
STATUTORY INSTRUMENTS

1993 No. 2667

EXTRADITION

**The European Convention on Extradition
(Hungary and Poland) (Amendment) Order 1993**

Made - - - - 27th October 1993
Laid before Parliament 8th November 1993
Coming into force - - 1st December 1993

At the Court at Buckingham Palace, the 27th day of October 1993

Present,

The Queen's Most Excellent Majesty in Council

Whereas the European Convention on Extradition ("the Convention") (1) opened for signature at Paris on 13th December 1957 entered into force for the United Kingdom on 14th May 1991:

And whereas Hungary ratified the Convention on 13th July 1993 and made the reservations and declarations set out in article 2(b)(i) of this Order:

And whereas Poland ratified the Convention on 15th June 1993 and made the declaration set out in article 2(b)(ii) of this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by sections 2 and 21 of the Extradition Act 1870(2) and sections 4(1) and 37(3) of the Extradition Act 1989(3), 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 European Convention on Extradition (Hungary and Poland) (Amendment) Order 1993 and shall come into force on 1st December 1993.
2. The European Convention on Extradition Order 1990(4) shall be amended as follows—
 - (a) In Part I of Schedule 2 (which names the States parties to the Convention), at the respective appropriate points in the alphabetical order, the following entries shall be inserted—
 - (i) "Hungary", and
 - (ii) "Poland".

(1) Cm. 1762.
(2) 1870 c. 52.
(3) 1989 c. 33.
(4) S.I.1990/1507, as amended by S.I. 1992/2663.

- (b) In Schedule 3 (which sets out the reservations and declarations made by States parties to the Convention), the following Parts shall be inserted—
- (i) after Part 7—

“PART 7A

HUNGARY

Reservations

Article 1

Hungary will not grant extradition if the person sought is to be brought before a special court or if the extradition should lead to the enforcement of a sentence or detention order inflicted by such a court. Hungary moreover reserves the right to refuse extradition on humanitarian grounds if it would cause particular hardship to the person claimed, for example, because of his youth, advanced age or state of health, or any other condition affecting the individual in question, having regard also to the nature of the offence and the interests of the requesting State.

Article 6

- (a) The provisions of Article 6 paragraph 1A of the Peace Treaty concluded in Paris on 10 February 1947 notwithstanding Hungary will not grant extradition of its own nationals.
- (b) Hungary reserves the right to refuse extradition of persons settled definitively in Hungary.

Article 11

Hungary will refuse extradition if it is requested to carry out death penalty or to prosecute a person charged with an offence punishable by death penalty. However, extradition may be granted in respect of an offence punishable by death penalty under the law of the requesting State, if that State accepts that death penalty, if pronounced, will not be executed.

Declarations

Article 16, paragraph 2

In case of request for provisional arrest Hungary also requires a short statement of the facts the person claimed is charged with.

Article 21, paragraph 2

Hungary will refuse transit of its own nationals and of persons settled definitively in Hungary.

Article 23

Hungary declares that it will require a translation of the request for extradition and documents annexed thereto into either Hungarian, or any of the official languages of the Council of Europe, if they are not drawn up in these languages.”.

(ii) after Part 15—

“PART 15A

POLAND

Declaration

Article 6, paragraph 1

The Republic of Poland declares, in accordance with paragraph 1(a) of article 6, that it will under no circumstances extradite its own nationals.

The Republic of Poland declares that, for the purposes of this Convention, in accordance with paragraph 1(b) of article 6, persons granted asylum in Poland will be treated as Polish nationals.”.

(c) In Schedule 5, at the end there shall be added the following part, namely—

“PART 3

ORDERS REVOKED WITH EFFECT FROM 1st DECEMBER 1993

Order in Council dated 17th March 1874 directing that the Extradition Acts shall apply in the case of Austria-Hungary

The Hungary (Extradition) Order in Council 1937 ([S.R. & O. 1937/719](#)).

Order in Council dated 26th February 1934 directing that the Extradition Acts shall apply in the case of Poland ([S.R. & O. 1934/209](#)).”.

N. H. Nicholls
Clerk of the Privy Council

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order which comes into force on 1st December 1993, amends the European Convention on Extradition Order 1990 by adding Hungary and Poland to the States parties to the European Convention on Extradition listed in Schedule 2 to the 1990 Order. It also adds the declarations and reservations made by Hungary and the declaration made by Poland to the reservations and declarations set out in Schedule 3 to the 1990 Order and has the effect of revoking the Orders in Council embodying the extradition treaties between the United Kingdom and Hungary and the United Kingdom and Poland to the extent that they apply to the United Kingdom, the Channel Islands and the Isle of Man.