



MALTA

COURT OF MAGISTRATES (MALTA)

AS A COURT OF COMMITTAL

MAGISTRATE

AARON BUGEJA

Sitting of the 1st July, 2014

Number. 590/2014

Magistrate Dr Aaron M. Bugeja M.A. Law, LL.D. (melit)

The Police

(Inspector Chris Galea Scannura)

vs.

Rachel Daniella Hennis (Vella) (hereinafter referred to as the “requested person”)

Today the 1st July, 2014

Informal Copy of Judgement

The Court,

Having heard the prosecution arraign under arrest **Rachel Daniella Hennis (Vella), of British nationality**, born on the 27th February 1971 in England presently detained at Corradino Correctional Facility formerly of Belveder Court, Flat 4, Triq it-Trill, St. Paul's Bay, holder of Maltese Identity Card no. 52598A and UK passport number 110626544;

Having heard submissions by the Prosecution on the European Arrest Warrant issued by the Competent Authorities of the United Kingdom whereby the requested person was being requested by these Authorities for the purpose of prosecution for the alleged offence of keeping, managing or assisting in the management of a brothel contrary to section 33 of the Sexual Offences Act, 1956;

Having seen the Certificate of the Attorney General in terms of Regulation 7 of Legal Notice 320 of 2004 whereby He certified that the Manchester and Salford Magistrates Court that issued the Part II warrant against the requested person has the function of issuing arrest warrants in the United Kingdom;

Having seen that during the initial hearing held during the sitting of the 24th June 2014 held before this Court the requested person confirmed that the person referred to in the warrant was indeed herself and the Court decided that in terms of Regulation 10(2) of Legal Notice 320 of 2004, decided that the person appearing before it was the person in respect of whom the Part II warrant was issued by the United Kingdom;

Having seen that in terms of Regulation 11 of Legal Notice 320 of 2004 the Court informed the requested person of the contents of the Part II warrant and having given the requested person the required information about consent as provided in para (2) of the same Regulation;

Having seen that before the start of the extradition hearing in terms of Regulation 12 of Legal Notice 320 of 2004 the requested person declared that she had no bars to extradition to raise and that the offences on the basis of which the Part II warrant was issued were extraditable offences for the purposes of Legal Notice 320 of 2004;

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Having seen that the requested person raised no bars to extradition in terms of Regulations 13 to 31 of Legal Notice 320 of 2004;

Having heard the requested person expressly declare, in the presence of her legal counsel, that she was giving her express consent for her extradition to the United Kingdom on the basis of the Part II warrant issued against her;

Having explained to the requested person that indeed she had the right to grant her irrevocable consent for her extradition in terms of Regulation 43(3) of the Legal Notice 320 of 2004 and the Court also proceeded to explain to the requested person, in clear and simple language, the contents and consequences of the provisions of Regulation 43 of Legal Notice 320 of 2004;

Having heard the requested person expressly reiterate her irrevocable consent to her return and surrender to the United Kingdom on the basis of the Part II warrant issued against her;

Having seen that the provisions of Regulation 43 of Legal Notice 320 of 2004 have been complied with;

Having heard submissions by counsel for the requested person;

Having seen that following this explanation and the abovementioned declarations, the requested person stated :-

- i. that she is not renouncing (and therefore that this declaration was being made without prejudice) to the rule of speciality (in terms of Regulation 43(3));
- ii. that she acknowledges that her express consent was granted in open Court;
- iii. that this consent was recorded in writing;
- iv. that this consent was irrevocable;
- v. that when this consent was granted the requested person was duly assisted by legal counsel;
- vi. and that she was duly assisted by legal counsel throughout the whole proceedings carried out before this Court against her.

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Furthermore, in terms of Regulation 44 of Legal Notice 320 of 2004 (rendering applicable Articles 15(5) and 16 of the Extradition Act, Cap. 276 of the Laws of Malta) the Court solemnly informed the requested person that :

- i. it was satisfied that the irrevocable consent expressly given by the requested person was given voluntarily;
- ii. that it was committing to custody the requested person pending the implementation of her surrender to the scheduled country;
- iii. that all the provisions of the Extradition Act, Cap. 276 of the Laws of Malta and the Legal Notice relative to the extradition and surrender of the requested person are deemed to have been fully satisfied;
- iv. that there shall lie no appeal from the decision of this Court committing the requested person to custody in terms of this sub-Article;
- v. that the requested person grants her express consent to be surrendered before the lapse of seven days from the date of this committal to custody;
- vi. that if the requested person deems that any provision of Article 10(1)(2) of the Extradition Act, Cap. 276 of the Laws of Malta tal-Kap 276 has been, is being or is likely to be contravened or that any provision of the Constitution of Malta or the European Convention Act, Cap. 319 of the Laws of Malta has been, is being or is likely to be contravened in relation to her such that this contravention would justify the revocation, annulment or modification of this decree ordering the committal to custody of the requested person, then the requested person has the right of action to seek a remedy and redress in terms of Article 46 of the Constitution of Malta or the European Convention Act as the case may be; however the requested person is declaring that she is expressly renouncing to these proceedings.
- vii. and that this order is being made within ten days from the date on which the requested person has granted her express irrevocable consent to be extradited and surrendered to the scheduled country.

CONSEQUENTLY

In terms of Regulations 43, 44 and 45(3)(a) of Legal Notice 320 of 2004, the Court orders the return of the requested person **Rachel Daniella Hennis (Vella)** to the United Kingdom on the basis of the European Arrest Warrant issued against her and commits her to custody while awaiting her surrender to the United Kingdom.

< Final Judgement >

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