



# Government Gazette

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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT****No. R. 478****19 April 2002****DESIGNATION OF IRELAND FOR PURPOSES OF SECTION 3(3) OF THE  
EXTRADITION ACT, 1962 (ACT NO. 67 OF 1962)**

I, Penuell Mpapa Maduna, Minister for Justice and Constitutional Development, hereby give notice in terms of section 2(3) *ter* of the Extradition Act, 1962 (Act No. 67 of 1962), that Parliament has agreed to the designation of Ireland for purposes of section 3(3) of the said Act, subject to the following conditions:

1. No person surrendered by Ireland shall, in the Republic of South Africa -
  - (a) be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, or otherwise restricted in his or her personal freedom, for any offence committed prior to his or her surrender other than the offence in respect of which his or her extradition was sought or an offence of which he or she may lawfully be convicted on a charge of the offence in respect of which extradition was sought, except in the following cases:
    - (i) with the consent of Ireland, or
    - (ii) where the person, having had an opportunity of leaving the Republic of South Africa, has not done so within 45 days of final discharge in respect of the offence for which the person was surrendered by Ireland or, having left the Republic of South Africa after being so surrendered, has returned to the Republic of South Africa;
  - (b) where the description of the offence charged is altered in the course of proceedings, be proceeded against or sentenced in the Republic of South Africa in respect of that offence, except in so far as the offence under the new description is shown by its constituent elements to be an offence which would allow extradition from Ireland.
2. A person surrendered by Ireland shall not be surrendered by the Republic of South Africa to another country for an offence committed before the surrender of the person by Ireland, except -
  - (a) with the consent of Ireland; or

- (b) where the person, having had an opportunity of leaving the Republic of South Africa, has not done so within 45 days of final discharge in respect of the offence for which the person was surrendered by Ireland or, having left the Republic of South Africa after being so surrendered, has returned to the Republic of South Africa.

**P. M. Maduna**

**Minster for Justice and Constitutional Development**