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STATUTORY INSTRUMENTS

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**1991 No. 1701**

**EXTRADITION**

**The Extradition (Drug Trafficking) Order 1991**

*Made* - - - - - *24th July 1991*

*Laid before* - - - - - *1st August 1991*

*Coming into force* *26th September 1991*

**THE EXTRADITION (DRUG TRAFFICKING) ORDER 1991**

1. This Order may be cited as the Extradition (Drug Trafficking)...
2. Schedule 1 to the Extradition Act 1989 ("the 1989 Act")...
3. The 1989 Act, so far as it relates to extradition...
4. The operation of this Order is limited to the United...  
Signature

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**SCHEDULE 1 — CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC  
DRUGS AND PSYCHOTROPIC SUBSTANCES**

**ARTICLE 1 — Definitions**

**ARTICLE 2 — Scope of the Convention**

1. The purpose of this Convention is to promote co-operation among...
2. The Parties shall carry out their obligations under this Convention...
3. A Party shall not undertake in the territory of another...

**ARTICLE 3 — Offences and Sanctions**

1. Each Party shall adopt such measures as may be necessary...
2. Subject to its constitutional principles and the basic concepts of...
3. Knowledge, intent or purpose required as an element of an...
4. (a) Each Party shall make the commission of the offences...
5. The Parties shall ensure that their courts and other competent...
6. The Parties shall endeavour to ensure that any discretionary legal...
7. The Parties shall ensure that their courts or other competent...
8. Each Party shall, where appropriate, establish under its domestic law...
9. Each Party shall take appropriate measures, consistent with its legal...
10. For the purpose of co-operation among the Parties under this...
11. Nothing contained in this article shall affect the principle that...

**ARTICLE 4 — Jurisdiction**

1. Each Party: (a) Shall take such measures as may be...

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2. Each Party: (a) Shall also take such measures as may...
  3. This Convention does not exclude the exercise of any criminal...
- ARTICLE 5 — Confiscation
1. Each Party shall adopt such measures as may be necessary...
  2. Each Party shall also adopt such measures as may be...
  3. In order to carry out the measures referred to in...
  4. (a) Following a request made pursuant to this article by...
  5. (a) Proceeds or property confiscated by a Party pursuant to...
  6. (a) If proceeds have been transformed or converted into other...
  7. Each Party may consider ensuring that the onus of proof...
  8. The provisions of this article shall not be construed as...
  9. Nothing contained in this article shall affect the principle that...
- ARTICLE 6 — Extradition
1. This article shall apply to the offences established by the...
  2. Each of the offences to which this article applies shall...
  3. If a Party which makes extradition conditional on the existence...
  4. The Parties which do not make extradition conditional on the...
  5. Extraditions shall be subject to the conditions provided for by...
  6. In considering requests received pursuant to this article, the requested...
  7. The Parties shall endeavour to expedite extradition procedures and to...
  8. Subject to the provisions of its domestic law and its...
  9. Without prejudice to the exercise of any criminal jurisdiction established...
  10. If extradition, sought for purposes of enforcing a sentence, is...
  11. The Parties shall seek to conclude bilateral and multilateral agreements...
  12. The Parties may consider entering into bilateral or multilateral agreements,...
- ARTICLE 7 — Mutual Legal Assistance
1. The Parties shall afford one another, pursuant to this article,...
  2. Mutual legal assistance to be afforded in accordance with this...
  3. The Parties may afford one another any other forms of...
  4. Upon request, the Parties shall facilitate or encourage, to the...
  5. A Party shall not decline to render mutual legal assistance...
  6. The provisions of this article shall not affect the obligations...
  7. Paragraphs 8 to 19 of this article shall apply to...
  8. Parties shall designate an authority, or when necessary authorities, which...
  9. Requests shall be made in writing in a language acceptable...
  10. A request for mutual legal assistance shall contain:
  11. The requested Party may request additional information when it appears...
  12. A request shall be executed in accordance with the domestic...
  13. The requesting Party shall not transmit nor use information or...
  14. The requesting Party may require that the requested Party keep...
  15. Mutual legal assistance may be refused: (a) If the request...
  16. Reasons shall be given for any refusal of mutual legal...
  17. Mutual legal assistance may be postponed by the requested Party...
  18. A witness, expert or other person who consents to give...
  19. The ordinary costs of executing a request shall be borne...
  20. The Parties shall consider, as may be necessary, the possibility...
- ARTICLE 8 — Transfer of Proceedings
- ARTICLE 9 — Other Forms of Co-operation and Training
1. The Parties shall co-operate closely with one another, consistent with...
  2. Each Party shall, to the extent necessary, initiate, develop or...
  3. The Parties shall assist one another to plan and implement...
- ARTICLE 10 — International Co-operation and Assistance for Transit States

1. The Parties shall co-operate, directly or through competent international or...
2. The Parties may undertake, directly or through competent international or...
3. The Parties may conclude bilateral or multilateral agreements or arrangements...

ARTICLE 11 — Controlled Delivery

1. If permitted by the basic principles of their respective domestic...
2. Decisions to use controlled delivery shall be made on a...
3. Illicit consignments whose controlled delivery is agreed to may, with...

