STATUTORY INSTRUMENTS

1975 No. 1034

FUGITIVE CRIMINAL

The Belgium (Extradition) (Amendment) Order 1975

Made - - - -	*25th June* 1975
Laid before Parliament	*2nd July* 1975
Coming into Operation	*15th July* 1975

At the Court at Buckingham Palace, the 25th day of June 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas a Treaty was concluded on 29th October 1901 between His late Majesty in respect of the United Kingdom of Great Britain and Northern Ireland and His late Majesty the King of the Belgians for the mutual extradition of fugitive criminals(**a**), which Treaty was later amended by supplementary Conventions(**b**):

And whereas it has been agreed by Notes exchanged on 15th May 1975, the terms of which are set out in the Schedule to this Order, that the Treaty should be further amended by the addition of drug offences to the list of extraditable offences specified in Article I of the Treaty:

Now, therefore, Her Majesty, in exercise of the powers conferred by sections 2, 17 and 21 of the Extradition Act 1870(**c**), 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 Belgium (Extradition) (Amendment) Order 1975 and shall come into operation on 15th July 1975.

2. The Interpretation Act 1889(**d**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The Extradition Acts 1870 to 1935 shall apply in the case of Belgium in accordance with the said Treaty, as amended by the said supplementary Conventions and the said Exchange of Notes.

N. E. Leigh.

(**a**) S.R. & O. 1902/208 (Rev. IX p. 32: 1902, p. 178).
(**b**) S.R. & O. 1907/544, 1911/793, 1924/81, 1928/574 (Rev. IX, pp. 42,44,46,48: 1907 p. 268; 1911 p. 121, 1924 p. 460, 1928 p. 623).
(**c**) 1870 c. 52.
(**d**) 1889 c. 63.

SCHEDULE

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF BELGIUM SUPPLEMENTING ARTICLE I OF THE TREATY FOR THE MUTUAL EXTRADITION OF FUGITIVE CRIMINALS SIGNED ON 29 OCTOBER 1901, AS AMENDED.

No. 1

Her Majesty's Ambassador at Brussels to the Minister for Foreign Affairs of Belgium

British Embassy,
Brussels.
15 *May* 1975.

Your Excellency,

I have the honour to refer to the Treaty between the United Kingdom and Belgium for the Mutual Surrender of Fugitive Criminals signed at Brussels on 29 October 1901 as supplemented and amended by the Conventions signed at London on 5 March 1907 and 3 March 1911.

I have to propose on behalf of the United Kingdom that the list of crimes for which extradition may be sought, as set out in Article I of the Treaty, shall be supplemented by the addition of the following:

" 30. Offences against the laws relating to dangerous drugs, including attempts to commit such offences where these attempts are punishable by the laws of both countries."

If the foregoing proposal is acceptable to the Government of Belgium, I have the honour to suggest that the present Note, together with Your Excellency's reply to that effect, shall constitute an Agreement between the United Kingdom and Belgium, which shall enter into force two months after the date of your reply.

I avail myself of this opportunity to renew to the Minister of Foreign Affairs the assurances of my highest consideration.

D. F. MUIRHEAD,
Her Britannic Majesty's Ambassador.

No. 2

The Minister for Foreign Affairs to Her Majesty's Ambassador at Brussels

Bruxelles,
15 *mai* 1975.

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de l'Office de ce jour par lequel Votre Excellence m'addresse la communication dont la teneur suit:

" J'ai l'honneur de me référer au Traité entre le Royaume-Uni et la Belgique pour l'extradition réciproque des criminels fugitifs, signé à Bruxelles le 29 octobre 1901, complété et modifié par les Conventions signées à Londres les 5 mars 1907 et 3 mars 1911.

Je propose au nom du Royaume-Uni, de compléter comme suit la liste des infractions pour lesquelles l'extradition peut être réclamée et qui sont énumérées à l'Article I de ce Traité:

' 30. Infractions à la législation relative aux drogues nuisibles, y compris la tentative de commettre de telles infractions lorsqu'elle est punie par la législation des deux pays.'

Si le Gouvernement belge accepte la proposition qui précède, j'ai également l'honneur de proposer que la présente note ainsi que la réponse de Votre Excellence à cet effet, constitueront un accord entre le Royaume-Uni et la Belgique, qui entrera en vigueur deux mois après la date de Sa réponse."

En réponse, j'ai l'honneur d'informer Votre Excellence que le Gouvernement belge accepte la proposition qui précède et que par conséquent il marque son accord pour que l'Office de Votre Excellence et la présente réponse constituent un accord entre la Belgique et le Royaume-Uni, qui entrera en vigueur le 15 juillet 1975.

Je saisis l'occasion, Monsieur l'Ambassadeur, de renouveler à Votre Excellence l'assurance de ma très haute considération.

R. Van Elslande.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order extends the application of the Extradition Acts 1870 to 1935 in the case of Belgium by the addition of drug offences in accordance with Article I of the Treaty between His Late Majesty and His Late Majesty the King of the Belgians for the mutual extradition of fugitive criminals which was signed on 29th October 1901, as amended by supplementary Conventions and by Notes exchanged on 15th May 1975.

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