
STATUTORY INSTRUMENTS

1996 No. 2875

EXTRADITION

**The European Convention on
Extradition(Dependent Territories) Order 1996**

<i>Made</i>	- - - -	<i>19th November 1996</i>
<i>Laid before Parliament</i>		<i>29th November 1996</i>
<i>Coming into force</i>	- -	<i>In accordance with Article 1(1)</i>

At the Court at Buckingham Palace, the 19th day of November 1996

Present,

The Queen's Most Excellent Majesty in Council

Whereas the European Convention on Extradition, opened for signature on 13 December 1957, (hereinafter referred to as "the Convention")(1), entered into force for the United Kingdom on 14 May 1991:

And whereas it is now intended, subject to the reservations and declarations set out in Schedule 2 to this Order, to extend the application of the Convention, in relation to the States Parties to the Convention listed in Part I of Schedule 1 to this Order, to the Dependent Territories listed in Part II of that Schedule:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 21 of the Extradition Act 1870(2) and sections 4(1), 30 and 37(3) of the Extradition Act 1989 ("the 1989 Act")(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.—(1) This Order may be cited as the European Convention on Extradition (Dependent Territories) Order 1996, and shall come into force on a date to be notified in the London, Edinburgh and Belfast Gazettes, being the date on which the Convention comes into force as between the countries listed in Part I of Schedule 1 to this Order and the territories listed in Part II of that Schedule.

(1) Cm. 1762.
(2) 1870 c. 52.
(3) 1989 c. 33.

(2) In this Order, references to “the principal Order” are references to the European Convention on Extradition Order 1990⁽⁴⁾ (disregarding amendments made to it by the European Convention on Extradition Order 1990 (Amendment) Order 1996⁽⁵⁾).

2.—(1) In relation to the countries listed in Part I of Schedule 1 to this Order, and subject to the following provisions of this Order, the operation of the principal Order shall extend to the territories listed in Part II of that Schedule and accordingly for article 2(1) of that Order there shall be substituted the following provision:

“2.—(1) Subject to the provisions of this Order, the 1989 Act, so far as it relates to extradition procedures under Part III of that Act, shall apply—

- (a) subject to the limitations, restrictions, exceptions and qualifications contained in this Order, as between the United Kingdom, the Channel Islands and the Isle of Man and any foreign State, party to the Convention, which is listed in Part I of Schedule 2 to this Order (in this Order referred to as a “Convention State”); and
- (b) as so subject, subject to the reservations and declarations set out in Schedule 2 to the European Convention on Extradition (Dependent Territories) Order 1996, as between the Convention States listed in Part I of Schedule 1 to that Order and the territories listed in Part II of that Schedule.”.

(2) Article 4 of the principal Order (providing for extent) is hereby revoked.

3.—(1) Subject to paragraph (2) below, the Orders listed in Schedule 3 to this Order are hereby revoked to the extent therein specified in so far as they apply in relation to any territory listed in Part II of Schedule 1 to this Order.

(2) The foregoing paragraph shall not have effect in relation to any requisition for the surrender of a fugitive criminal to a State listed in Part I of Schedule 1 to this Order made under paragraph 16(a) of Schedule 1 to the 1989 Act in respect of which a warrant for his apprehension was issued before this Order came into force..

N. H. Nicholls
Clerk of the Privy Council

(4) S.I. 1990/1507; relevant amending instruments are S.I. 1992/2663, 1994/2796, 1994/3203, 1995/1624, 1995/1962, 1995/2703.
(5) S.I. 1996/2596.

SCHEDULE 1

Article 2

EXTENDED APPLICATION OF 1990 ORDER

PART I

STATES PARTIES TO THE CONVENTION

Finland
Hungary
Israel
Liechtenstein
Norway
Poland
Switzerland

PART II

DEPENDENT TERRITORIES

Bermuda
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
Gibraltar
Montserrat
St Helena and Dependencies
South Georgia and South Sandwich Islands
Turks and Caicos Islands
Virgin Islands

SCHEDULE 2

Article 2

RESERVATIONS AND DECLARATIONS MADE BY THE UNITED KINGDOM AND THE STATES PARTIES LISTED IN PART I OF SCHEDULE 1 ABOVE IN CONNECTION WITH THE EXTENSION OF THE CONVENTION AS BETWEEN THOSE STATES AND THE DEPENDENT TERRITORIES LISTED IN PART II OF THAT SCHEDULE

The reservations to Articles 27 and 28 and the notification made by the United Kingdom upon ratification of the European Convention on Extradition shall not be applicable to the Convention as extended as between the States Parties listed in Part I of Schedule 1 above and the territories listed in Part II of that Schedule.

The remaining reservations made by the United Kingdom shall be applicable in respect of the territories listed in Part II of Schedule 1 above, except that the provisions of Article 3, paragraph 3,

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shall only be applicable as between the said States Parties in respect of which that paragraph applies in relation to the United Kingdom and any such territory to which the application of the European Convention on the Suppression of Terrorism⁽⁶⁾ has been extended (see note below as to Hungary). A reference in the applicable reservations to the United Kingdom shall be read as including a reference to any territory listed in Part II of Schedule 1 above.

The reservations and declarations made by the States Parties listed in Part I of Schedule 1 above on ratification of the Convention shall also be applicable to the Convention as extended to the territories listed in Part II of that Schedule.

A request for the extradition of an offender found in any of the territories listed in Part II of Schedule 1 above may be made to the Governor or other competent authority of that territory, who may take the decision himself or refer the matter to the Government of the United Kingdom for their decision.

Note:

The provisions of Article 3, paragraph 3 of the Convention shall not, for the time being, be applicable as between Hungary and the territories listed in Part II of Schedule 1 above. However, in the event that Hungary becomes party to the European Convention on the Suppression of Terrorism the provisions of Article 3, paragraph 3 shall be applicable as between Hungary and any such territory to which the said Convention has been extended.

SCHEDULE 3

Article 3

ORDERS PARTIALLY REVOKED

The Finland (Extradition) Order 1976 (S.I. 1976/1037).

Order in Council dated March 17, 1874 directing that the Extradition Acts shall apply in the case of Austria and Hungary, so far as it relates to Hungary.

Order in Council directing that the Extradition Acts shall apply in the case of Austria and Hungary, so far as it relates to Hungary (S.R. & O. 1902/737).

The Hungary (Extradition) Order in Council (S.I. 1937/719).

The Israel (Extradition) Order 1960 (S.I. 1960/1660).

The Israel (Extradition) (Amendment) Order 1978 (S.I. 1978/1623).

Order in Council dated September 30, 1873 directing that the Extradition Acts shall apply in the case of the Kingdoms of Sweden and Norway, so far as it relates to Norway.

Order in Council directing that the Extradition Acts shall apply in the case of the Kingdom of Norway (S.R. & O. 1907/545).

The Norway (Extradition) (Amendment) Order 1979 (S.I. 1979/913).

The Norway (Extradition) (Amendment) Order 1985 (S.I. 1985/1637).

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

Order in Council dated May 18, 1881 directing that the Extradition Acts shall apply in the case of Switzerland.

Order in Council directing that the Extradition Acts shall apply in the case of Switzerland (S.R. & O. 1905/616).

(6) Cmnd. 7390.

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The Switzerland (Extradition) Order in Council 1935 (S.R. & O. 1935/676).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the European Convention on Extradition Order 1990 ([S.I. 1990/1507](#)), in relation to the States Parties to the Convention listed in Part I of Schedule 1 to the Order, to the territories listed in Part II of that Schedule. Article 3(2) makes transitional provision.