix a reasonable period (of which the court shall give notice to the Minister) after which he will be discharged from custody unless such an authority has been received.

(3) Where an authority to proceed has been issued in respect of

*For the applicability of this article to the Republic of Tunisia and the United States of America, vide Subsidiary Legislation [S.L.276.06](#) and [S.L.276.07](#) respectively.

the person arrested and the court of committal is satisfied, after hearing any evidence tendered in support of the request for the return of that person or on behalf of that person, that the offence to which the authority relates is an extraditable offence and it is further satisfied -

- (a) where the person is accused of the offence, that the evidence would be sufficient to warrant his trial for that offence if it had been committed within the jurisdiction of the Courts of Criminal Justice of Malta;
- (b) where the person is alleged to be unlawfully at large after conviction of the offence, that he has been so convicted and appears to be so at large,

the court shall, unless his committal is prohibited by any other provision of this Act, commit him to custody to await his return thereunder; but if the court is not so satisfied or if the committal of that person is so prohibited, the court shall discharge him from custody:

Provided that notwithstanding any order discharging him from custody such person shall remain in custody until the expiration of three working days from any such order and, where an appeal has been entered by the Attorney General, until the appeal is disposed of or abandoned, or the Attorney General consents to the release of such person.

(4) Where a person has been brought before a court of committal as provided in subarticle (1), the provisions of article 401(1) of the [Criminal Code](#) shall apply as if the words "one month" wherever they occur therein were substituted with the words "two months" and as if the words "three months" in the proviso thereto were substituted with the words "six months".

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(5) Where the person arrested declares before the court of committal that he is willing to be extradited, the said court upon being satisfied of the voluntariness of such declaration shall commit him to custody to await his return and all the provisions of this Act for his extradition shall be deemed to be satisfied and the Minister shall thereupon, notwithstanding any other provision of this Act but saving the provisions of article 21(2) and (4) thereof, by warrant order him to be returned to the requesting country. No appeal shall lie from the decision of the court committing the person to custody under the provisions of this subarticle.

16. Where a person is committed to custody under article 15, the court shall, besides informing him that he will not be returned until after the expiration of fifteen days from the date of its order of committal and that, except in the case of a committal to custody to await return under the provisions of article 15(5), he may appeal to the Court of Criminal Appeal, also inform him that, if he thinks that any of the provisions of article 10(1) and (2) has been contravened or that any provision of the [Constitution of Malta](#) or of the [European Convention Act](#) is, has been or is likely to be contravened in relation to his person as to justify a reversal, annulment or modification of the court's order of committal, he has the right to

Duty of court of committal to inform person committed of his rights.
Amended by:
III. 2002.163.

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apply for redress in accordance with the provisions of article 46 of the said [Constitution](#) or of the [European Convention Act](#), as the case may be.

Custody.

17. (1) Any person remanded or committed for custody under article 15 shall be committed to prison and shall be treated as a person awaiting trial.

(2) Such person shall be deemed to be in legal custody from the moment that he is so remanded or committed until he is beyond the jurisdiction of the Courts of Criminal Justice of Malta.

Appeal by person
committed to
custody.
*Amended by:
VIII. 1990.3.*

18. (1) An appeal from an order committing a person to custody under article 15 shall be made by an application to the Court of Criminal Appeal, containing a demand for the reversal of the court's order, and shall be filed in the registry of the court of committal not later than four working days from the date of the said order.

(2) The Registrar of the court of committal shall, not later than the first next working day, transmit the application, together with the records of the case, to the Registrar of the Court of Criminal Appeal, who shall, without delay, forward a copy of the application to the Attorney General.

(3) Notice of the day fixed for the hearing of the appeal shall be given by the Registrar of the Court of Criminal Appeal to the appellant and to the Attorney General:

Provided that, except with the consent of both the appellant and the Attorney General, such hearing shall not take place before the lapse of two working days after the said notice has been given.

(4) If the Court of Criminal Appeal reverses the decision of the Court of Magistrates, the court shall order that the appellant be discharged.

Appeal by
Attorney General.
*Amended by:
VIII. 1990.3.*

19. (1) Where the decision of the Court of Magistrates is such that the return of the person requested cannot take place, the court shall, within twenty-four hours, transmit to the Attorney General the records of the case together with a copy of its decision, and the Attorney General may, within three working days from the date of the receipt of such record, appeal to the Court of Criminal Appeal by an application, to be accompanied by the said record and by a copy of the decision of the court of committal, filed in the Registry of the Court of Criminal Appeal. A copy of the application shall be served on the person whose return is requested.

(2) On any appeal under this section the provisions of article 18(3) shall *mutatis mutandis* apply and if the Court of Criminal Appeal orders the committal to custody of the person whose return is requested such order shall be treated, for all purposes other than an appeal therefrom, as an order committing such person to custody.

