

Act No: CAP. 87

Act Title: FUGITIVE OFFENDERS PURSUIT

An Act of Parliament to authorize the police of Uganda and Tanzania to pursue within Kenya offenders fugitive from such territories

[Cap. 77 of (1948), G.N. 1602/1955, L.N. 173/1960, L.N. 2/1964, Act No. 19 of 1964, Act No. 10 of 1969.]

[Date of commencement:3rd December, 1936.]

Subsidiary Legislation

Arrangement of Sections

Sections

- 1.Short title
- 2.Interpretation
- 3.Powers of Minister to define area
- 4.Arrested offender to be delivered to police and subsequent procedure
- 5.Powers of arrest not enlarged

Subsidiary Legislation

1. Short title

This Act may be cited as the Fugitive Offenders Pursuit Act.

2. Interpretation

In this Act, except where the context otherwise requires—

“adjoining territory” means Tanzania and Uganda;

“offence” means an offence for which surrender to an adjoining territory can be made under the Extradition (Contiguous and Foreign Countries) Act (Cap. 76);

“offender” means a person who has committed, or is reasonably suspected of having committed, an offence in an adjoining territory;

“police of an adjoining territory” means any uniformed member of the police force established by law in the adjoining territory and any person having powers of arrest derived from a tribal or other native

authority in that adjoining territory and wearing a uniform, badge or other mark rendering him easily recognisable as an officer of that authority.

3. Powers of Minister to define area

The Minister, if satisfied that reciprocal arrangements have been made by an adjoining territory whereby the police of Kenya may enter that adjoining territory in pursuit of a person who has committed, or is reasonably suspected of having committed, an offence in Kenya, may, by order, define the area in Kenya into which the police of that adjoining territory may enter when in pursuit of an offender and within which they may pursue and arrest that offender.

4. Arrested offender to be delivered to police and subsequent procedure

(1) If, in exercise of powers conferred on them under this Act, the police of an adjoining territory arrest an offender in Kenya, they shall forthwith deliver the offender to the police of Kenya, who shall, as soon as possible after delivery, bring the offender before a magistrate with a view to his being surrendered to the adjoining territory concerned.

(2) A magistrate may order the offender so arrested to be detained in custody for the same period as if the offender had been apprehended in pursuance of a provisional warrant issued under the provisions of section 13 of the Extradition (Contiguous and Foreign Countries) Act (Cap. 76).

(3) The proceedings for the surrender of the offender shall be those prescribed by the Extradition (Contiguous and Foreign Countries) Act.

5. Powers of arrest not enlarged

Nothing in this Act shall confer on the police of an adjoining territory power to arrest persons who under the law of that territory would not be amenable to arrest in that territory by them