

**1972 No. 1581****FUGITIVE CRIMINAL****The Austria (Extradition) (Extension) Order 1972**

*Made* - - - - - 23rd October 1972  
*Laid before Parliament* 31st October 1972  
*Coming into Operation* 8th November 1972

At the Court at Windsor Castle, the 23rd day of October 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas a Treaty was concluded on 9th January 1963 between Her Majesty in respect of the United Kingdom of Great Britain and Northern Ireland and the Federal President of the Republic of Austria for the reciprocal extradition of criminals:

And whereas a Protocol amending the said Treaty was signed on 15th January 1969:

And whereas the said Treaty and Protocol were ratified on 12th May 1970:

And whereas by the Austria (Extradition) Order 1970(a), it was provided that the Extradition Acts 1870 to 1935 should apply as from 12th August 1970 in the case of the Republic of Austria under and in accordance with the said Treaty, as amended by the said Protocol, and that the operation of the Order should be limited to the United Kingdom, the Channel Islands and the Isle of Man:

And whereas in accordance with the provisions of Article 2(1)(b) of the said Treaty, as amended by Article 1 of the said Protocol, it has been agreed by Notes exchanged on 25th August 1971, the terms of which are set out in the Schedule to this Order, that the application of the Treaty should be extended to those territories for the international relations of which Her Majesty's Government in the United Kingdom are responsible and which are set out in the Annex to the said Notes:

And whereas it has been agreed that the Exchange of Notes should enter into force on 8th November 1972:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by sections 2 and 17 of the Extradition Act 1870(b) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**1.** This Order shall come into operation on 8th November 1972 and may be cited as the Austria (Extradition) (Extension) Order 1972.

**2.** The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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(a) S.I. 1970/1111 (1970 II, p. 3507).

(b) 1870 c. 52.

(c) 1889 c. 63.

3. The Extradition Acts 1870 to 1935 shall apply in the case of the Republic of Austria under and in accordance with the said Treaty, as amended by the said Protocol and extended by the said Exchange of Notes.

4. The operation of this Order is limited to the territories (including their dependencies) specified in the Annex to the said Exchange of Notes, other than the British Solomon Islands Protectorate and Brunei.

*W. G. Agnew;*

#### SCHEDULE

EXCHANGE OF NOTES BETWEEN HER MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA PROVIDING FOR THE EXTENSION OF THE EXTRADITION TREATY SIGNED ON 9TH JANUARY 1963.

#### No. 1

*The Secretary of State for Foreign and Commonwealth Affairs to the  
Austrian Ambassador*

Foreign and Commonwealth Office  
S.W.1.

25th August 1971

Your Excellency

I have the honour to refer to the Extradition Treaty between the United Kingdom of Great Britain and Northern Ireland and the Republic of Austria, signed at Vienna on 9th January, 1963 and to the Protocol amending the said Treaty, signed at Vienna on 15th January, 1969. Instruments of ratification in respect of the Treaty and Protocol were exchanged on 12th May, 1970 and the Treaty as amended has thereby entered into force on 12th August, 1970.

In accordance with the provisions of paragraph (1)(b) of Article 2 of the Treaty as amended, I have the honour to propose that the application of the Treaty shall be extended to the territories listed in the Annex to this Note. If the foregoing proposal is acceptable to the Republic of Austria, I have the honour to suggest that this Note and its Annex, together with Your Excellency's reply in that sense, shall constitute an agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Austria which shall enter into force three months after the date of receipt by the United Kingdom of a notification by the Republic of Austria that the requirements for its entry into force under Austrian constitutional procedure have been fulfilled.

I have the honour to be, with the highest consideration,  
Your Excellency's obedient Servant  
(For the Secretary of State)

*H. V. Richardson.*

#### ANNEX

Antigua.  
Bahamas.  
Bermuda.  
British Antarctic Territory.  
British Honduras.  
British Indian Ocean Territory.  
British Solomon Islands Protectorate.  
British Virgin Islands.  
Brunei.

