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## STATUTORY INSTRUMENTS

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# 1991 No. 997

## EXTRADITION

### The Spain (Extradition) (Dependent Territories) Order 1991

*Made* - - - - - *16th April 1991*

*Laid before Parliament* *24th April 1991*

*Coming into force in accordance with Article 1*

At the Court at Windsor Castle, the 16th day of April 1991

Present,

The Queen's Most Excellent Majesty in Council

Whereas a Treaty was concluded on 22nd July 1985 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Spain for the extradition of fugitive criminals, the terms of which are set out in the Schedule to the Spain (Extradition Order 1986(1)):

And whereas the said Treaty was ratified on 24th March 1986:

And whereas in accordance with Article 21(1)(a)(ii) of the said Treaty it has been agreed by two Exchanges of Notes both dated 1st February 1991, the terms of which are set out in Schedules 1 and 2 to this Order respectively, that the application of the said Treaty should be extended to those territories for the international relations of which the United Kingdom is responsible and which are set out in Schedules 3A and 3B to this Order:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by sections 2 and 21 of the Extradition Act 1870(2) and by section 37(3) of the Extradition Act 1989(3) 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 may be cited as the Spain (Extradition) (Dependent Territories) Order 1991 and shall come into force for the territories specified in Schedules 3A and 3B to this Order, respectively, on the date of the entry into force of the corresponding Exchange of Notes covering the territory or territories in question, to be notified in the London, Edinburgh and Belfast Gazettes.

**2.** Article 3 of the Spain (Extradition) Order 1986 is hereby revoked.

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(1) S.I.1986/766.

(2) 1870 c. 52.

(3) 1989 c. 33.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

## SCHEDULE 1

### EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF SPAIN PROVIDING FOR THE EXTENSION OF THE EXTRADITION TREATY SIGNED ON 22nd JULY 1985

#### NO. 1

HER MAJESTY'S AMBASSADOR AT MADRID TO THE  
MINISTER FOR FOREIGN AFFAIRS OF THE KINGDOM OF SPAIN

British Embassy

Madrid

1st February 1991

Excmo Sr D Francisco Fernández Ordóñez

Ministro de Asuntos Exteriores

Ministerio de Asuntos Exteriores

Plaza de la Provincia 1

28012 MADRID

Your Excellency

I have the honour to refer to the Extradition Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Spain signed at London on 22 July 1985 and to propose that, in accordance with the provisions of Article 21(1)(a)(ii), the Treaty shall extend to the territories listed in the Annex to this Note for the international relations of which the United Kingdom is responsible.

If the foregoing proposal is acceptable to the Government of the Kingdom of Spain, I have the honour to propose that this Note together with Your Excellency's reply in that sense shall constitute an Agreement between our two Governments, which shall enter into force on the date on which each of our two Governments has notified the other of the completion of its internal procedures to give effect to it.

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

*Robin Fearn*

#### ANNEX

Anguilla,

Bermuda,

British Antarctic Territory,

British Indian Ocean Territory,

British Virgin Islands,

Cayman Islands,

Falkland Islands,

Hong Kong,

Montserrat,

Pitcairn, Henderson, Ducie and Oeno Islands,  
St. Helena,  
St. Helena Dependencies,  
South Georgia and the South Sandwich Islands,  
The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus,  
Turks and Caicos Islands.

## NO. 2

### THE MINISTER FOR FOREIGN AFFAIRS OF THE KINGDOM OF SPAIN TO HER MAJESTY'S AMBASSADOR AT MADRID

Excelencia:

Tengo el honor de acusar recibo de su Nota de 1 de febrero de 1991 que traducida dice lo siguiente:

“Tengo el honor de hacer referencia al Tratado de Extradición entre el Gobierno del Reino Unido de Gran Bretaña e Irlanda del Norte y el Gobierno de España, firmado en Londres el 22 de julio de 1985 y de proponer que, en conformidad con lo dispuesto en el Artículo 21(1)(a)(ii), dicho Tratado se extienda a los territorios enumerados en el anexo de la presente nota, de cuyas relaciones internacionales es responsable el Reino Unido.

Si dicha propuesta cuenta con la conformidad del Gobierno de España, tengo el honor de proponer que la presente Nota, acompañada de la respuesta de Su Excelencia en ese sentido, constituyan un Acuerdo entre nuestros Gobiernos, que entrará en vigor en la fecha en que cada uno de los Gobiernos haya notificado al otro que han sido cumplidos los trámites internos necesarios para hacerlo efectivo.

#### ANEJO

Anguilla, Bermudas, Territorio británico en el Antártico, Territorio británico en el Océano Índico, Islas Virgenes británicas, Caimanes, Islas Malvinas, Hong Kong, Montserrat, Islas Pitcairn Henderson, Ducie y Oeno, St. Helena, Dependencias de Sta. Helena, Islas de Georgia del Sur y Sandwich del Sur, las zonas de base soberanas de Akrotiri y Dhekelio en la Isla de Chipre, Islas Turcas y Caicos”.

