
STATUTORY INSTRUMENTS

1996 No. 2596

EXTRADITION

**The European Convention on Extradition
Order 1990 (Amendment) Order 1996**

<i>Made</i>	- - - -	<i>15th October 1996</i>
<i>Laid before Parliament</i>		<i>25th October 1996</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 15th day of October 1996

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 28, paragraph 2, of the Convention permits the contracting parties to conclude between themselves multilateral agreements to supplement the provisions of the Convention or to facilitate the application of the principles contained therein:

And whereas the Agreement between the Member States of the European Community on the Simplification and Modernisation of Methods of Transmitting Extradition Requests (“the Agreement”) opened for signature in San Sebastian on 26 May 1989:

And whereas the States listed in Schedule 2 to this Order are parties to the Agreement, and have made certain declarations, the terms of which are set out in Schedule 3 to this Order, including a declaration under Article 5, paragraph 3, of the Agreement, that they will apply the Agreement in their relations with other Member States who make the same declaration prior to the entry into force of the Agreement in accordance with Article 5, paragraph 2:

And whereas it is intended to ratify the Agreement and to make the declaration set out in Schedule 4 to this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 4 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.

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1. This Order may be cited as the European Convention on Extradition Order 1990 (Amendment) Order 1996 and shall come into force on the date, to be notified in the London, Edinburgh and Belfast Gazettes, on which the Agreement becomes applicable in respect of the United Kingdom.
2. The European Convention on Extradition Order 1990(3) (“the 1990 Order”) shall have effect as between the United Kingdom and those States listed at Schedule 2 to this Order as if the terms embodied in Schedule 1 to the 1990 Order were amended, subject to the declarations set out in Schedule 3 to this Order, by the terms of the Agreement recited at Schedule 1 to this Order.
3. The operation of this Order is limited to the United Kingdom, the Channel Islands and the Isle of Man.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE 1

THE AGREEMENT

The Agreement between the Member States of the European Communities on the Simplification and Modernisation of Methods of Transmitting Extradition Requests

THE MEMBER STATES OF THE EUROPEAN COMMUNITIES, hereinafter referred to as “the Member States”,

DESIRING to improve mutual assistance in criminal matters in relations between them regarding extradition.

WHEREAS it is desirable to speed up the procedures for transmitting extradition requests and accompanying documents; whereas modern transmission techniques should therefore be used,

HAVE AGREED as follows:

ARTICLE 1

1. For the purpose of applying the extradition agreements in force between Member States, each Contracting State shall designate the central authority or, where the constitutional system so requires, the central authorities responsible for transmitting and receiving extradition requests and the necessary supporting documents, as well as any other official correspondence relating to extradition requests.

2. Each Member State shall designate its authority in accordance with paragraph 1 when ratifying, approving or accepting this Agreement and may alter the designation at any time thereafter. The depositary of the Agreement shall inform each Contracting State of the authorities designated and of any subsequent alterations.

ARTICLE 2

The extradition request and the documents referred to in Article 1(1) may be sent by facsimile transmission. Each authority designated under Article 1 shall be equipped with a facsimile machine for transmitting and receiving such documents and shall ensure that it is kept in proper working order.

ARTICLE 3

1. In order to ensure the authenticity and confidentiality of the transmission, a cryptographic device fitted to the facsimile machine possessed by the authority under Article 1 shall be in operation when the equipment is being used to apply this Agreement.

2. The Contracting States shall consult each other on the practical arrangements for applying this Agreement.

ARTICLE 4

In order to guarantee the authenticity of extradition documents, the authority designated by the requesting State under Article 1 shall state in its request that it certifies that the documents transmitted in support of the request correspond to the originals and shall describe the pagination. Where the party addressed disputes that the documents correspond to the originals, the authority designated by the State addressed in accordance with Article 1 shall be entitled to require the authority designated

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by the requesting State to produce the original documents or a true copy thereof within a reasonable period through either diplomatic channels or any other mutually agreed channel.

ARTICLE 5

1. This Agreement shall be open for signature by the Member States. It shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Spanish Foreign Ministry.

2. This Agreement shall enter into force 90 days after the deposit of the instruments of ratification, acceptance or approval by all the States which are members of the European Communities at the date on which this Agreement is opened for signature.