20. On an appeal made to the Court of Criminal Appeal or on an application for redress to the Constitutional Court under article 46 of the Constitution of Malta, either of the said courts may, without prejudice to any other jurisdiction, order the person committed to be discharged from custody if it appears to such court that -

Powers of Court of Criminal Appeal and of Constitutional Court.

- (a) by reason of the trivial nature of the offence of which he is accused or was convicted; or
- (b) by reason of the passage of time since he is alleged to have committed it or to have become unlawfully at large, as the case may be; or
- (c) because the accusation against him is not made in good faith in the interest of justice,

it would, having regard to all the circumstances, be unjust or oppressive to return him.

21.* (1) Where a person is committed to await his return and is not discharged by order of the Court of Criminal Appeal or of any other competent court, the Minister may by warrant order him to be returned to the requesting country unless the return of that person is prohibited, or prohibited for the time being, by article 10 or by article 12, or the Minister decides under this article or under article 11 to make no such order in his case.

Order for return to requesting country.
Amended by:
III. 2002.163.

(2) A person shall not be returned to any country under this Act -

- (a) in any case, until the expiration of the period of fifteen days beginning with the day on which the order for his committal is made;
- (b) if the person committed to custody is entitled to institute any proceedings, whether of appeal or otherwise, which may lead to the reversal, annulment or modification of the court's order of committal, and the person committed has instituted such proceedings or, if there is established by law or there has been fixed by a court's order or judgment a time-limit within which such proceedings are to be instituted, until the expiration of such time-limit;
- (c) if any proceedings referred to in the last preceding paragraph have been instituted, until the conclusion of such proceedings:

Provided that the proceedings shall be deemed to have been concluded also if they have been withdrawn or abandoned;

- (d) if a the person committed to custody is accused or undergoing sentence as provided in article 12, until he has been discharged whether by acquittal or on the expiration of his sentence or otherwise.

*For the applicability of this article to the Republic of Tunisia and the United States of America, vide Subsidiary Legislation [S.L.276.06](#) and [S.L.276.07](#) respectively.

(3) The Minister shall not make an order under this section in the case of any person, if it appears to the Minister, on the grounds mentioned in article 20, that it would be unjust or oppressive to return that person or if he considers, on any such grounds as are mentioned in article 10(1), that the order ought not be made.

(4) The Minister may decide to make no order for the time being under this section for the return of a person committed by the court in consequence of a request made by any country if another request for his return under this Act has been made by another country and it appears to the Minister, having regard to all the circumstances of the case and in particular -

- (a) the relative seriousness of the offence in question;
- (b) the date on which each such request was made; and
- (c) the nationality or citizenship of the person concerned and his ordinary residence,

that preference should be given to the other request.

(5) Notice of the issue of a warrant under this section shall forthwith be given to the person to be returned thereunder.

Evidence.
Amended by:
VII. 2010.55.

22.* (1) In any proceedings under or for the purposes of this Act in respect of a person in custody thereunder -

- (a) a document, duly authenticated, which purports to set out evidence given on oath in the requesting country shall be admissible as evidence of the matters stated therein;
- (b) a document, duly authenticated, which purports to have been received in evidence, or to be a copy of a document so received, in any proceeding in any such country shall be admissible as evidence;
- (c) a document, duly authenticated, which certifies that a person was convicted on a date specified in the document of an offence against the law of, or of part of, any such country shall be admissible as evidence of the fact and date of the conviction.

(2) A document shall be deemed to be duly authenticated for the purpose of this section -

- (a) in the case of a document purporting to set out evidence given as aforesaid, if the document purports to be certified by a judge or magistrate or officer in or of that country to be the original document containing or recording that testimony or a true copy of that original document;
- (b) in the case of a document that purports to have been received in evidence as aforesaid or to be a copy of a document so received, if the document purports to be certified as aforesaid to have been, or to be a true copy

*For the applicability of this article to the Republic of Tunisia and the United States of America, vide Subsidiary Legislation [S.L.276.06](#) and [S.L.276.07](#) respectively.

of a document which has been, so received;

- (c) in the case of a document which certifies that a person was convicted as aforesaid, if the document purports to be certified as aforesaid,

and in any such case the document is authenticated either by the oath of a witness or by the official seal of a Minister in or of the requesting country.

(2A) Notwithstanding the provisions of subarticles (1) and (2) the Court may receive in evidence in proceedings under or for the purposes of this Act any document not authenticated in accordance with those provisions where the document is authenticated or deemed to be authenticated in accordance with the provisions of subarticles (2B) and (2C).

(2B) In any proceedings under or for the purposes of this Act a document issued in the requesting country may also be received in evidence in proceedings under this Act if it is duly authenticated in accordance with subarticle (2C).

