



Treaty Series No. 33 (2003)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of New Zealand

concerning Trials under Pitcairn Law in New Zealand and Related Matters

[Wellington, 11 October 2002]

[The Agreement entered into force on 14 March 2003]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
August 2003*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT
OF NEW ZEALAND CONCERNING TRIALS UNDER PITCAIRN LAW IN
NEW ZEALAND AND RELATED MATTERS**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand,

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement, the following definitions shall apply:

- (a) “accused” means any person against whom a formal charge has been signed by a Magistrate—
 - (i) pursuant to section 17(3) of the Justice Ordinance 1999 (Pitcairn); and
 - (ii) either before or after the entry into force of this Agreement;
- (b) “community-based sentence” means any punishment or measure ordered by the Pitcairn Court in the exercise of its criminal jurisdiction requiring a person to serve a sentence of supervision or a sentence of community work;
- (c) “competent authorities” means national, municipal and other competent authorities under the law of the host country;
- (d) “counsel” means a barrister or solicitor entitled to appear before the Pitcairn Court;
- (e) “Government”, unless otherwise provided, means the Government of New Zealand;
- (f) “Governor” means
 - (i) the Governor of the Islands; and
 - (ii) includes any person lawfully performing the functions of the office of Governor pursuant to section 4(3) of the Pitcairn Order 1970 (United Kingdom);
- (g) “host country” means New Zealand;
- (h) “Islands” means the Islands of Pitcairn, Henderson, Ducie, and Oeno;
- (i) “Magistrate” means any person appointed to that office by the Governor pursuant to section 11(1) and (4) of the Judicature (Courts) Ordinance 1999 (Pitcairn);
- (j) “Magistrate’s Court” means the Court established by section 10(1) of the Judicature (Courts) Ordinance 1999 (Pitcairn);
- (k) “offender” means a prisoner, or a prisoner who is on parole or subject to release conditions, or a person who is subject to a community-based sentence;
- (l) “Parties” means the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland;
- (m) “Pitcairn Court” means any of the following:
 - (i) the Magistrate’s Court;
 - (ii) the Supreme Court; and
 - (iii) the Pitcairn Court of Appeal;
- (n) “Pitcairn Court of Appeal” means the Pitcairn Court of Appeal established by article 3 of the Pitcairn Court of Appeal Order 2000 (United Kingdom);
- (o) “premises of the Pitcairn Court” means the buildings and land (including installations and facilities) in the host country occupied and used by the Pitcairn Court from time to time for the purpose of any trial;

- (p) “prisoner” means a person who is required to be detained in a prison or in a hospital or other institution pursuant to a sentence imposed by, or by virtue of an order made by, the Pitcairn Court in the course of the exercise of its criminal jurisdiction;
- (q) “prison sentence”
 - (i) means any punishment or measure involving deprivation of liberty ordered by the Pitcairn Court for a limited or unlimited period of time in the exercise of its criminal jurisdiction; and
 - (ii) includes an order made by the Pitcairn Court relating to the detention of a person in a hospital or other institution;
- (r) “Public Prosecutor”
 - (i) means the person appointed by the Governor to be the Public Prosecutor for the Islands; and
 - (ii) includes any person lawfully exercising or performing the functions or powers of the Public Prosecutor;
- (s) “Registrar”, in relation to the Magistrate’s Court, Supreme Court, or Pitcairn Court of Appeal,
 - (i) means the person appointed by the Governor as the Registrar of that Court; and
 - (ii) includes any person appointed by the Governor as a Deputy Registrar of that Court;
- (t) “sentence” means a prison sentence or a community-based sentence;
- (u) “Supreme Court” means the Supreme Court of Pitcairn, Henderson, Ducie, and Oeno Islands continued by section 3 of the Judicature (Courts) Ordinance 1999 (Pitcairn);
- (v) “trial” means the trial or trials of an accused in accordance with Pitcairn law and practice in respect of offences charged, and (without limitation) includes as appropriate:
 - (i) investigative steps;
 - (ii) the institution of criminal proceedings;
 - (iii) any preliminary proceedings (including committal proceedings);
 - (iv) sentencing;
 - (v) any appeals or review; and
 - (vi) any other associated matters;
- (w) “witness” means a person required or expected to give evidence in the trial of an accused.