Cayman Islands.  
 Dominica.  
 Falkland Islands and Dependencies.  
 Gibraltar.  
 Gilbert and Ellice Islands.  
 Hong Kong.  
 Montserrat.  
 Pitcairn.  
 St. Christopher—Nevis—Anguilla.  
 St. Helena and Dependencies.  
 St. Lucia.  
 St. Vincent.  
 Seychelles.  
 Sovereign Base Areas of Akrotiri and Dhekelia in the island of Cyprus.  
 Turks and Caicos Islands.

No. 2

*The Austrian Ambassador to the Secretary of State for  
 Foreign and Commonwealth Affairs*

London, the 25th August 1971  
 No. 3582-A/71

Exzellenz!

Ich beehre mich, auf Ihre Note Nr. GNX 2/365/1 vom 25. August 1971 Bezug zu nehmen, die folgenden Inhalt hat:

“Ich beehre mich, auf den am 9. Jaenner 1963 in Wien unterzeichneten Auslieferungsvertrag zwischen dem Vereinigten Koenigreich von Grossbritannien und Nordirland und der Republik Oesterreich sowie auf das am 15. Jaenner 1969 in Wien unterzeichnete Protokoll betreffend die Abaenderung des genannten Vertrages Bezug zu nehmen. Die Ratifikation-surkunden zu dem Vertrag und zu dem Protokoll wurden am 12. Mai 1970 ausgetauscht und der Vertrag ist daher in seiner abgeaenderten Fassung am 12. August 1970 in Kraft getreten.

Im Einklang mit Artikel 2 Absatz 1 lit. b des Vertrages in seiner abgeaenderten Fassung beehre ich mich vorzuschlagen, dass die Anwendung des Vertrages auf die im Anhang zu dieser Note angefuhrten Gebiete ausgedehnt wird.

Sollte der obige Vorschlag fuer die Republik Oesterreich annehmbar sein, beehre ich mich anzuregen, dass diese Note zusammen mit ihrem Anhang und der zustimmenden Antwort Eurer Exzellenz ein Abkommen zwischen dem Vereinigten Koenigreich von Grossbritannien und Nordirland und der Republik Oesterreich darstellen soll, welches drei Monate nach dem Tag in Kraft treten wird, an dem das Vereinigte Koenigreich von der Republik Oesterreich die Mitteilung erhaelt, dass die fuer das Inkrafttreten in Oesterreich erforderlichen verfassungsrechtlichen Voraussetzungen erfuellt sind.”

Ich beehre mich, Eurer Exzellenz mitzuteilen, dass die Republik Oesterreich mit dem in Ihrer Note enthaltenen Vorschlag einverstanden ist.

Mit dem Ausdruck meiner ausgezeichneten Hochachtung verbleibe ich als

Euer Exzellenz sehr ergebener

*Wilfried Platzer.*

#### ANHANG

Antigua.  
 Bahamas.  
 Bermuda.  
 Britisches Antarktisches Territorium.

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Britisch Honduras.  
Britisches Territorium im Indischen Ozean.  
Britisches Protektorat der Salomon-Inseln.  
Britische Jungfern-Inseln.  
Brunei.  
Cayman-Inseln.  
Dominica.  
Falkland-Inseln und abhaengige Gebiete.  
Gibraltar.  
Gilbert- und Ellice-Inseln.  
Hongkong.  
Montserrat.  
Pitcairn.  
St. Christopher—Nevis—Anguilla.  
St. Helena und abhaengige Gebiete.  
St. Lucia.  
St. Vincent.  
Seychellen.  
Souveraene Stuetzpunkte Akrotiri und Dhekelia auf der Insel Zypern.  
Turks- und Caicos-Inseln.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order extends to certain British overseas territories the application of the Extradition Acts 1870 to 1935 in the case of the Republic of Austria in accordance with the Treaty between Her Majesty and the Federal President of the Republic of Austria which was signed on 9th January 1963 (Cmnd. 2041), amended by the Protocol signed on 15th January 1969 (Cmnd. 3934) and extended by Notes exchanged on 25th August 1971 to those territories.

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