(2C) A document shall be deemed to be duly authenticated if (and only if) one of these applies -

- (a) it purports to be signed by a judge, magistrate or officer of the requesting country; or
- (b) it purports to be certified, whether by seal or otherwise, by the Ministry, department or other authority responsible for justice or for foreign affairs of the requesting country; or
- (c) it purports to be authenticated by the oath, declaration or affirmation of a witness.

(2D) Any document which is to be sent in connection with proceedings under this Act, may be transmitted by any secure means capable of producing written records and under conditions permitting the ascertainment of its authenticity.

(3) It shall be lawful for the Commissioner of Police or for the Attorney General as the case may be, as well as for the person the return of whom is requested, to produce evidence before the Court of Criminal Appeal even though such evidence shall not have been produced before the court of committal.

(4) In this article, "oath" includes affirmation or declaration; and nothing in this section shall be construed as prejudicing the admission in evidence of any document which is admissible in evidence apart from this article.

23.* (1) The Minister may, through the Commissioner of Police, seize and hand over to the requesting country any property - Handing over of property.

- (a) which may be required as evidence in that country; or
- (b) which has been acquired as a result of the offence and

*For the applicability of this article to the Republic of Tunisia and the United States of America, vide Subsidiary Legislation [S.L.276.06](#) and [S.L.276.07](#) respectively.

which, at the time of the arrest of the person whose return is requested, is found in the possession of such person or is discovered subsequently.

(2) The property referred to in subarticle (1) may be handed over to the requesting country even if extradition, having been agreed to, cannot be carried out owing to the death or escape of the person whose return is requested.

(3) When the said property is liable to seizure or confiscation in Malta, the Minister may, in connection with proceedings that are pending or with proceedings about to be taken, temporarily retain such property or hand it over to the requesting country on condition that it be returned.

Discharge in case of delay in returning.
Amended by:
VIII. 1990.3.

24. (1) If any person committed to await his return is in custody in Malta under this Act after the expiration of the following period, that is to say -

- (a) in any case, the period of two months beginning with the first day on which, having regard to article 21(2), he could have been returned;
- (b) where a warrant for his return has been issued under article 21, the period of one month beginning with the day on which that warrant was issued,

he may apply to the Court of Criminal Appeal, sitting as a Court of Appeal from judgments of the Court of Magistrates for his discharge.

(2) If upon any such application the court is satisfied that reasonable notice of the proposed application has been given to the Minister, the court may, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged from custody, and, if a warrant for his return has been issued under the said article 21, quash that warrant.

Transit.
Added by:
VII. 2010.56.

24A. (1) The Commissioner of Police may authorize transit through Malta of a person who is being surrendered to any country provided that the following information is furnished:

- (a) the identity and nationality of the person against whom the request has been issued;
- (b) the existence of a warrant for the arrest and surrender of that person;
- (c) the nature and legal classification of any offence on which the warrant for the arrest and surrender of the requested person is based;
- (d) the description of the circumstances of any offence, including the date and place of such offence:

Provided that transit may be refused if the person being surrendered is a national or permanent resident of Malta and the surrender is being made for the purpose of execution of a sentence of imprisonment or another form of detention.

(2) The information in subarticle (1) may be transmitted to the

Commissioner of Police by any means capable of producing a written record.

(3) When the transport of the surrendered person is to take place by air, it will only be necessary to provide the Commissioner of Police with the information required in subarticle (1) in the event that an unscheduled landing occurs.

(4) A person being conveyed through Malta in the course of his extradition or removal as a convicted prisoner from one country to another shall be kept in custody during the period of transit.

PART V

TREATMENT OF PERSONS RETURNED TO MALTA

25.* (1) This section applies to any person accused or convicted of an offence under the law of Malta who is returned to Malta from any designated Commonwealth country or designated foreign country under any law of that country corresponding with this Act.

Restrictions upon proceedings in Malta for other offences.

(2) A person to whom this section applies shall not, during the period described in subarticle (3), be dealt with in Malta for or in respect of any offence committed before he was returned to Malta other than -

- (a) the offence in respect of which he was returned;
- (b) any lesser offence proved by the facts proved for the purposes of securing his return; or
- (c) any other offence in respect of which the country from which he is returned may consent to his being dealt with.

(3) The period referred to in subarticle (2) in relation to a person to whom this section applies is the period beginning with the date of his arrival in Malta on his return as mentioned in subarticle (1) and ending forty-five days after the first subsequent day on which he had the opportunity to leave Malta.

(4) The provisions of article 541 of the [Criminal Code](#) shall not apply in relation to a person to whom this section applies if the institution or continuation of criminal proceedings against him is precluded by the operation of the foregoing provisions of this section.