ARTICLE 2

Purpose and Scope of the Agreement

- (1) This Agreement provides for—
 - (a) the sitting and proper functioning of the Pitcairn Court in New Zealand for the purposes of any trial; and
 - (b) the serving or enforcement in New Zealand of sentences imposed by the Pitcairn Court in any such trial.
- (2) This Agreement applies only in relation to the following trials:
 - (a) any trial arising from investigations into allegations of sexual offending on the Islands, conducted by the Kent Police from 1999 to 2001; and
 - (b) any other trial that the Government, from time to time, agrees to host after being requested to do so by the Governor.

ARTICLE 3

The Pitcairn Court

- (1) The Government undertakes to host the Pitcairn Court for the sole purpose, and for the duration, of any trial in New Zealand. For this purpose the Government shall permit the Pitcairn Court to sit in New Zealand in the premises of the Pitcairn Court.
- (2) The jurisdiction of the Pitcairn Court is limited to any trial.
- (3) The Government shall also permit the detention of the accused for the purposes of the trial within the premises of the Pitcairn Court in accordance with Pitcairn law and practice. The enforcement of all other sanctions involving the deprivation of liberty of persons within those premises is not permitted, except in so far as the Pitcairn Court orders or authorises:
 - (a) the temporary detention of witnesses transferred in custody to the premises of the Pitcairn Court;
 - (b) the temporary detention of witnesses in the course of their evidence;
 - (c) the temporary detention of persons who may have committed offences within the premises of the Pitcairn Court, including contempt of Court; and
 - (d) the imprisonment of persons found guilty summarily of contempt of Court.
- (4) The conduct of any trial by the Pitcairn Court shall be exempt and immune from judicial or other challenge in the host country.
- (5) The Governor shall consult with the Government before appointing to the Pitcairn Court a New Zealand judge who holds a current warrant.

ARTICLE 4

Juridical Personality of the Pitcairn Court

- (1) The Pitcairn Court shall possess in the host country full juridical personality. This shall, in particular, include the capacity—
 - (a) to enter into contracts;
 - (b) to acquire and dispose of real and personal property of every kind;
 - (c) to institute legal proceedings; and
 - (d) to enter into subsidiary arrangements with the Government as envisaged in Article 26.
- (2) For the purposes of this Article, the Pitcairn Court shall be represented by the Registrar of the Court concerned.

ARTICLE 5

Inviolability of the premises of the Pitcairn Court

- (1) The premises of the Pitcairn Court shall be inviolable.
- (2) The competent authorities shall not enter the premises of the Pitcairn Court to perform any official duty, except with the express consent of, or at the request of, the Registrar of the Court concerned or an official designated by that Registrar. Judicial actions and the service or execution of legal process, including the seizure of private property, shall not be enforced on the premises of the Pitcairn Court except with the consent of, and in accordance with conditions approved by, the Registrar of the Court concerned.

(3) In case of fire or other emergency requiring prompt protective action, or in the event that the competent authorities have reasonable cause to believe that such an emergency has occurred or is about to occur, on the premises of the Pitcairn Court, the consent of the Registrar of the Court concerned, or an official designated by that Registrar to any necessary entry into the premises of the Pitcairn Court shall be presumed if neither of them could be reached in time.

(4) The Pitcairn Court may expel or exclude from the premises of the Pitcairn Court persons whose presence is not considered by the Pitcairn Court to be conducive to the maintenance of order or the conduct of any trial.

ARTICLE 6

Law and Authority on the Premises of the Pitcairn Court

(1) The premises of the Pitcairn Court shall be under the control and authority of the Pitcairn Court, as provided in this Agreement.

(2) Except as otherwise provided in this Agreement, the laws of the host country shall apply within the premises of the Pitcairn Court.

ARTICLE 7

Protection of the Premises of the Pitcairn Court

The Registrar of the Court concerned may request the assistance of the New Zealand Police if that assistance is reasonably necessary in order to preserve law and order within the premises of the Pitcairn Court or in the immediate vicinity of the premises, or to remove a person from those premises.

ARTICLE 8

Immunity of the Pitcairn Court

The Pitcairn Court, its property, funds, and assets, wherever located in the host country and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as, in any particular case, the Pitcairn Court has expressly waived its immunity. Waiver of immunity from jurisdiction shall not be held to imply waiver of immunity in respect of execution of any judgment, for which a separate waiver shall be necessary.

ARTICLE 9

Inviolability of Archives and Documents of the Pitcairn Court and Pitcairn Prosecutor

(1) The archives of the Pitcairn Court and, in general, all documents and materials made available to, belonging to, or used by the Court, wherever located in the host country and by whomsoever held, shall be inviolable.

