
STATUTORY INSTRUMENTS

1995 No. 1624

EXTRADITION

**The European Convention on Extradition
Order 1990 (Amendment) Order 1995**

<i>Made</i>	- - - -	<i>28th June 1995</i>
<i>Laid before Parliament</i>		<i>10th July 1995</i> <i>On a date to be notified in the</i> <i>London, Edinburgh</i> <i>and Belfast Gazettes</i>
<i>Coming into force</i>	- -	

At the Court at Buckingham Palace, the 28th day of June 1995
Present,
The Queen's Most Excellent Majesty in Council.

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

And whereas Article 27, paragraph 4, of the Convention permits, by direct arrangement between two or more contracting Parties, subject to the conditions laid down in the arrangement, the extension of the application of the Convention to any territory, other than the territories mentioned in paragraphs 1, 2 and 3 of the Article, of such Parties for whose international relations any such Party is responsible:

And whereas, by an exchange of notes between the United Kingdom and France dated 29th March 1993, it was agreed to extend the application of the Convention to the French Overseas Territories of French Polynesia, New Caledonia and Wallis and Futuna and to the “collectivités territoriales” of Mayotte and St Pierre and Miquelon:

And whereas, by an exchange of notes between the United Kingdom and the Netherlands dated 24th November 1994, it was agreed to extend the application of the Convention to the Netherlands Antilles and Aruba, subject to the condition laid down therein as to the applicability of the declaration concerning Articles 6 and 21 made by the Netherlands on ratification of the Convention as modified by a letter dated 14th October 1987:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 4(1) of the Extradition Act 1989(2), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

(1) Cm. 1762.

(2) 1989 c. 33 (section 2 was amended by paragraph 37 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33)).

Status: This is the original version (as it was originally made).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

1. This Order may be cited as the European Convention on Extradition Order 1990 (Amendment) Order 1995 and shall come into force on a date to be notified in the London, Edinburgh and Belfast Gazettes.
2. The European Convention on Extradition Order 1990 (“the 1990 Order”)(**3**) shall have effect:
 - (a) as between the United Kingdom and France, as if the terms embodied in Schedule 1 to the 1990 Order included the Exchange of Notes recited in Schedule 1 to this Order,
 - (b) as between the United Kingdom and the Netherlands, as if the terms embodied in Schedule 1 to the 1990 Order included the Exchange of Notes recited in Schedule 2 to this Order.

N. H. Nicholls
Clerk of the Privy Council

(3) S.I. 1990/1507, as amended by S.I. 1992/2663, 1993/2667, 1994/2796 and 1994/3203.

SCHEDULE 1

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF FRANCE EXTENDING THE APPLICATION OF THE EUROPEAN CONVENTION ON EXTRADITION 1957

No. 1

*The Ambassador Extraordinary and Plenipotentiary at London
to the Secretary of State for Foreign and Commonwealth Affairs*

AMBASSADE DE FRANCE LONDRES

L'AMBASSADEUR

10th March 1993

Dear Secretary of State,

Following discussions which have been held between representatives of our two countries, and on instructions from my Government, I have the honour to propose that the application of the European Convention on Extradition of 13th December 1957 be extended to the French Overseas Territories of French Polynesia, New Caledonia and Wallis and Futuna as well as the “collectivités territoriales” of Mayotte and St Pierre and Miquelon.

The reservations and declarations made by the French Government and the Government of the United Kingdom at the time of their ratifications shall apply to this territorial extension.

If this proposal is agreeable to the Government of the United Kingdom, this letter and your reply on behalf of the Government of the United Kingdom, the French and English versions of which shall be equally authentic, shall constitute an Agreement between our two Governments.

Each of our two Governments shall notify the other of the completion of its internal procedures required to give effect to this Exchange of Letters, which shall enter into force 90 days after the date of the later of these notifications.

Bernard DORIN

No. 2

*The Secretary of State for Foreign and Commonwealth Affairs to
the Ambassador Extraordinary and Plenipotentiary at London*

29th March 1993

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of 10th March 1993 which in translation reads:

Following discussions which have been held between representatives of our two countries, and on instructions from my Government, I have the honour to propose that the application of the European Convention on Extradition of 13th December 1957 be extended to the French Overseas Territories of French Polynesia, New Caledonia and Wallis and Futuna as well as the “collectivités territoriales” of Mayotte and St Pierre and Miquelon.

The reservations and declarations made by the French Government and the Government of the United Kingdom at the time of their ratifications shall apply to this territorial extension.