Cap. 9.

26. (1) This article applies to any person accused of an offence under the law of Malta who is returned to Malta as mentioned in article 25(1).

Restoration of persons not tried or acquitted.

(2) If, in the case of a person to whom this section applies, either -

*For the applicability of this article to the Republic of Tunisia and the United States of America, vide Subsidiary Legislation [S.L.276.06](#) and [S.L.276.07](#) respectively.

- (a) proceedings against him for the offence for which he was returned or for an offence for which he may be dealt with in accordance with article 25(2)(b) or (c) are not begun within the period of three months beginning with the day of his arrival in Malta on being returned; or
- (b) on his trial for that offence, he is acquitted, or he is discharged absolutely or conditionally under the provisions of the [Probation Act](#),

Cap. 446.

the Minister may, if he thinks fit, on the request of that person, arrange for him to be sent back free of charge and with as little delay as possible to the country from which he was returned.

PART VI

SURRENDER OF OFFENDERS TO THE INTERNATIONAL CRIMINAL COURT

Applicability of
Part VI.
Added by:
XXIV. 2002.14.

26A. Only the provisions of this Part, save where otherwise expressly indicated, shall apply to requests from the ICC for the arrest and surrender of a person alleged to have committed an ICC crime, or to have been convicted by the ICC.

Interpretation.
Added by:
XXIV. 2002.14.

26B. (1) In this Part, unless the context otherwise requires -
"delivery order" has the same meaning assigned to it by sub-article 26E;

"ICC crime" means a crime (other than the crime of aggression) over which the ICC has jurisdiction in accordance with the ICC Treaty the relevant articles of which are reproduced in the First Schedule to the [International Criminal Court Act](#);

Cap. 453.

"the ICC" means the International Criminal Court established by the ICC Treaty;

"the ICC Treaty" means the Statute of the International Criminal Court, done at Rome on the 17th July, 1998;

"the Minister" means the Minister responsible for Justice.

(2) Words and phrases used in this part and used also in the ICC Treaty shall have the same meaning assigned to them in the said ICC Treaty.

Request for arrest
and surrender.
Added by:
XXIV. 2002.14.

26C. (1) Where the Minister receives a request from the ICC for the arrest and surrender of a person alleged to have committed an ICC crime, or to have been convicted by the ICC, he shall transmit the request and the documents accompanying it to the Attorney General.

(2) If the request is accompanied by a warrant of arrest and the Attorney General is satisfied that the warrant appears to have been issued by the ICC, he shall apply to a Magistrate to authorise the execution of the warrant. The Magistrate shall authorise such execution where he is satisfied that the warrant purports to have

been issued by the ICC.

(3) If in the case of a person convicted by the ICC the request is not accompanied by a warrant of arrest, but is accompanied by -

- (a) a copy of the judgment of conviction,
- (b) information to demonstrate that the person sought is the one referred to in the judgment of conviction, and
- (c) where the person sought has been sentenced, a copy of the sentence imposed and a statement of any time already served and the time remaining to be served,

the Attorney General shall apply to a Magistrate for the issue of a warrant for the arrest of the person to whom the request relates and shall attach the documentation and information referred to in this subarticle.

(4) The Magistrate shall issue the warrant where he is satisfied that it appears that the person sought has been convicted by the ICC and that the documentation and information referred to in this article has been produced.

(5) The provisions of subarticle (4) and of the articles referred to in article 14(5) shall apply to a warrant issued under this Part.

26D. (1) Where the Minister receives from the ICC a request for the provisional arrest of a person alleged to have committed an ICC crime or to have been convicted by the ICC he shall transmit the request and the documents accompanying it to the Attorney General.

Request for
provisional arrest.
Added by:
XXIV. 2002.14.

(2) Upon an application by the Attorney General stating that he has reason to believe -

- (a) that a request has been made by the ICC for the arrest of a person, and
- (b) that the person is in, or on his way to, Malta,

a Magistrate shall issue a warrant for the arrest of that person and shall notify the Minister of the issue of the warrant.

26E. (1) The provisions of article 15(1), other than the reference therein to article 14(3), shall *mutatis mutandis* apply to a person arrested under a provisional warrant under this Part.

Dealing with
person arrested
under provisional
warrant.
Added by:
XXIV. 2002.14.

(2) If an arrest warrant issued under article 26C is produced to the court in respect of the person brought before it, the court shall proceed as if he had been arrested under that warrant. If no such warrant is produced the court shall remand him pending the production of such a warrant.

(3) The Minister may make regulations specifying -

- (a) the period for which a person may be so remanded at any time, and
- (b) the total period for which a person may be so remanded,

having regard to the time limits specified in Rules of Evidence and

Procedure for the purposes of Article 92.3 of the ICC Treaty.