(2) The Public Prosecutor shall be accorded inviolability of all documents relating to the performance in New Zealand of his or her functions as Prosecutor.

ARTICLE 10

Exemption from Taxes and Duties

- (1) Within the scope of its official functions, the Pitcairn Court, its assets, income and other property, shall be exempt from income tax.
- (2) The Pitcairn Court shall be exempt from all duties and taxes in respect of the import of goods, including publications and motor vehicles, to New Zealand, the import of which by the Pitcairn Court is necessary for the exercise of its official activities.
- (3) Goods acquired or imported under paragraph (2) shall not be sold, given away, or otherwise disposed of, except in accordance with conditions agreed on with the Government.

ARTICLE 11

Communications

- (1) The Pitcairn Court shall be permitted to communicate as necessary for the performance of its functions, free from interference by the Government.
- (2) For the fulfilment of its purposes, the Pitcairn Court shall have the right to publish freely and without restrictions within the host country.

ARTICLE 12

Essential Services for the Premises of the Pitcairn Court

- (1) In case of force majeure resulting in a complete or partial disruption of essential services required for the functioning of the Pitcairn Court, the Pitcairn Court shall be accorded the same priority for restoration of those services as is given to the courts of the host country.
- (2) Any works relating to the essential services required for the functioning of the Pitcairn Court shall be carried out only with the consent of the Registrar of the Court concerned.

ARTICLE 13

Emblem, Markings and Flag

The Pitcairn Court shall be entitled to display on its premises its emblem and markings, as well as the appropriate flag.

ARTICLE 14

Immunities

- (1) The Judges, the Magistrates, the Registrar, the Public Prosecutor, and officials of the Pitcairn Court shall enjoy immunity from criminal and civil jurisdiction in respect of words spoken or written and other acts performed by them in their official capacity. Such immunity shall continue to be accorded to them after termination of their official position in respect of activities carried out on behalf of the Pitcairn Court.

(2) The immunities are accorded to the Judges, the Magistrates, the Registrar, the Public Prosecutor, and officials of the Pitcairn Court, in the interest of the Pitcairn Court, and not for the personal benefit of the persons themselves. The right to waive the immunity in any case where it can be waived without prejudice to the purposes for which it is accorded shall vest in the Governor.

ARTICLE 15

Defence Counsel

(1) Defence counsel acting for an accused or for an offender shall not be subjected by the host country to any measure which may affect the free and independent performance of their functions under Pitcairn law.

(2) In particular—

(a) the Government shall facilitate the meeting of any immigration requirements;

(b) defence council shall be accorded inviolability of all documents relating to the performance of their functions as counsel for that accused or offender.

(3) Defence counsel shall enjoy immunity from criminal and civil jurisdiction in respect of words spoken or written and other acts performed by them in their capacity as counsel for that accused or offender. Such immunity shall continue to be accorded to them after they have ceased to represent the accused or offender at any trial.

(4) The immunities are accorded to the defence counsel for the independent performance of their functions and not for the personal benefit of the persons themselves. The right to waive the immunity in any case where it can be waived without prejudice to the purposes for which it is accorded shall vest in the Chief Justice of the Pitcairn Court.

(5) Paragraph (2) shall apply also to persons directly assisting defence counsel.

(6) This Article shall be without prejudice to such disciplinary rules as may be applicable to defence counsel.

ARTICLE 16

The Accused

(1) Following a request by the Governor, the Government shall facilitate the transfer through the territory of the host country of an accused in transit from another country to the premises of the Pitcairn Court.

(2) An accused already present in the host country shall, in accordance with the relevant law and arrangements, be transferred to the premises of the Pitcairn Court for the purposes of any trial.

(3) Where the Pitcairn Court remands an accused in custody, the Government shall facilitate, in accordance with any relevant arrangements, the transfer of the accused through the territory of the host country between the Pitcairn Court and a New Zealand prison.

(4) The Government shall not exercise its criminal jurisdiction over an accused to whom paragraph (1) refers in respect of conduct or convictions prior to the arrival of the accused in the host country for the purposes of transfer to the Pitcairn Court. The immunity shall cease when an accused, being obliged to leave the territory of the host country, has not done so or, having left it, has returned.

(5) Unless the Government otherwise agrees, the Pitcairn Court shall not exercise its criminal jurisdiction over an accused to whom paragraph (2) refers in respect of conduct or convictions prior to the transfer, other than the conduct to which that transfer relates.

