

Page 1728—Table of Orders in Council under Section 12 of the *Fugitive Offenders Act* 1881.

In the second column, for “New Guinea, New Zealand” read “New Guinea, Nauru, New Zealand”.

In the third column, for “1728” read “1730” and for “1730” read “1728”.

ORDERS IN COUNCIL MADE PURSUANT TO  
SECTION 12 OF THE FUGITIVE  
OFFENDERS ACT 1881 APPLYING  
PART II. OF THE ACT TO GROUPS  
OF BRITISH POSSESSIONS.

Particulars of Orders in Council applying Part II. of the *Fugitive Offenders Act* 1881 to groups of British Possessions which include the Territory of New Guinea are set out in the Table below and the Orders in Council are printed immediately after the Table:—

**TABLE.**

Date on which Order in Council made.	British Possessions and Territories specified therein.	Page on which printed.
12.10.1925	New Guinea, Nauru, Commonwealth of Australia, Papua and Norfolk Island	1728
12.10.1925	Commonwealth of Australia, Papua, Norfolk Island, New Guinea, New Zealand, Western Samoa, Fiji, Gilbert and Ellice Islands and British Solomon Islands	1730

**TEXT OF ORDERS IN COUNCIL.**

[Order in Council dated 12th October, 1925.]

AT THE COURT OF BUCKINGHAM PALACE.

THE 12TH DAY OF OCTOBER, 1925.

*Present:*

THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Lord Southborough.

WHEREAS by an Order of Her Majesty Queen Victoria in Council bearing date the 23rd day of August, 1883, it was ordered that Part II. of the *Fugitive Offenders Act* 1881 should apply to the group of British Possessions therein mentioned, that is to say, New South

*Orders in Council under Fugitive Offenders Act 1881 (United Kingdom).*

Wales, Victoria, South Australia, Queensland, New Zealand, Tasmania, Western Australia and Fiji:

AND WHEREAS on the 1st day of January, 1901, the Commonwealth of Australia was established under the provisions of an Act of Parliament passed in the sixty-third and sixty-fourth years of Her Majesty Queen Victoria's Reign, and shortly entitled "The Commonwealth of Australia Constitution Act," and each of the British Possessions hereinbefore mentioned other than New Zealand and Fiji is now a State forming part of the Commonwealth established as aforesaid:

AND WHEREAS Papua and Norfolk Island are British Possessions which have been placed under the authority of the said Commonwealth:

AND WHEREAS by Royal Proclamation, bearing date the 9th day of September, 1907, His late Majesty King Edward VII. ordained declared and commanded that, on and after the 26th day of September, 1907, the Colony of New Zealand and the territory belonging thereto shall be called and known by the title of the Dominion of New Zealand:

AND WHEREAS by an Order of His Majesty in Council bearing date the 10th day of November, 1915, and known as the Gilbert and Ellice Islands Order in Council, 1915, the Gilbert and Ellice Islands were annexed to His Majesty's Dominions and constituted a Colony:

AND WHEREAS by certain Orders in Council mentioned in the second column of the Schedule to this Order, and respectively set opposite to the names of the territories specified in the first column thereof, the *Fugitive Offenders Act 1881* has been applied to the said territories respectively as if each of them were a British Possession:

AND WHEREAS by reason of the contiguity of the Dominions, Colonies and Territories hereinafter mentioned and the frequent inter-communication between them, it seems expedient to His Majesty and conducive to the better administration of Justice therein that Part II. of the *Fugitive Offenders Act 1881* should apply to the said Dominions, Colonies and Territories as hereinafter provided:

AND WHEREAS it is desirable to revoke the first hereinbefore recited Order in Council, bearing date the 23rd day of August, 1883, and to substitute other provisions in lieu thereof:

NOW THEREFORE, His Majesty, by virtue of the powers in this behalf by the *Fugitive Offenders Act 1881* or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. As from the 1st day of November, 1925, the hereinbefore recited Order in Council of the 23rd day of August, 1883, shall be revoked,

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without prejudice to anything lawfully done thereunder, or to any proceedings commenced before the said 1st day of November, 1925.

2. On and after the 1st day of November, 1925, Part II. of the *Fugitive Offenders Act* 1881 shall apply to the group of British Possessions and Territories hereinunder mentioned; that is to say:—

Commonwealth of Australia;

Papua;

Norfolk Island;

New Guinea;

Nauru;

New Zealand;

Western Samoa;

Fiji;

Gilbert and Ellice Islands;

British Solomon Islands.

SCHEDULE.

1. New Guinea .. .. .	{	The New Guinea and Nauru (Fugitive
2. Nauru .. .. .	}	Offenders) Order in Council, 1925.
3. Western Samoa .. .. .		The Western Samoa (Fugitive Offenders)
		Order in Council, 1920.
4. British Solomon Islands ..		The Pacific Order in Council, 1893.

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[New Guinea and Nauru (Fugitive Offenders) Order in Council, 1925.]

AT THE COURT OF BUCKINGHAM PALACE.

THE 12TH DAY OF OCTOBER, 1925.

*Present:*

THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Southborough.

Lord Chamberlain.

WHEREAS by Section 36 of the *Fugitive Offenders Act* 1881 it is enacted that His Majesty may by Order in Council direct that the

*Orders in Council under Fugitive Offenders Act 1881 (United Kingdom).*

said Act shall apply as if, subject to the conditions, exceptions and qualifications (if any) contained in the Order, any place out of His Majesty's dominions in which His Majesty has jurisdiction and which is named in the Order, were a British possession, and to provide for carrying into effect such application:

AND WHEREAS New Guinea and Nauru are places out of His Majesty's dominions in which His Majesty has jurisdiction:

AND WHEREAS it is expedient to extend to those territories the provisions of the *Fugitive Offenders Act 1881*.

NOW, THEREFORE, His Majesty, by virtue and in the exercise of the powers in this behalf by the *Fugitive Offenders Act 1881* or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the New Guinea and Nauru (Fugitive Offenders) Order in Council, 1925.

2. On and after the 1st day of November, 1925, the *Fugitive Offenders Act 1881* shall apply to New Guinea and Nauru as if those Territories were British possessions, subject to the provisions following.

3. In the application of the Act to the said territories:—

(a) Every reference in the Act to the Governor of a British possession shall be read as a reference to the Administrator or other chief executive officer of each of the said territories.

(b) Every reference in the Act to a Magistrate shall be read as a reference to a Judge or other judicial officer possessing criminal jurisdiction within each of the said territories, and every such Judge or other officer may exercise accordingly the jurisdiction conferred by the Act upon a Magistrate.

4. So much of the fifth section of the said Act as relates to the information to be given by the Magistrate to a fugitive shall have no application within the said Territories, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in any British possession to which he may be conveyed he has the right to apply for a writ of habeas corpus or other like process.

5. So much of the sixth section of the said Act as requires the expiration of fifteen days before the issue of a warrant shall have no application within the said Territories.

6. For the purpose of Part II. of the said Act the said territories of New Guinea and Nauru shall, with the Commonwealth of Australia, Papua and Norfolk Island, be deemed to be one group of British possessions.