(4) If at any time when the person is remanded as aforesaid there is produced to the court a warrant issued under article 26C in respect of him -

- (a) the court shall terminate the period of remand, and
- (b) he shall be treated as if arrested under that warrant -
 - (i) if he was remanded in custody, at the time the warrant was produced to the court;
 - (ii) if he was remanded on bail, when he surrenders to his bail.

(5) If no such warrant is produced to the court before the end of the period of remand (including any extension of that period), the court shall discharge him.

(6) The fact that a person has been discharged under this article does not prevent his subsequent arrest under a warrant issued under article 26C.

Dealing with
person arrested
under warrant
issued under article
26C.

Added by:
XXIV. 2002.14.

26F. (1) The provisions of article 26E(1) shall apply to a person arrested under a warrant issued under article 26C.

- (2) If the court is satisfied -
 - (a) that the warrant -
 - (i) is a warrant of the ICC, or
 - (ii) has been duly issued under article 26C(3), and
 - (b) that the person brought before the court is the person named or described in the warrant,

it shall make a delivery order.

(3) A "delivery order" is an order that the person be delivered up -

- (a) into the custody of the ICC, or
- (b) if the ICC so directs in the case of a person convicted by the ICC, into the custody of the state of enforcement,

in accordance with arrangements made by the Minister.

(4) In the case of a person alleged to have committed an ICC crime, the court may adjourn the proceedings pending the outcome of any challenge before the ICC to the admissibility of the case or to the jurisdiction of the ICC.

(5) In deciding to make a delivery order the court is not concerned to enquire -

- (a) whether any warrant issued by the ICC was duly issued, or
- (b) in the case of a person alleged to have committed an ICC crime, whether there is evidence to justify his trial for the offence he is alleged to have committed.

26G. (1) When a person arrested under this Part is brought before the court that person may consent to being delivered up into the custody of the ICC or, in the case of a person convicted by the ICC, of the state of enforcement. Such consent is referred to in this Part as "consent to surrender".

Consent to
surrender.
Added by:
XXIV. 2002.14.

(2) When the person arrested gives his consent to surrender, the court, upon being satisfied of the voluntariness of the consent, shall make a delivery order and all the provisions of this Part for that person's surrender shall be deemed to be satisfied.

(3) No appeal shall lie from a delivery order made under this article.

Proceedings where court refuses delivery order

26H. (1) Where the court refuses to make a delivery order it shall nevertheless make an order remanding the person arrested into custody and that person shall remain in custody as provided in the proviso to article 15(3).

Where delivery
order is refused.
Added by:
XXIV. 2002.14.

(2) The court shall notify the Minister of its decision not to make a delivery order and of the grounds for it.

26I. Where the court refuses to make a delivery order the provisions of article 19 shall *mutatis mutandis* apply and if the Court of Criminal Appeal allows the appeal it shall make a delivery order which shall be treated, for all purposes other than an appeal therefrom, as an order committing to custody the person to be delivered up.

Appeal by the
Attorney General
against refusal of
delivery order.
Added by:
XXIV. 2002.14.

Proceedings where court makes delivery order

26J. (1) Where the court makes a delivery order in respect of a person, the court shall -

When court makes
delivery order.
Added by:
XXIV. 2002.14.

- (a) commit the person to custody to await the Minister's directions as to the execution of the order,
- (b) notify the Minister of its decision.

(2) Saving the provisions of article 26K, the provisions of articles 16 and 17 shall *mutatis mutandis* apply to a person committed to custody under this article.

26K. Saving the provisions of article 26L, the person to be delivered up following a delivery order may appeal from the order to the Court of Criminal Appeal and the provisions of article 18 shall *mutatis mutandis* apply to the appeal.

Appeal from
delivery order by
person to be
delivered up.
Added by:
XXIV. 2002.14.

26L. (1) A person in respect of whom a delivery order has been made may waive his right of appeal and his right to apply for redress under the [Constitution](#) and any other right to apply for review of the lawfulness of his arrest and detention.

Waiver of right of
appeal and of other
rights.
Added by:
XXIV. 2002.14.

(2) Where a person has waived his rights as provided in subarticle (1), the court shall satisfy itself of the voluntariness of the waiver whereupon the delivery order shall be taken for all purposes of law to be validly made.

Effect of delivery order.
Added by:
XXIV. 2002.14.

26M. (1) A delivery order is sufficient authority for any person acting in accordance with the directions of the Minister to receive the person to whom the order relates, keep him in custody and convey him to the place where he is to be delivered up into the custody of the ICC (or, as the case may be, of the state of enforcement) in accordance with arrangements made by the Minister.

