
 STATUTORY INSTRUMENTS

1979 No. 913

FUGITIVE CRIMINAL**The Norway (Extradition) (Amendment) Order 1979**

Made - - - - 26th July 1979

Laid before Parliament 3rd August 1979

Coming into Operation 24th August 1979

At the Court of Saint James, the 26th day of July 1979

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 16th day of July 1979, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas a Treaty(a) was concluded on 26th June 1873 between Her late Majesty Queen Victoria in respect of the United Kingdom of Great Britain and Ireland and His late Majesty the King of Sweden and Norway for the mutual surrender of fugitive criminals:

And whereas an Agreement(b) was concluded on 18th February 1907 between the Government of the United Kingdom of Great Britain and Ireland and the Government of the Kingdom of Norway that the said Treaty, as amended by the said Agreement, shall remain in force between the United Kingdom and Norway, in so far as its provisions apply to the Kingdom of Norway alone:

And whereas it has been agreed by Notes exchanged on 9th August 1973, the terms of which are set out in the Schedule to this Order, that the said Treaty shall be further amended by amending Article III:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by sections 2, 17 and 21 of the Extradition Act 1870(c) and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Norway (Extradition) (Amendment) Order 1979 and shall come into operation on 24th August 1979.

(a) Cd. 900

(b) Cd. 3606.

(c) 1870 c. 52.

2. The Extradition Acts 1870 to 1895(a) shall apply in the case of the Kingdom of Norway in accordance with the said Treaty, as amended by the said Agreement and by the said Exchange of Notes.

N. E. Leigh,
Clerk of the Privy Council

SCHEDULE

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF NORWAY AMENDING ARTICLE III OF THE TREATY OF 26TH JUNE 1873 FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS, AS CONTINUED IN FORCE BY THE AGREEMENT OF 18TH FEBRUARY 1907.

No. 1

*The British Chargé d'Affaires at Oslo to the
Norwegian Minister for Foreign Affairs*

*British Embassy,
Oslo,
9 August, 1973.*

Your Excellency,

I have the honour to refer to the Treaty between the United Kingdom of Great Britain and Ireland and the Kingdoms of Sweden and Norway for the mutual surrender of fugitive criminals, signed at Stockholm on 26 June 1873, as continued in force between the United Kingdom and the Kingdom of Norway by the Agreement signed at Kristiania on 18 February 1907.

On instructions from Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, I have the honour to propose that Article III shall be amended to read as follows:

"Each High Contracting Party reserves the right to refuse to grant the surrender of its own subjects to the other Party."

If the foregoing proposal is acceptable to the Government of the Kingdom of Norway, I have the honour to propose that this Note, together with Your Excellency's reply in that sense, shall constitute an agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway which shall enter in force three months after the date of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

R. G. BRITTEN
Chargé d'Affaires

No. 2

*The Norwegian Minister for Foreign Affairs to the
British Chargé d'Affaires at Oslo*

*Ministère Royal des Affaires Etrangères,
Oslo,*

Mr. Chargé d'Affaires,

9 August, 1973.

I have the honour to acknowledge receipt of your Note of today's date, which in Norwegian translation reads as follows:—

(a) 1870 c. 52; 1873 c. 60; 1895 c. 33.

“Deres Eksellense.

Jeg har den ære å vise til Traktat mellom Kongerikene Norge og Sverige og Det Forente Kongerike Storbritannia og Irland om gjensidig utlevering av rømte forbrytere, undertegnet i Stockholm den 26. juni 1873, og som fortsatt er i kraft mellom Norge og Det Forente Kongerike i henhold til tilleggsavtale undertegnet i Kristiania den 18. februar 1907.

Etter anmodning fra Hennes Majestets Utenriksminister har jeg den ære å foreslå at artikkel III blir endret slik at den får følgende ordlyd:

‘Hver av de høye kontraherende Parter forbeholder seg retten til å nekte å utlevere sine egne borgere til den annen Part.’

Hvis det forannevnte forslag kan godtas av Regjeringen i Kongeriket Norge, har jeg den ære å foreslå at denne note, sammen med Deres Eksellenses bekreftende svar, skal utgjøre en avtale mellom Regjeringen i Kongeriket Norge og Regjeringen i Det Forente Kongerike Storbritannia og Nord-Irland som skal tre i kraft tre måneder etter datoen for Deres svar.”

In reply, I have the honour to inform you that the foregoing proposal is acceptable to the Government of Norway, who therefore agrees that the Chargé d’Affaires’ Note and the present reply shall constitute an agreement between the Government of the Kingdom of Norway and the Government of the United Kingdom of Great Britain and Northern Ireland which shall enter into force on the 9th November, 1973.

Accept, Sir, the assurance of my high consideration.

DAGFINN VÅRVIK

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the application of the Extradition Acts 1870 to 1895 in the case of the Kingdom of Norway so as to reserve the right of the requested Government not to extradite its nationals in accordance with the Treaty between the United Kingdom and Norway for the mutual surrender of fugitive criminals which was signed on 26th June 1873 and continued in force, with amendments, by the Agreement of 18th February 1907, and as further amended by Notes exchanged on 9th August 1973.

SI 1979/913
ISBN 0-11-093913-1



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