
STATUTORY INSTRUMENTS

1985 No. 1637

FUGITIVE CRIMINAL

The Norway (Extradition) (Amendment) Order 1985

<i>Made</i>	- - - -	30th October 1985
<i>Laid before Parliament</i>		1st November 1985
<i>Coming into Operation</i>		5th November 1985

At the Court of Saint James, the 30th day of October 1985

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 27th day of September 1985, 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 the said Treaty was further amended by Notes exchanged on 9th August 1973(c):

And whereas it has been agreed by Notes exchanged on 5th August 1985, the terms of which are set out in the Schedule to this Order, that the said Treaty shall be further amended by amending Article XIII:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Edward, being authorised thereto by the said

(a) Cd. 900.
(b) Cd. 3606.
(c) Cmnd. 5522.

Letters Patent, and in pursuance of the powers conferred by sections 2, 17 and 21 of the Extradition Act 1870^(a) 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 1985 and shall come into operation on 5th November 1985.

2. The Extradition Acts 1870 to 1935^(b) 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 Exchanges of Notes.

G. I. de Deney,
Clerk of the Privy Council.

^(a) 1870 c.52.

^(b) 1870 c.52, 1873 c.60, 1895 c.33, 1906 c.15, 1932 c.39, 1935 c.25.

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 XIII OF THE TREATY OF 26TH JUNE 1873 FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS, AS AMENDED AND CONTINUED IN FORCE BY THE AGREEMENT OF 18TH FEBRUARY 1907 AND AS FURTHER AMENDED BY THE EXCHANGE OF NOTES OF 9TH AUGUST 1973

No. 1

*Her Majesty's Ambassador at Oslo to the
Norwegian Minister for Foreign Affairs*

British Embassy,
Oslo.

5 August 1985.

Your Excellency,

1. 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 and further amended by the Notes exchanged at Oslo on 9 August 1973.

2. I have the honour to propose on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland that Article XIII of the Treaty shall be replaced by the following:

'Article XIII

(1) Expenses incurred in the territory of the requested Party by reason of the request for extradition shall be borne by that Party.

(2) The requested Party shall make all arrangements which may be requisite with respect to the representation of the requesting Party in any proceedings arising out of the request.'

3. 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 two Governments which shall enter into force three months from the date of your reply.

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

WILLIAM BENTLEY,
HM Ambassador.

No. 2

*The Norwegian Minister for Foreign Affairs to
Her Majesty's Ambassador at Oslo*

Royal Ministry of Foreign Affairs,
Oslo,
5 August 1985.

Your Excellency,

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

“Herr Utenriksminister

Jeg har den ære å referere til traktaten mellom Det Forente Kongerike Storbritannia og Nord-Irland, og Kongerikene Norge og Sverige om den gjensidige utlevering av rømte forbrytere, som ble undertegnet i Stockholm den 26. juli 1873 og som ble fornyet mellom Det Forente Kongerike og Kongeriket Norge ved den avtale som ble undertegnet i Kristiania den 18. februar 1907, og som videre ble endret ved de noter som ble utvekslet i Oslo den 9. august 1973.

På vegne av Regjeringen i Det Forente Kongerike Storbritannia og Nord-Irland vil jeg foreslå at Artikkel XIII i traktaten erstattes av følgende:

Artikkel XIII

(1) Utgifter påløpt i den anmodede parts territorium på grunn av anmodningen om utlevering skal dekkes av denne part.

(2) Den anmodede part skal ordne alt det nødvendige med hensyn til å representere den anmodende part i en eventuell retts sak som følge av anmodningen.

Hvis det ovenstående forslag kan aksepteres av Regjeringen i Kongeriket Norge, har jeg den ære å foreslå at denne note, samt Deres svar i den forbindelse, skal utgjøre en avtale mellom de to Regjeringene, som skal tre i kraft tre måneder fra Deres svarnotes dato.

Med høyaketelse.”

In reply I have the honour to inform Your Excellency that the foregoing proposal is acceptable to the Government of the Kingdom of Norway, who therefore agree that Your Excellency's Note and the present reply shall constitute an Agreement between the two Governments, which shall enter into force on 5 November 1985.

Accept, Your Excellency, the assurance of my highest consideration.

For the Minister:

ØYVIND RISENG,
Acting Director General.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies the Extradition Acts 1870 to 1895 in the case of the Kingdom of Norway in accordance with the Extradition Treaty between the United Kingdom and the Kingdoms of Sweden and Norway for the mutual surrender of fugitive criminals signed at Stockholm on 26th June 1873, as amended and continued in force by the Agreement between the United Kingdom and the Kingdom of Norway signed at Kristiania on 18th February 1907 and as further amended by Notes exchanged at Oslo on 9th August 1973 and 5th August 1985.

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