(2) If a person in respect of whom a delivery order is in force escapes or is unlawfully at large, he may be arrested by the Police without warrant and taken to any place where or to which, by virtue of this Part, he is required to be or to be taken.

(3) The provisions of article 21(2) shall *mutatis mutandis* apply to any person in respect of whom a delivery order was made.

Bail, discharge, transit and unscheduled landing

Consultation with the ICC concerning bail.
Added by:
XXIV. 2002.14.

26N. (1) Where an application for bail is made in proceedings under this Part -

- (a) the court shall notify the Minister of the application,
- (b) the Minister shall consult with the ICC, and
- (c) bail shall not be granted without full consideration of any recommendations made by the ICC.

(2) In considering any application for bail under this article the court shall consider -

- (a) whether, given the gravity of the offence or offences which the person is alleged to have committed or, as the case may be, of which he has been convicted by the ICC, there are urgent and exceptional circumstances justifying release on bail, and
- (b) whether any necessary measures have been or will be taken to secure that the person will surrender to custody in accordance with the terms of his bail.

Discharge of person not delivered up.
Added by:
XXIV. 2002.14.

26O. (1) If the person in respect of whom a delivery order has been made is not delivered up under the order within the period of two months beginning with the first day on which, having regard to the provisions of article 26M(3) of this Act, he could have been returned he may apply to the Court of Criminal Appeal, sitting as a court of appeal from judgments of the Court of Magistrates, for his discharge.

(2) Upon such application the provisions of article 24(2) shall *mutatis mutandis* apply so however that the reference to the warrant under that subarticle shall be construed as a reference to the delivery order.

Discharge of person no longer required to be surrendered.
Added by:
XXIV. 2002.14.

26P. Where the ICC informs the Minister that a person arrested under this Part is no longer required to be surrendered -

- (a) the Minister shall notify the Attorney General of that fact, and
- (b) the Attorney General shall, on receipt of the

notification, apply to the court for an order discharging the person arrested.

26Q. (1) This article applies where the Minister receives a request from the ICC for transit of a person being surrendered by another state.

Request for transit.
Added by:
XXIV. 2002.14.

- (2) If the Minister accedes to the request -
- (a) the request shall be treated for the purposes of this Part as if it were a request for that person's arrest and surrender,
 - (b) the execution of the warrant accompanying the request shall be deemed to have been authorised under article 26C(2), and
 - (c) the person to whom the request relates shall, subject to the provisions of this article, be treated on arrival in Malta as if he had been arrested under that warrant.
- (3) In relation to a case where this article applies -
- (a) it shall be incumbent upon the court before whom the person to whom the request relates is produced in pursuance of the provisions of article 26F(2)(a)(i) to ascertain that the Minister has acceded to the request for transit; and
 - (b) article 16 to which reference is made in article 26J(2) shall have effect as if the reference to fifteen days were a reference to two working days.
- (4) A person in transit under this article shall not be granted bail.

26R. (1) If a person being surrendered by another state makes an unscheduled landing in Malta, he may be arrested by the Police without warrant whereupon the provisions of article 15(1), other than the reference therein to article 14(3) and subject to the provisions of this article, shall *mutatis mutandis* apply.

Unscheduled landing.
Added by:
XXIV. 2002.14.

- (2) The court shall remand him in custody pending -
- (a) receipt by the Minister of a request from the ICC for his transit, and
 - (b) the Minister's decision whether to accede to the request.
- (3) If no such request is received by the Minister before the end ninety-six hours beginning with the time of the arrested person's unscheduled landing -
- (a) the Minister shall forthwith notify the court of that fact, and
 - (b) the court shall, on receipt of the notification, discharge the arrested person.
- (4) If the Minister receives such a request before the end of that period, he shall notify the court without delay of his decision whether to accede to the request.

(5) If the Minister notifies the court that he has decided to accede to the request -

- (a) the court shall, on receipt of the notification, terminate the period of remand, and
- (b) the provisions of article 26Q shall apply with the substitution for the reference to the time of arrival in Malta in subarticle (2)(c) thereof of a reference to the time of notification to the court under this subarticle.

(6) If the Minister notifies the court that he has decided not to accede to the request, the court shall, on receipt of the notification, discharge the arrested person.

Supplementary provisions

State or diplomatic immunity.
Added by:
XXIV. 2002.14.

26S. (1) Any state or diplomatic immunity attaching to a person by reason of a connection with a state party to the ICC Treaty does not prevent proceedings under this Part in relation to that person.

(2) Where -

- (a) state or diplomatic immunity attaches to a person by reason of a connection with a state other than a state party to the ICC Treaty, and
- (b) waiver of that immunity is obtained by the ICC in relation to a request for that person's surrender,

the waiver shall be treated as extending to proceedings under this Part in connection with that request.