En respuesta de ella, tengo el honor de informarle que dicha propuesta cuenta con la conformidad del Gobierno de España, que accede en consecuencia a que su Nota acompañada de su Anexo y la presente respuesta constituyan un Acuerdo entre el Gobierno de Reino de España y el Gobierno del Reino Unido de Gran Bretaña e Irlanda del Norte, que entrará en vigor en la fecha en que cada uno de nuestros Gobiernos haya notificado al otro que se han cumplido los trámites internos para hacerlo efectivo.

Aprovecho esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi consideración más distinguida.

Madrid, 1 de febrero de 1991.

El Ministro de Asuntos Exteriores, *D. Francisco Fernández Ordóñez*

Sir Patrick F. Fearn, KCMG

Embajador de su Majestad Británica. MADRID

## SCHEDULE 2

### EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF SPAIN PROVIDING FOR THE EXTENSION OF THE EXTRADITION TREATY SIGNED ON 22nd JULY 1985

#### NO. 1

##### THE MINISTER FOR FOREIGN AFFAIRS OF THE KINGDOM OF SPAIN TO HER MAJESTY'S AMBASSADOR AT MADRID

Excelencia:

Tengo el honor de hacer referencia a las conversaciones que mantuve con el Secretario de Estado de Asuntos Exteriores y de la Commonwealth del Reino Unido de Gran Bretaña e Irlanda del Norte en Madrid el dia 26 de febrero de 1990, en las que se adoptó la decisión de extender a Gibraltar el Tratado de Extradición entre nuestros dos países.

Este régimen y cualquier actividad o medida tomada en aplicación o como consecuencia del mismo, se entienden sin perjuicio de la posición jurídica del Reino de España respecto de la controversia acerca de la soberanía sobre el Istmo.

Tengo el honor de proponer que la presente Nota acompañada de la respuesta de Vuestra Excelencia constituyan un Acuerdo entre nuestros dos Gobiernos para que se extienda a Gibraltar el Tratado de Extradición entre nuestros dos países, firmado en Londres el dia 22 de julio de 1985, en conformidad con su artículo 21 (1)(a)(ii). El presente Acuerdo entrará en vigor en la fecha en que cada uno de los Gobiernos haya notificado al otro que se han cumplido los trámites internos para hacerlo efectivo.

Aprovecho esta oportunidad para reiterar a Vuestra excelencia el testimonio de mi consideración más distinguida.

Madrid, 1 de febrero de 1991.

El Ministro de Asuntos Exteriores, *D. Francisco Fernández Ordóñez*

Sir Patrick F. Fearn, KCMG

Embajador de su Majestad Británica. MADRID

#### NO. 2

##### HER MAJESTY'S AMBASSADOR AT MADRID TO THE MINISTER FOR FOREIGN AFFAIRS OF THE KINGDOM OF SPAIN

British Embassy

Madrid

1st February 1991

Excmo Sr D Francisco Fernández Ordóñez

Ministro de Asuntos Exteriores

Ministerio de Asuntos Exteriores

Plaza de la Provincia 1

28012 MADRID

Your Excellency

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I have the honour to acknowledge receipt of your Note 1 February 1991 which in translation reads as follows:

“I have the honour to refer to the discussions I had with the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland in Madrid on 26 February 1990, in which it was decided that the Extradition Treaty between our two countries should extend to Gibraltar.

This arrangement and any activity or measure undertaken in applying it or as consequence of it is understood to be without prejudice to the legal position of the Kingdom of Spain with regard to the dispute over sovereignty over the Isthmus.

I have the honour to propose that this Note together with Your Excellency’s reply shall constitute an Agreement between our two Governments, that the Extradition Treaty between our two countries signed at London on 22 July 1985 shall, in accordance with Article 21(1)(a)(ii), extend to Gibraltar. This agreement shall enter into force when each Government has notified the other of the completion of its internal procedures to give effect to it.

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

In reply, I have the honour to confirm that the terms and conditions set out in your Note are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, and that your Note, together with this reply, shall constitute an Agreement between our two Governments, which shall enter into force when each Government has notified the other of the completion of its internal procedures to give effect to it.

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

*Robin Fearn*

#### SCHEDULE 3A

Anguilla  
Bermuda  
British Antarctic Territory  
British Indian Ocean Territory  
British Virgin Islands  
Cayman Islands  
Falkland Islands  
Hong Kong  
Montserrat  
Pitcairn, Henderson, Ducie and Oeno Islands  
St. Helena  
St. Helena Dependencies  
South Georgia and the South Sandwich Islands  
The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus  
Turks and Caicos Islands

## SCHEDULE 3B

Gibraltar

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order extends the Spain (Extradition) Order 1986 to all British overseas territories and, for that purpose, applies Schedule 1 to the Extradition Act 1989 to them.