(6) An accused, who is not otherwise entitled to remain in New Zealand, shall be obliged to leave New Zealand –

- (a) on the trial being discontinued by process of law preventing any further trial under Pitcairn law; or
- (b) on being acquitted, except where the accused is acquitted on the grounds of insanity and is a person in respect of whom a request is granted under Article 18; or
- (c) in any of the situations specified in Article 18(13) (which relates to departure following the enforcement of certain sentences in New Zealand); or
- (d) on being sentenced by the Pitcairn Court where that sentence is not to be served in New Zealand.

ARTICLE 17

Remand in Custody or on Bail

(1) The Government shall recognise, and permit the enforcement, in accordance with New Zealand law, by competent authorities in the host country of orders made in any trial by the Pitcairn Court that relate to the remand in custody or on bail of an accused.

(2) Where the Pitcairn Court remands an accused in custody in a New Zealand prison while so remanded the accused shall be subject to the laws and practice of the host country relating to detention of prisoners.

(3) In deciding whether to release an accused on bail in New Zealand the Pitcairn Court shall, in addition to any relevant factors under Pitcairn law, also have regard to the considerations that a New Zealand court would take into account in a case of a similar nature, including whether there is a risk that the accused may interfere with witnesses or other evidence in New Zealand and whether there is a risk that the accused may offend against New Zealand law while on bail. The Pitcairn Court shall not impose any bail conditions on a person released on bail in New Zealand that could not have been imposed under New Zealand law.

(4) The Registrar shall notify the competent authorities of the host country of orders made in any trial by the Pitcairn Court that relate to the remand in custody or on bail of an accused.

ARTICLE 18

Enforcement of Sentences

(1) A sentence imposed on an offender by the Pitcairn Court in a trial to which this Agreement applies may, in accordance with this Article, be enforced in New Zealand.

(2) A request for enforcement of a sentence may be made by the Governor and shall be communicated through diplomatic channels. The Government may invite the Governor to make such a request. The Government shall decide whether or not to grant the request and may, in its sole discretion, refuse the request or may grant the request subject to conditions. The Government shall inform the Governor of its decision through diplomatic channels.

(3) If the enforcement of a sentence is requested the Governor shall provide the Government with the following information:

- (a) the name, date, place of birth, nationality (including whether New Zealand nationality is held, if known) and usual place of residence of the offender;
- (b) a certified copy of the judgment or memorandum imposing the sentence and, if not included in the judgment or memorandum, a summary of the law on which it is based;

- (c) a statement of the facts upon which the sentence is based;
 - (d) information regarding the nature and duration of the sentence, including –
 - (i) the term of the sentence, including the date on which it was imposed and its termination date;
 - (ii) the length of time already served by the offender (if any);
 - (iii) information on the behaviour of the offender which may be relevant for parole determinations and any credits to which the offender is entitled, including on account of pre-trial confinement or other reasons.
- (4) The Governor shall, as far as possible, provide the Government with any other relevant information, documents or statements, including any psychiatric reports, pre-sentence reports, sentencing notes, and victim impact statements, before or when making a request for enforcement. The Government may seek further information from the Governor before deciding whether or not to grant the request.
- (5) A request for enforcement may not be granted unless the offender gives free and informed consent to the enforcement of the sentence in New Zealand in full knowledge of its legal consequences. Where, in view of the offender's age or physical or mental condition either Party considers it necessary, the offender's consent may be given by a person entitled to act on the offender's behalf. The Government shall be given the opportunity to verify that the consent of the offender has been given in accordance with this paragraph.
- (6) If a request is granted, the Government shall, if required under the law of the host country, convert the sentence in accordance with that law. When converting the sentence the Government –
- (a) shall be bound by the findings as to the facts insofar as they appear explicitly or implicitly from the judgment or memorandum of the Pitcairn Court;
 - (b) may not convert a sanction involving deprivation of liberty to a pecuniary sanction nor to a community-based sentence;
 - (c) shall deduct the full period of deprivation of liberty already served by the offender (if any); and
 - (d) without prejudice to the application of Article 18(9)(b), shall not aggravate the penal position of the offender.
- (7) The transfer of the offender by the Pitcairn authorities to the authorities of the host country shall occur or take effect on a date and at a place agreed upon by both Parties.
- (8) The host country shall cooperate in facilitating the transit through its territory of an offender to the place where the sentence is to be carried out.
- (9) Where a request is granted under this Article the enforcement of the sentence concerned shall be governed by the laws and practice of the host country, including –
- (a) those governing the place of detention, the conditions for service of imprisonment or, where applicable, for detention in a hospital or other institution, and those relating to prison conditions, confinement or other deprivation of liberty;
 - (b) those providing for the release of a prisoner on parole, on home detention, or on conditions or otherwise, and for recall following release;
 - (c) those governing the conditions for service of, and compliance with, community-based sentences, including the review of those sentences and other sanctions for breach.
- (10) Except as provided in Article 18(6) and Article 18(9)(c), in respect of sentences to be enforced pursuant to this Agreement, the Islands shall retain exclusive jurisdiction regarding the judgments of its courts, the sentences imposed by them, and any procedures for revision, modification or cancellation of those judgments and sentences. The Government shall terminate enforcement of the sentence as soon as it is informed by the Governor that, as a consequence of any such revision, modification or cancellation, the sentence is no longer to be enforced.