(3) A certificate by the Minister -

- (a) that a state is or is not a party to the ICC Treaty, or
- (b) that there has been such a waiver as is mentioned in subarticle (2),

is conclusive evidence of that fact for the purposes of this Part.

(4) The Minister may in any particular case, after consultation with the ICC and the state concerned, direct that proceedings (or further proceedings) under this Part which, but for subarticle (1) or (2), would be prevented by state or diplomatic immunity attaching to a person shall not be taken against that person.

Cap. 365.

(5) The power to make regulations conferred by article 3(1) of the [National Interest \(Enabling Powers\) Act](#) includes the power to make in relation to any proceedings such provision corresponding to the provision made by this article in relation to the proceedings, but with the omission -

- (a) in subarticle (1), of the words "by reason of a connection with a state party to the ICC Treaty", and
- (b) of subarticles (2) and (3),

as it appears to the Prime Minister to be necessary or expedient in consequence of such a referral as is mentioned in article 13(b) (referral by the United Nations Security Council).

(6) In this article "state or diplomatic immunity" means any privilege or immunity attaching to a person, by reason of the status of that person or another as head of state, or as representative, official or agent of a state, under -

- (a) the [Diplomatic Immunities and Privileges Act](#), the [Consular Conventions Act](#), the [European Communities \(Establishment of Delegation\) Act](#), the [Membership of International Financial Organisations Act](#), Cap. 191.
Cap. 144.
Cap. 344.
Cap. 235.
- (b) any other legislative provision made for the purpose of implementing an international obligation, or
- (c) any rule of law derived from customary international law.

26T. The Minister may make regulations for the better carrying into effect the provisions of this part and without prejudice to the generality of the aforesaid may by such regulations make provision in respect of cases where he receives a request for the arrest or surrender, or provisional arrest, of a person - Delivery up of persons subject to certain proceedings, etc.
Added by:
XXIV. 2002.14.

- (a) against whom criminal proceedings are pending or in progress before a court in Malta, or who has been dealt with in such proceedings, or
- (b) against whom extradition proceedings are pending or in progress in Malta, or in respect of whom a warrant or order has been made in such proceedings.

26U. (1) For the purposes of this Part the copy of a warrant issued by the ICC that is transmitted to the Secretary of State Minister shall be treated as if it were the original warrant. Documents.
Added by:
XXIV. 2002.14.

- (2) Where facsimile transmission is used -
 - (a) for the making of a request by the ICC or the transmission of any supporting documents, or
 - (b) for the transmission of any document in consequence of such a request,

this Part applies as if the documents so sent were the originals of the documents so transmitted and shall be receivable and admissible in evidence accordingly.

(3) Where the ICC amends a warrant of arrest, the provisions of this Part apply to the amended warrant as if it were a new warrant; so however that this does not affect the validity of anything done in reliance on the old warrant.

PART VII

MISCELLANEOUS

27. Any document which is to be produced in connection with a request for the return of a person according to the provisions of the Act shall be in either the Maltese or the English language, and, Language of documents.

when any such document is in neither of these languages, the Minister may ask for its translation into the English language.

Regulations.

28. The Minister may by regulations prescribe the form of any warrant or order to be issued or made under the provisions of this Act.

Removal of prisoners to and from other countries and enforcement of foreign punishments.

29. (1) Where an arrangement has been made with any country with respect to the removal of a person serving a sentence of imprisonment in Malta or in any such other country, from or to Malta or such other country, or otherwise with respect to the enforcement in one country of any punishment imposed or awarded in another, the Minister may make an order to give effect to such an arrangement, subject to any exceptions, modifications and qualifications made in the order or in any subsequent order, and any such order may contain such provision as the Minister may deem appropriate in the circumstances, including the application, with any appropriate modifications, of any of the provisions of this Act or of any other enactment.

(2) In this section the term "arrangement" has the same meaning in relation to the matters mentioned in subarticle (1) as it has in other provisions of this Act in relation to the return of fugitive criminals.

Saving.

30. Any arrangement with a foreign state applicable to Malta under the provisions of the Acts of Parliament of the United Kingdom entitled the Extradition Acts 1870 to 1932*, on the day immediately preceding the date of the commencement of this Act, shall, subject to the other provisions of this Act, continue so to apply until it is revoked.

Special extradition arrangements.
Added by:
VII. 2010.57.

30A. (1) This article applies if the Minister believes that-

- (a) arrangements have been made or are applicable between Malta and another country for the extradition of a person to that country; and
- (b) the country is not a designated Commonwealth country or a designated foreign country.

(2) The Minister may certify that the conditions in subarticle (1)(a) and (b) are satisfied in relation to the extradition of the person.

(3) If the Minister issues a certificate under subarticle (2), this Act applies in respect of the person's extradition to the other country as if that country were a designated foreign country.

