

EXTRADITION AMENDMENT ACT 77 OF 1996

[ASSENTED TO 6 NOVEMBER 1996] [DATE OF COMMENCEMENT: 17 JANUARY 1997]

*(English text signed by the President)***ACT**

To amend the Extradition Act, 1962, so as to add certain definitions and to amend a definition; to provide for the designation of States to which extradition may be effected in the absence of formal agreements; to further provide in respect of persons liable to be extradited; to further provide in respect of the issuing of warrants of arrest of persons and for further detention; to grant to the Minister certain powers after a warrant has been issued; to make further arrangements in connection with the evidence that may be received by a magistrate at the enquiry of a detained person; to further regulate the holding of enquiries concerning offences committed in foreign and associated States; to grant to the Minister the power to refuse extradition under certain circumstances; and to further regulate the procedure regarding an appeal by a person against whom an order for extradition has been issued; and to provide for matters connected therewith.

1 Amends [section 1](#) of the Extradition [Act 67 of 1962](#), as follows: paragraph (a) inserts the definitions of 'designated State' and 'extraditable offence'; and paragraph (b) substitutes the definition of 'extradition agreement'.

2 Amends [section 2](#) of the Extradition [Act 67 of 1962](#), as follows: paragraph (a) substitutes subsection (1); paragraph (b) deletes subsection (2); paragraph (c) substitutes the words preceding subsection (3) (a); paragraph (d) substitutes subsection (3) (a); paragraph (e) deletes subsection (3) (b); paragraph (f) inserts subsection (3) *ter*; and paragraph (g) deletes subsection (5).

3 Amends [section 3](#) of the Extradition [Act 67 of 1962](#), as follows: paragraph (a) substitutes subsection (2); and paragraph (b) adds subsection (3).

4 Amends [section 5](#) of the Extradition [Act 67 of 1962](#) by substituting subsection (1) (b).

5 Amends [section 7](#) of the Extradition [Act 67 of 1962](#) by substituting subsection (2).

6 Amends [section 8](#) of the Extradition [Act 67 of 1962](#) by adding subsection (2), the existing section becoming subsection (1).

7 Amends section 9 (3) of the Extradition [Act 67 of 1962](#), as follows: paragraph (a) substitutes the words preceding paragraph (a); and paragraph (b) substitutes paragraph (a).

8 to 10 inclusive Substitute sections 10, 11 and 12, respectively, of the Extradition [Act 67 of 1962](#).

11 Amends [section 13](#) of the Extradition [Act 67 of 1962](#) by adding subsections (3) and (4).

12 Adds Schedule B to the Extradition [Act 67 of 1962](#), the existing Schedule becoming Schedule A.

13 Amends [section 23](#) of the Extradition [Act 67 of 1962](#) by substituting the expression 'Schedule A' for the word 'Schedule'.

14 Transitional provisions

(1) Any enquiry pending before a magistrate in terms of section 9 (1) of the principal Act, immediately before the commencement of this Act, shall be continued and concluded as if this Act has not been passed.

(2) For the purposes of subsection (1) an enquiry shall be deemed to be pending if the magistrate has proceeded with the enquiry as contemplated in section 9 (2) of the principal Act, and it shall be deemed to have been concluded if the magistrate-

(a) has issued an order referred to in section 10 (1) or 12 (1) or (2); or

(b) has discharged a person in terms of section 10 (3) or 12 (3),

of the principal Act.

15 Short title and commencement

This Act shall be called the Extradition Amendment Act, 1996, and shall come into operation on a date fixed by the President by proclamation in the *Gazette* .