- (11) The competence to grant a pardon or to exercise the prerogative of mercy is reserved solely for the appropriate authority under Pitcairn law.
- (12) An offender who is serving a sentence of imprisonment in the host country shall not be subject to extradition to a third state or territory unless such extradition has been approved by the Governor at the request of the Government.
- (13) An offender, whose sentence is to be enforced in the host country in accordance with this Article but who is not entitled to remain in New Zealand, shall be obliged to leave the host country—
- (a) in the case of a sentence of imprisonment imposed by the Pitcairn Court, on release from detention;
 - (b) in the case of a person detained in a hospital or other institution under an order of the Pitcairn Court but to whom paragraph (a) does not apply, when that person ceases to be liable to be subject to that order or to be detained in the hospital or other institution, whichever is the earlier;
 - (c) in the case of a community-based sentence, on the completion of that sentence.

ARTICLE 19

Application of Article 18

- (1) Article 18 shall not apply if, when giving its agreement to host a trial to which Article 2(2)(b) relates, the Government notifies the Governor that it will not contemplate enforcing any sentence that the Pitcairn Court might impose in such a trial.
- (2) Nothing in this Article limits the discretion of the Government to refuse a request under Article 18(2) where no notification is given under this Article at the time that agreement to host the trial is given.

ARTICLE 20

Witnesses

- (1) The Government shall permit the entry into New Zealand of witnesses for the sole purpose of attending the trial.
- (2) The Government shall facilitate the transfer through the territory of the host country of any witness, including a witness in custody, in transit from another country to the premises of the Pitcairn Court.
- (3) Where a witness is required to be held in custody the Government shall facilitate, in accordance with any relevant arrangements, the transfer of the witness through the territory of the host country between the Pitcairn Court and a New Zealand prison.
- (4) A witness in custody in a New Zealand prison while so detained shall be subject to the laws and practice of the host country relating to detention of prisoners.
- (5) The Government shall facilitate the protection of any witness in accordance with its law.
- (6) The Government shall not exercise its criminal jurisdiction over a witness to whom paragraph (2) refers in respect of conduct or convictions prior to the arrival of the witness in the host country for the purposes of attending the trial. The immunity shall cease when any witness, being obliged to leave the territory of the host country, has not done so or, having left it, has returned, unless such return is required for the purposes of any trial.

(7) Without prejudice to paragraph (5), a witness shall not be subjected by the host country to any measure which may affect the witness giving evidence freely and independently.

ARTICLE 21

Co-operation with the Competent Authorities

(1) Without prejudice to their immunities accorded under this Agreement, it is the duty of all persons enjoying such immunities to respect the laws of the host country. In performing their official functions they shall also refrain from interfering in the internal affairs of the host country.

(2) The Pitcairn Court shall co-operate at all times with the competent authorities to facilitate the proper administration of justice, and prevent any abuse of the immunities and facilities accorded under this Agreement.

(3) The Pitcairn Court shall observe security directives issued by competent authorities of the host country.

ARTICLE 22

Notification

The Registrar of the Court concerned shall notify the Government of the names and status of persons referred to in this Agreement, other than members of the public, and of any change in their status. The provisions of this Agreement shall apply to a person of that kind only if the Government has received notification from that Registrar in respect of the person.