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If this proposal is agreeable to the Government of the United Kingdom, this letter and your reply on behalf of the Government of the United Kingdom, the French and English versions of which shall be equally authentic, shall constitute an Agreement between our two Governments.

Each of our two Governments shall notify the other of the completion of its internal procedures required to give effect to this Exchange of Letters, which shall enter into force 90 days after the date of the later of these notifications.

In reply, I have the honour to confirm that the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland and that Your Excellency's Note and the present reply shall constitute an Agreement between our two Governments in this matter which shall enter into force in accordance with the terms set out in Your Excellency's Note.

I have the honour to convey to Your Excellency the assurance of my highest consideration (for the Secretary of State).

C. C. Hayward

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 THE NETHERLANDS EXTENDING THE APPLICATION OF THE EUROPEAN CONVENTION ON EXTRADITION 1957

No. 1

The Chargé d'Affaires a.i. at London to the Secretary of State for Foreign and Commonwealth Affairs

Royal Netherlands Embassy

38 Hyde Park Gate

London SW7 5DP

London, 8th November 1994

Your Excellency,

On instructions from my Government, I have the honour to propose that the application of the European Convention on Extradition ("the Convention") of 13th December 1957, in accordance with Article 27, paragraph 4 thereof, be extended to the Netherlands Antilles and Aruba.

The declarations and reservations made by the Kingdom of The Netherlands, in respect of the Kingdom in Europe, and the United Kingdom of Great Britain and Northern Ireland on becoming parties to the Convention and which apply to extradition relations between them shall also apply to extradition relations between the United Kingdom and the Kingdom of the Netherlands in respect of the Netherlands Antilles and Aruba, except that the declaration concerning Articles 6 and 21 as made by the Kingdom of the Netherlands upon ratification and amended on 14th October 1987, relating to the extradition of Netherlands nationals, shall not apply to the Netherlands Antilles nor to Aruba respectively until such time as the European Convention on the Transfer of Sentenced Persons, concluded in Strasbourg on 21st March 1983, becomes applicable to each of them respectively.

If this proposal is acceptable to the Government of the United Kingdom, I have the honour to propose that this letter and Your Excellency's reply to that effect 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 necessary to give effect to it.

I have the honour to convey to Your Excellency the assurance of my highest consideration.

R. H. Loudon

Chargé d'Affaires a.i.

No. 2

The Secretary of State for Foreign and Commonwealth Affairs to the Chargé d'Affaires a.i. at London

24th November 1994

Foreign & Commonwealth Office

London SW1A 2AH

Dear Chargé d'Affaires,

I have, Sir, the honour to acknowledge receipt of your letter dated 8th November 1994 which reads as follows:

“On instructions from my Government, I have the honour to propose that the application of the European Convention on Extradition (“the Convention”) of 13th December 1957, in accordance with Article 27, paragraph 4 thereof, be extended to the Netherlands Antilles and Aruba.

The declarations and reservations made by the Kingdom of The Netherlands, in respect of the Kingdom in Europe, and the United Kingdom of Great Britain and Northern Ireland on becoming parties to the Convention and which apply to extradition relations between them shall also apply to extradition relations between the United Kingdom and the Kingdom of the Netherlands in respect of the Netherlands Antilles and Aruba, except that the declaration concerning Articles 6 and 21 as made by the Kingdom of the Netherlands upon ratification and amended on 14th October 1987, relating to the extradition of Netherlands nationals, shall not apply to the Netherlands Antilles nor to Aruba respectively until such time as the European Convention on the Transfer of Sentenced Persons, concluded in Strasbourg on 21th March 1983, becomes applicable to each of them respectively.

If this proposal is acceptable to the Government of the United Kingdom, I have the honour to propose that this letter and Your Excellency’s reply to that effect 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 necessary to give effect to it.

I have the honour to convey to Your Excellency the assurance of my highest consideration.”

In reply, I have the honour to confirm that the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland and that your letter and this reply shall constitute an Agreement between our two Governments in this matter, which shall enter into force in accordance with the terms set out in your letter.

I have the honour to convey to you, Sir, the assurance of my high consideration.

For the Secretary of State

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the operation of the European Convention on Extradition Order 1990 so as to extend the application of the Convention as between the United Kingdom and France to certain of the French Overseas Territories and “collectivités territoriales” and as between the United Kingdom and the Netherlands to the Netherlands Antilles and Aruba.