3. Each State may, when depositing its instrument of ratification, acceptance or approval, or at any later date until the entry into force of this Agreement, declare that this Agreement will apply to it in its relations with other States that have made the same declaration after the date of deposit.

4. A State that has not made such a declaration may apply the Agreement with other Contracting States on the basis of bilateral agreements.

5. The Spanish Foreign Ministry shall notify all the Member States of any signature, deposit of instruments or declaration.

ARTICLE 6

This Agreement shall be open for accession by any State which becomes a Member of the European Communities. The instruments of accession shall be deposited with the Spanish Foreign Ministry.

This Agreement shall enter into force for any State acceding thereto 90 days after the deposit of its instrument of accession.

The Spanish Ministry of Foreign Affairs shall transmit a certified copy to all the signatory Governments.

SCHEDULE 2

Article 2

STATES PARTIES TO THE AGREEMENT

Germany
Luxembourg
Netherlands
Spain

SCHEDULE 3

RESERVATIONS AND DECLARATIONS MADE BY STATES PARTIES TO THE AGREEMENT

PART 1

GERMANY

Declarations

Article 1, paragraph 1

For the purposes of Article 1, paragraph 1 of the Agreement the German Government designates the Federal Ministry of Justice as central authority.

Article 5, paragraph 3

In the case of the Federal Republic of Germany, the Agreement is applicable prior to the entry into force referred to in Article 5, paragraph 3 of the Agreement, in its relations with those Member States of the European Communities who make the same declaration.

PART 2

LUXEMBOURG

Declarations

Article 1

The functions of the central authority in the sense of Article 1 of the Agreement are carried out in the Grand Duchy of Luxembourg by the Ministry of Justice.

Article 5, paragraph 3

The Agreement is applicable with respect to the Grand Duchy of Luxembourg, prior to the entry into force referred to in Article 5, paragraph 3 of the Agreement, in its relations with those Member States of the European Communities who make the same declaration.

PART 3

THE NETHERLANDS

Declarations

Article 1, paragraph 2

Pursuant to Article 1, paragraph 2 of the Agreement, the Kingdom of the Netherlands appoints as central authorities, responsible for sending and receiving extradition requests and supporting documents, and also for official correspondence relating to an extradition request:

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—	for the Netherlands:	the Ministry of Justice in the Hague;
—	for the Netherlands Antilles:	the Ministry of Justice in Willemstad,, Curacao;
—	for Aruba:	the Ministry of Justice in Oranjestad,, Aruba.

Article 5, paragraph 3

Pursuant to Article 5, paragraph 3 of the Agreement, the Kingdom of the Netherlands declares the Agreement applicable to the relations between the Kingdom of the Netherlands (Netherlands, Netherlands Antilles and Aruba) and any other State which has made a similar declaration.

PART 4

SPAIN

Declarations

Article 1

For the purposes of Article 1 of the Agreement, the Spanish Government designates the central authority: “Ministry of Justice (Technical Secretariat General-Subdirectorato General of International Legal Co-operation)”.

Article 5, paragraph 3

Pursuant to Article 5, paragraph 3 the Kingdom of Spain declares that the Agreement is applicable as far as Spain is concerned in its relations with States which have made the same declaration.

SCHEDULE 4

DECLARATION BY THE UNITED KINGDOM

Article 5, paragraph 3

The United Kingdom declares that, after the date of deposit of its instrument of ratification, this Agreement will apply to it in its relations with other States, being States Parties to this Agreement that have made a declaration to the like effect.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the European Convention on Extradition Order 1990, as regards its operation between the United Kingdom and those States listed in Schedule 2 to the Order, so that its terms are qualified by the terms of the Agreement between Member States of the European Communities on the Simplification and Modernisation of Methods of Transmitting Extradition Requests (“the Agreement”). The States listed in Schedule 2 have ratified the Agreement and made a declaration (under Article 5, paragraph 3) that they will apply the Agreement in their relations with other Member States who make the same declaration.

The terms of the Agreement are set out in Schedule 1 to the Order. The Order will come into force on a date to be notified in the London, Edinburgh and Belfast Gazettes on which the Agreement enters into force for the United Kingdom.