ARTICLE 23

Entry into and Exit from the Host Country

All persons notified by the Registrar of the Court concerned to the Government in accordance with Article 22 shall have the right of facilitated entry into and exit from the host country, as necessary for the purposes of any trial. Visas or permits, where required, shall be granted free of charge and as promptly as possible. The same facilities shall be accorded to persons accompanying witnesses for the purposes of any trial, provided that each such person has been notified by the Registrar of the Court concerned to the Government.

ARTICLE 24

Costs and Indemnity

(1) The Government of the United Kingdom shall bear all costs incurred by the host country relating to—

- (a) the establishment and sitting of the Pitcairn Court in New Zealand;
- (b) the carrying out in New Zealand of orders of the Pitcairn Court made in the course of, or relating to, a trial, as contemplated by this Agreement; and
- (c) the serving or enforcement in New Zealand of any sentence imposed by the Pitcairn Court, as contemplated by this Agreement.

(2) The costs referred to in paragraph (1) include but are not limited to—

- (a) the use of the time of serving members of the New Zealand Judiciary who have been appointed as judges of the Pitcairn Court;

- (b) costs incurred by the New Zealand Police;
 - (c) the use of time of employees, contractors, or agents of the Department of Corrections, applied to the business of the Pitcairn Court;
 - (d) the costs associated with the detention of accused or witnesses in a New Zealand prison in relation to the trial; and the transporting of those prisoners to and from the premises of the Pitcairn Court;
 - (e) where an offender convicted by the Pitcairn Court serves a sentence of imprisonment in New Zealand, the costs associated with the detention of that offender during the sentence, including rehabilitation costs such as the provision of programmes in prison, supervision during home detention or after release on parole and any programme costs;
 - (f) where an offender convicted by the Pitcairn Court serves a community-based sentence in New Zealand, the costs associated with the administration of that sentence, including the provision of any programmes; and
 - (g) where a person is detained in a hospital or other institution in New Zealand by virtue of an order made by the Pitcairn Court in the course of the exercise of its criminal jurisdiction, the costs associated with that detention, including the costs of provision of any treatment or programmes.
- (3) The Government of the United Kingdom shall, in accordance with subsidiary arrangements made with the Government of New Zealand, deposit in a designated account, prior to each quarter, the amount which that Government estimates will be incurred by it in that quarter.
- (4) An accounting shall be supplied by the Government of all sums expended by it every quarter.
- (5) On a date to be determined by agreement the Government of the United Kingdom and the Government of New Zealand shall agree a final accounting and shall make any balancing payment that may be required.
- (6) The Government of the United Kingdom and the Government of New Zealand shall make appropriate arrangements for the indemnification of the latter in respect of any legal challenges brought relating to matters arising out of this Agreement.

ARTICLE 25

Legal Co-operation

Nothing in this Agreement shall prejudice the application of treaties or other arrangements that provide for legal co-operation in criminal matters, including extradition, except in so far as otherwise provided in this Agreement.

ARTICLE 26

Subsidiary Arrangements

The Registrar of the Court concerned and a designated representative of the Government may make subsidiary arrangements with a view to the practical application of this Agreement.

ARTICLE 27

Settlement of Disputes

Any dispute relating to the interpretation or application of this Agreement shall be resolved by consultation and negotiation between the Parties.

ARTICLE 28

Final Provisions

- (1) The Parties shall notify each other when their respective requirements for entry into force have been completed. This Agreement shall enter into force on the date that the later notification is received.
- (2) This Agreement may be terminated following the completion of all trials referred to in Article 2(2)(a) by either Party by giving notice to the other through the diplomatic channel. The Agreement shall cease to be in force one month after the date of receipt of such notice.
- (3) Termination shall not affect:
 - (a) the provisions of this Agreement that are required for the orderly termination of the operation of the Pitcairn Court;
 - (b) the continuation of the immunity from legal process in respect of words spoken or written or other acts performed by persons in their capacity as judges, magistrates, the Registrar, the Public Prosecutor or officials of the Pitcairn Court, or defence counsel;
 - (c) the continuation and completion of any trial that, at the time notice is given, is underway pursuant to an approval that the Government has given under Article 2(2)(b); and
 - (d) the serving or enforcement in the host country of any sentence imposed by the Pitcairn Court and in respect of which the Government has granted a request for transfer under Article 18 before notice is given.
- (4) This Agreement may be amended by mutual consent at any time at the request of either Party.

In witness whereof, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done in duplicate at Wellington on this 11th day of October 2002.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

RICHARD FELL

For the Government of New Zealand:

PHIL GOFF



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