

ARTICLE II

Definition

For the purposes of this Treaty:

- a) "Sentencing State" means the Party convicting the offender and from which the offender shall be transferred;
- b) "Receiving State" means the Party to which the offender shall be transferred; and
- c) "offender" means a person who, in the territory of either Party, has been sentenced to imprisonment, a term of conditional release or any other form of community supervision.

ARTICLE III

Requirements for transfer

To act in accordance with the Treaty, the following requirements shall be met:

- a) That the conduct for which the offender was sentenced is one which is punishable as a crime in the Receiving State. For this purpose, no account shall be taken of differences in terminology or those that have no bearing on the nature of the offence;
- b) That the offender is a citizen or national of the Receiving state, as the case may be;
- c) That the person has not been convicted of a strictly military offence;
- d) That at least six months of the sentence remain to be served at the time of the application;
- e) That the sentence is final, in other words, that no proceeding by way of appeal or by extraordinary review procedure of the conviction or sentence is pending in the Sentencing State and that the prescribed time for appeal has expired;
- f) That the offender has consented to the transfer; and
- g) That the Sentencing and Receiving States agree to the transfer.