

---

**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 and III of 2002.*

**ARRANGEMENT OF ACT**

	Articles
Part I. Preliminary	1-2
Part II. Return of offenders to Commonwealth countries	3-5
Part III. Return of offenders to other foreign countries	6-9
Part IV. Provisions applicable to return of offenders to all countries	10-24
Part V. Treatment of persons returned to Malta	25-26
Part VI. Miscellaneous	27-31

**SCHEDULE**

## PART I

## PRELIMINARY

- Short title. **1.** The short title of this Act is the Extradition Act.
- Interpretation. **2.** (1) In this Act, 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;
- "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;
- Cap. 260. "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

- Persons liable to be returned. **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.

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.

Cap. 9.

(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.*

**7.** (1) The Minister may by order designate for the purposes of article 6 any country with which an arrangement 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 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.

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 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.** An order under article 7 of this Act shall not be made unless the arrangement to which the order is intended to refer -

Provisions of arrangements, etc., for return.

- (a) provides for the determination of it by either party to it after the expiration of a notice not exceeding one year; and
- (b) is in conformity with the provisions of this Act, and in particular with the restrictions on the surrender of fugitive criminals contained in this Act.

---

#### 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 -

- (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 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.

**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 -

Arrest for purposes of committal.

- (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.

Cap. 9.

(5) The provisions of articles 350, 351, 352, 354, 355 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 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".

Cap. 9.

(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 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.

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

Cap. 319.

**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.

Custody.

(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.

**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

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

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.

Powers of Court of  
Criminal Appeal  
and of  
Constitutional  
Court.

**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 -

- (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.

(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.

**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 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.

(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.

Handing over of property.

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

- (a) which may be required as evidence in that country; or

- (b) which has been acquired as a result of the offence and 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.

**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.

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

## 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.

(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

Restrictions upon proceedings in Malta for other offences.

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.

Cap. 9.

(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.

Restoration of persons not tried or acquitted.

**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).

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

- (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

### MISCELLANEOUS

Language of documents.

**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, 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.

**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.

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

(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.

**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.

Saving.

**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:

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

"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.

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

**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.

(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
-