

THE OFFICIAL GAZETTE 22ND DECEMBER, 2009
LEGAL SUPPLEMENT — A



GUYANA

ACT No. 30 of 2009

FUGITIVE OFFENDERS (AMENDMENT) ACT 2009

I assent.

Eharral Jagdeo
Eharral Jagdeo,
President.

December 22, 2009

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 8 of the Principal Act.

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AN ACT to amend the Fugitive Offenders Act 1988.

A.D. 2009

Enacted by the Parliament of Guyana:-

Short title.
Act No. 15 of
1998

1. This Act, which amends the Fugitive Offenders Act 1988, may be cited as the Fugitive Offenders (Amendment) Act 2009.

Amendment of
section 8 of the
Principal Act.

2. Section 8 of the Principal Act is amended by inserting immediately after subsection (3) the following subsections –

“(3A)(a) Notwithstanding anything contained in subsection (3)(b) or any other law or treaty, a fugitive offender or any class or category of fugitive offenders may be committed to, or kept in, custody for the purpose of extradition or may be extradited to a Commonwealth country or a treaty territory in connection with any extraditable offence, if the Minister considers it necessary in the interest of justice.

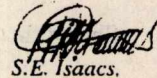
(b) In determining under paragraph (a) whether it is in the interest of justice, the Minister may take into account any relevant factors, including but not limited to, any credible evidence that there is a likelihood of the fugitive offender being extradited to a third country from the Commonwealth country or treaty territory.

(3B)(a) Notwithstanding the requirement of the express provision in subsection (3)(b), but subject to paragraph (b), a person may be extradited from Guyana under this Act to any Commonwealth country or treaty territory and prior to the extradition, be committed to, or kept in custody for the purpose of extradition where the law of a Commonwealth country or treaty with a treaty territory relating to the extradition of fugitive offenders does not contain the provision required by subsection (3)(b).

(b) Where the law of a Commonwealth country or a treaty territory or a treaty relating to the extradition of fugitive offenders does not contain the provision required by subsection (3)(b), the law or treaty shall, by necessary implication, be read and construed by the Minister, magistrate, High Court, Full Court and Court of Appeal as if the provision was incorporated into the law or treaty.

(c) The right to complain of infractions, if any, in the extradition arrangements lies in the asylum state and the person whose extradition is sought is not entitled so to complain to the Court in any proceedings.”

Passed by the National Assembly on 22nd October, 2009.



S.E. Isaacs.

Clerk of the National Assembly.

(BILL No. 34 of 2009)