

1969  
Sept. 12

[JOSEPHIDES, J.]

IN RE KEITH  
CYRIL  
MARQUIS  
AMY

IN THE MATTER OF THE FUGITIVE  
OFFENDERS ACT 1881,

AND

IN THE MATTER OF THE APPLICATION OF THE  
ATTORNEY-GENERAL OF THE REPUBLIC FOR THE  
ENDORSEMENT OF A WARRANT FOR THE APPRE-  
HENSION OF KEITH CYRIL MARQUIS AMY,  
OF DORCHESTER, UNITED KINGDOM.

(No. 1/69).

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*Fugitive Offenders—Endorsement of warrant of arrest issued in the United Kingdom—Fugitive from United Kingdom—Considerations applicable—English Fugitive Offenders Act, 1881 sections 2, 3 and 26—Applicable in Cyprus—Warrant of arrest endorsed—Form of endorsement—See, also, herebelow.*

*Fugitive Offenders—Fugitive Offenders Act, 1881 (English)—Applicable in Cyprus—The Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960) section 29(1) (e)—See, also, hereabove and herebelow.*

*Fugitive Offenders—Extradition—Reciprocity—Whether there exists reciprocity between the Republic of Cyprus and the United Kingdom for extradition of fugitive offenders viz. whether there is now in force in the United Kingdom statutory provision providing for the extradition of a person to Cyprus on the application of the Government of the Republic of Cyprus—The answer is in the affirmative—See The Fugitive Offenders Act, 1967 (c. 68) section 21, Schedule 2—Cyprus a “designated Commonwealth Country” to which the British Authorities are empowered to extradite a person—See the Fugitive Offenders (Designated Commonwealth Countries) Order 1967 under which Cyprus is one of such “designated Commonwealth Country”.*

*Extradition—Reciprocity—See above.*

*Warrant of arrest issued in the U.K.—Endorsement in Cyprus—See above.*

The facts sufficiently appear in the judgment whereby Josephides, J. granting an application by the Attorney-General of the Republic, directed the endorsement of a warrant of arrest issued by a Justice of the Peace in the United Kingdom.

## Application.

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Application by the Attorney-General of the Republic under sections 2, 3 and 26 of the Fugitive Offenders Act, 1881, for the endorsement of a warrant of arrest issued in the United Kingdom by one of the Justices of the Peace for the County of Dorset, Petty Sessional Division of Dorchester, and dated the 14th August 1969, commanding the apprehension of one Keith Cyril Marquis Amy of Dorchester, who is accused of stealing £28,000 the property of Barclays Bank Ltd.

*L. Loucaides*, Senior Counsel of the Republic, for the applicant.

No other appearance.

The following judgment was delivered by :

JOSEPHIDES, J. : This is an application by the Attorney-General of the Republic for the endorsement of a warrant of arrest issued in the United Kingdom by one of the Justices of the Peace for the County of Dorset, Petty Sessional Division of Dorchester, and dated the 14th day of August, 1969, commanding the apprehension of one Keith Cyril Marquis Amy of Dorchester, who is accused of stealing £28,000 (twenty-eight thousand pounds), the property of Barclays Bank, Ltd. The application is based on sections 2, 3 and 26 of the Fugitive Offenders Act, 1881, enacted by the British Parliament.

This application was filed on the 8th September, 1969, at 10.10 a.m. In the course of the same morning this Court issued the following directions :

“ 1. Affidavit evidence to be filed that the person who issued the warrant, dated the 14th August, 1969, had ‘lawful authority to issue the same’ (section 3(3) of the Fugitive Offenders Act, 1881).

2. After the filing of such affidavit the application for the endorsement of the warrant of arrest issued in the United Kingdom will be fixed and considered by the Court ”.

An affidavit complying with the aforesaid directions and sworn by William Ronald Mills, First Secretary (Consular) of the British High Commission in Cyprus, was filed in this Court yesterday, 11th September, 1969, at

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9 a.m. No counsel of the Republic being available to address the Court yesterday, the application was fixed for this morning at 10 o'clock.

The first question which arises for determination is whether the provisions of the English Fugitive Offenders Act, 1881, are applicable in Cyprus. It is not necessary for me at this stage to consider at great length this point. As at present advised, and having regard to the express provisions of section 29(1)(e) of the Cyprus Courts of Justice Law, 1960, I am of the view that that Act is applicable to Cyprus.

Another point which I think I have to consider is whether there is reciprocity between the two countries, that is to say, whether there is now in force in the United Kingdom statutory provision providing for the extradition of a person to Cyprus on the application of the Government of the Republic of Cyprus.

Prior to Independence in 1960, under the provisions of the law then in force in England a person could be extradited to Cyprus, but the Fugitive Offenders Act, 1881, was repealed under the provisions of the Fugitive Offenders Act, 1967 (c.68), section 21, schedule 2. There is, however, provision in the 1967 Act whereby the British Authorities are empowered to extradite a person to a "designated Commonwealth country" as it is described in that Act; and under the provisions of the Fugitive Offenders (Designated Commonwealth Countries) Order 1967, the Republic of Cyprus is one of the Designated Commonwealth Countries.

In applying the provisions of section 3 of the Fugitive Offenders Act, 1881, I have to be satisfied that the warrant was issued by "some person having lawful authority to issue the same". On the basis of the affidavit evidence filed in this Court, I am satisfied that Mrs. Sonja Anne Fox, one of Her Majesty's Justices of the Peace for the County of Dorset, is a person who had lawful authority to issue such a warrant.

The following documents have been produced before the Court in support of the present application :

- (a) the aforesaid warrant of arrest ;
- (b) copies of the sworn depositions of the witnesses; and
- (c) copies of the exhibits, including a photocopy of Mr. Amy to assist identification.

The said Amy is, as already stated, accused of stealing £28,000, the property of Barclays Bank, Ltd., contrary to the provisions of sections 1 to 7 of the Theft Act, 1968. One of the depositions filed in this Court in support of the application is by one Peter Robert Barnes, a Barrister-at-law, and a Senior Legal Assistant in the Department of Public Prosecutions in England. He states that he is well acquainted with the criminal law in England. After giving his reasons he states that an offence contrary to section 1 of the Theft Act, 1968, comes within the terms of section 9 of the Fugitive Offenders Act, 1881.

Having taken everything into consideration I am satisfied that the said warrant may be endorsed under the provisions of the Fugitive Offenders Act, 1881, and I direct that the said warrant be endorsed as follows :—

“ I, the undersigned, Judge of the Supreme Court of the Republic of Cyprus, being satisfied that this warrant may be endorsed under section 3 of the Fugitive Offenders Act, 1881, and section 29(1) of the Courts of Justice Law, 1960, hereby authorise any police constable or member of the Police Force of Cyprus to execute this warrant in the Republic of Cyprus by bringing before a Judge of a District Court in Cyprus the said Keith Cyril Marquis Amy ”.

*Application granted.*