ARTICLE 12 — Substances frequently used in the Illicit Manufacture of Narcotic Drugs or Psychotropic Substances

1. The Parties shall take the measures they deem appropriate to...
2. If a Party or the Board has information which in...
3. The Secretary-General shall transmit such notification, and any information which...
4. If the Board, taking into account the extent, importance and...
5. The Commission, taking into account the comments submitted by the...
6. Any decision of the Commission taken pursuant to this article...
7. (a) The decisions of the Commission taken under this article...
8. (a) Without prejudice to the generality of the provisions contained...
9. Each Party shall, with respect to substances in Table I...
10. (a) In addition to the provisions of paragraph 9, and...
11. Where a Party furnishes information to another Party in accordance...
12. Each Party shall furnish annually to the Board, in the...
13. The Board shall report annually to the Commission on the...
14. The provisions of this article shall not apply to pharmaceutical...

ARTICLE 13 — Materials and Equipment

ARTICLE 14 — Measures to Eradicate Illicit Cultivation of Narcotic Plants and to Eliminate Illicit Demand for Narcotic Drugs and Psychotropic Substances

1. Any measures taken pursuant to this Convention by Parties shall...
2. Each Party shall take appropriate measures to prevent illicit cultivation...
3. (a) The Parties may co-operate to increase the effectiveness of...
4. The Parties shall adopt appropriate measures aimed at eliminating or...
5. The Parties may also take necessary measures for early destruction...

ARTICLE 15 — Commercial Carriers

1. The Parties shall take appropriate measures to ensure that means...
2. Each Party shall require commercial carriers to take reasonable precautions...
3. Each Party shall seek to ensure that commercial carriers and...

ARTICLE 16 — Commercial Documents and Labelling of Exports

1. Each Party shall require that lawful exports of narcotic drugs...
2. Each Party shall require that consignments of narcotic drugs and...

ARTICLE 17 — Illicit Traffic by Sea

1. The Parties shall co-operate to the fullest extent possible to...
2. A Party which has reasonable grounds to suspect that a...
3. A Party which has reasonable grounds to suspect that a...
4. In accordance with paragraph 3 or in accordance with treaties...
5. Where action is taken pursuant to this article, the Parties...
6. The flag State may, consistent with its obligations in paragraph...
7. For the purposes of paragraphs 3 and 4 of this...
8. A Party which has taken any action in accordance with...
9. The parties shall consider entering into bilateral or regional agreements...

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10. Action pursuant to paragraph 4 of this article shall be...
11. Any action taken in accordance with this article shall take...
  - ARTICLE 18 — Free Trade Zones and Free Ports
    1. The Parties shall apply measures to suppress illicit traffic in...
    2. The Parties shall endeavour: (a) To monitor the movement of...
  - ARTICLE 19 — The Use of the Mails
    1. In conformity with their obligations under the Conventions of the...
    2. The measures referred to in paragraph 1 of this article...
  - ARTICLE 20 — Information to be Furnished by the Parties
    1. The Parties shall furnish, through the Secretary-General, information to the...
      2. The Parties shall furnish such information in such a manner...
  - ARTICLE 21 — Functions of the Commission
  - ARTICLE 22 — Functions of the Board
    1. Without prejudice to the functions of the Commission under article...
    2. Any Party shall be invited to be represented at a...
    3. If in any case a decision of the Board which...
    4. Decisions of the Board under this article shall be taken...
    5. In carrying out its functions pursuant to subparagraph 1(a) of...
    6. The Board's responsibility under this article shall not apply to...
    7. The provisions of this article shall not be applicable to...
  - ARTICLE 23 — Reports of the Board
    1. The Board shall prepare an annual report on its work...
    2. The reports of the Board shall be communicated to the...
  - ARTICLE 24 — Application of Stricter Measures than those required by this Convention
  - ARTICLE 25 — Non-Derogation from Earlier Treaty Rights and Obligations
  - ARTICLE 26 — Signature
  - ARTICLE 27 — Ratification, Acceptance, Approval or Act of Formal Confirmation
    1. This Convention is subject to ratification, acceptance or approval by...
    2. In their instruments of formal confirmation, regional economic integration organizations...
  - ARTICLE 28 — Accession
    1. This Convention shall remain open for accession by any State,...
    2. In their instruments of accession, regional economic integration organizations shall...
  - ARTICLE 29 — Entry into Force
    1. This Convention shall enter into force on the ninetieth day...
    2. For each State or for Namibia, represented by the Council...
    3. For each regional economic integration organization referred to in article...
  - ARTICLE 30 — Denunciation
    1. A Party may denounce this Convention at any time by...
    2. Such denunciation shall take effect for the Party concerned one...
  - ARTICLE 31 — Amendments
    1. Any Party may propose an amendment to this Convention. The...
    2. If a proposed amendment has been rejected by any Party,...
  - ARTICLE 32 — Settlement of Disputes
    1. If there should arise between two or more Parties a...
    2. Any such dispute which cannot be settled in the manner...
    3. If a regional economic integration organization referred to in article...
    4. Each State, at the time of signature or ratification, acceptance...
    5. Any Party having made a declaration in accordance with paragraph...
  - ARTICLE 33 — Authentic Texts

ARTICLE 34 — Depositary

SCHEDULE 2 — FOREIGN STATES WHICH ARE PARTIES TO THE  
CONVENTION AND FOR WHICH ORDERS UNDER THE  
EXTRADITION ACT 1870 ARE IN FORCE

SCHEDULE 3 —

PART I — FOREIGN STATES WHICH ARE PARTIES TO THE  
CONVENTION AND WITH WHICH NO EXTRADITION  
TREATIES ARE IN FORCE

PART II — APPLICATION OF THE 1989 ACT IN THE CASE OF A STATE  
MENTIONED IN PART I

1. The 1989 Act shall hereby have effect only in respect...
2. No proceeding shall be taken on an application for a...
3. (1) Without prejudice to his so deciding on other grounds,...

PART III

Explanatory Note