



Supplement Part I  
**OFFICIAL GAZETTE**  
**THE BAHAMAS**  
PUBLISHED BY AUTHORITY

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No. 18 of 2004

## AN ACT TO AMEND THE EXTRADITION ACT

[Date of Assent — 26th August, 2004]

**Enacted by The Parliament of The Bahamas.**

**Short title.**

1. This Act may be cited as the Extradition (Amendment) Act, 2004.

**Amendment  
of section 11  
of Ch. 96.**

2. Section 11 of the Extradition Act is amended by the deletion of subsection (5) and the substitution of the following new subsections -

"

(5) An appeal shall lie to the Court of Appeal in any proceedings upon application for habeas corpus under subsection (1) against an order for the release of the person restrained as well as against the refusal of such order and for that purpose the Court of Appeal may exercise, as the Court deems fit, any of the powers conferred upon it by Ch. 52. subsection (4) of section 21 of the Court of Appeal Act.

(6) An appeal under subsection (5) shall not affect the right of the person restrained to be discharged in pursuance of the order under appeal and to remain at large

pending the determination of the appeal unless an order under subsection (7) is in force.

(7) Notwithstanding subsection (6), in the case of an application to the Supreme Court for habeas corpus where the applicant would, but for the decision of the Court, be liable to be detained, and immediately after that decision the respondent gives notice that he intends to appeal, the Court may make an order providing for the detention of the applicant, or directing that he shall not be released except on bail so long as any appeal under this Act is pending."

**Removal of  
doubt.**

3. The amendments made by section 2 of this Act shall apply to all pending extradition proceedings commenced before the coming into operation of this Act except in the case where a final order for a writ of habeas corpus has been granted.