(4) As applied by subarticle (3), this Act has effect with any other modifications specified in the certificate.

(5) A certificate under subarticle (2) in relation to a person is conclusive evidence that the conditions in subarticle (1)(a) and (b) are satisfied in relation to the person's extradition.

*Repealed by article 30(1) of the Act as originally enacted, which subsection has been omitted under the [Statute Law Revision Act](#), 1980.

31. (1) The offences referred to in article 5(1)(e) and (g) of the [Criminal Code](#) shall be deemed to have been included as extraditable offences in all extradition treaties made by Malta (or are applicable to Malta) with Convention countries and which extend to, and are binding on, Malta on the date of the coming into force of the [Security Service Act](#).

Special extraditable offences.
Added by:
XVII.1996.19.
Cap. 9.

Cap. 391.

(2) Where this Act does not apply in the case of any state which is a party to the "Internationally Protected Persons Convention" and the "Taking of Hostages Convention", the Minister may by order under articles 4 and 7 designate such country as a Commonwealth country under the said article 4 or as a foreign country under article 7, as the case may be and such order shall for the purposes of the said article 7 be deemed to be an arrangement as is mentioned in that section.

(3) When this Act applies to any state by virtue only of an order made under subarticle (2) no application for extradition by that state shall relate to any extradition crimes within the meaning of this Act except offences deemed to be included in the list of extradition crimes pursuant to subarticle (1).

(4) For the purposes of this Act, any act, wherever committed, which is an offence mentioned under this Act and an offence against the law of any state in the case of which that Act is applied by an order under subarticle (2) shall be deemed to be an offence committed within the jurisdiction of that state.

(5) In this article:

"Convention countries" means those countries which are contracting parties to the Suppression of Terrorism Convention, the Internationally Protected Persons Convention and to the Taking of Hostages Convention;

"Internationally Protected Persons Convention" means the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons adopted by the United Nations General Assembly in 1973;

"Suppression of Terrorism Convention" means the European Convention on the Suppression of Terrorism done at Strasbourg on the 27th January, 1977;

"Taking of Hostages Convention" means the International Convention against the Taking of Hostages opened for signature at New York on the 18th December, 1979.

32. (1) The offences referred to in articles 115 to 121B of the [Criminal Code](#) shall be deemed to have been included as extraditable offences in all extradition treaties made by Malta (or are applicable to Malta) with Convention countries and which extend to, and are binding on, Malta on the date of the coming into force for Malta of the Convention.

Other special extraditable offences.
Added by:
III. 2002.163.
Cap. 9.

(2) Where this Act does not apply in the case of any state which is a party to the "Criminal Law Convention on Corruption" the provisions of article 31(2) and (3) shall *mutatis mutandis* apply to any such country so however that the reference to "subarticle (1)" in

the said subarticle (3) shall be read and construed as a reference to subarticle (1) of this article.

(3) In this article:

"Convention countries" means those countries which are contracting parties to the Convention;

"the Convention" means the Criminal Law Convention on Corruption done at Strasbourg on the 27th January 1999.

*Amended by:
III. 2001.28.*

SCHEDULE

[SECTION 5]

1. Wilful homicide
2. Involuntary homicide
3. An offence against the law relating to abortion
4. Wilful grievous bodily harm
5. Assault occasioning actual bodily harm
6. Rape (carnal knowledge with violence)
7. Abduction
8. Unlawful sexual intercourse with a female
9. Violent indecent assault
10. Procuring, or trafficking in, women or young persons for immoral purposes
11. Bigamy
12. Illegal arrest, detention or confinement, or dealing in slaves
13. Unlawful removal of persons to a foreign country or confinement therein
14. Kidnapping, abandoning or exposing a child
15. Bribery
16. Perjury or subornation of perjury or conspiring to defeat the course of justice
17. Arson or fire-raising
18. An offence concerning counterfeit currency
19. An offence against the law relating to forgery
20. Theft
21. Misappropriation, fraud relating to insurance, barratry, fraudulent breach of trust in respect of papers signed in blank or otherwise, commercial or industrial fraud, obtaining money or property by false pretences, other cases of fraudulent gain
22. Receiving stolen property or property which was misapplied or obtained by means of any offence, or knowingly

taking part in the sale or disposal thereof

23. Embezzlement
 24. Blackmail, private violence, unlawful exaction, extortion
 25. An offence against bankruptcy law or company law
 26. Malicious or wilful damage to property
 27. Acts done with the intention of endangering vehicles, vessels or aircraft
 28. An offence against the law relating to dangerous drugs or narcotics
 29. Piracy
 30. Revolt against the authority of the master of a ship or the commander of an aircraft
 31. An offence against the law relating to computer misuse
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