STATUTORY INSTRUMENTS

1985 No. 1634

FUGITIVE CRIMINAL

The Belgium (Extradition) (Amendment) Order 1985

Made - - - - -	30*th October* 1985
Laid before Parliament	7*th November* 1985
Coming into Operation	10*th November* 1985

At the Court of Saint James, the 30th day of October 1985

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 27th day of September 1985, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas a Treaty**(a)** was concluded on 29th October 1901 between His late Majesty King Edward VII in respect of the United Kingdom of Great Britain and Ireland and His late Majesty the King of the Belgians for the mutual extradition of fugitive criminals, which Treaty was later amended by supplementary Conventions**(b)** and by Notes exchanged on 15th May 1975**(c)**:

And whereas it has been agreed by Notes exchanged on 10th September 1985, the terms of which are set out in the Schedule to this Order, that the said Treaty shall be further amended by amending Articles IV and XIII:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Edward, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by sections 2, 17 and 21 of the Extradition Act 1870**(d)** and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

(a) Cd. 1008. **(b)** Cd. 3580, 5807. **(c)** Cmnd. 6203.
(d) 1870 c. 52.

1. This Order may be cited as the Belgium (Extradition) (Amendment) Order 1985 and shall come into operation on 10th November 1985.

2. The Extradition Acts 1870 to 1935**(a)** shall apply in the case of Belgium in accordance with the said Treaty, as amended by the said supplementary Conventions and by the said Exchanges of Notes.

G. I. de Deney,
Clerk of the Privy Council.

(a) 1870 c. 52, 1873 c. 60, 1895 c. 33, 1906 c. 15, 1932 c. 39, 1935 c. 25.

SCHEDULE

EXCHANGE OF NOTES BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND BELGIUM AMENDING ARTICLES IV AND XIII OF THE TREATY FOR THE MUTUAL EXTRADITION OF FUGITIVE CRIMINALS SIGNED ON 29TH OCTOBER 1901, AS AMENDED

No. 1

The Belgian Ambassador to the Secretary of State for Foreign and Commonwealth Affairs

Ambassade de Belgique

Londres, le 10 septembre 1985.

Votre Excellence,

J'ai l'honneur de me référer au Traité entre la Belgique et le Royaume-Uni pour l'extradition 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 et par les notes échangées à Bruxelles le 15 mai 1975.

Je propose, au nom de la Belgique, de modifier comme suit les articles IV et XIII de ce Traité:

—*Article IV*: La dernière phrase du premier alinéa de cet Article est remplacée par la disposition suivante:

"Il sera relâché tant dans le Royaume-Uni qu'en Belgique si, dans les vingt-et-un jours, une demande d'extradition n'a pas été faite par l'Agent Diplomatique du pays requérant, suivant le mode indiqué par les Articles II et III de ce Traité".

—*Article XIII*: Cet Article est complété par l'alinéa suivant:

"La Partie requise prendra toutes les mesures nécessaires pour représenter la Partie requérante dans toute procédure portée devant ses tribunaux à la suite d'une demande d'extradition et elle supportera les frais de cette représentation".

Si la proposition qui précède est acceptable pour le Royaume-Uni, j'ai l'honneur de suggérer que la présente note et la réponse de Votre Excellence à cet effet constitueront un accord entre la Belgique et le Royaume-Uni, qui entrera en vigueur deux mois après la date de la réponse de Votre Excellence.

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

J.-P. VAN BELLINGHEN.

No. 2

The Secretary of State for Foreign and Commonwealth Affairs to the Belgian Ambassador

Foreign and Commonwealth Office,
London.

10 September 1985.

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of today's date, which in translation reads as follows:

"I have the honour to refer to the Treaty between Belgium and the United Kingdom 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 and by the Notes exchanged at Brussels on 15 May 1975.

I have to propose on behalf of Belgium that Articles IV and XIII of the Treaty shall be amended as follows:

—*Article IV*: The last sentence of the first paragraph of this Article shall be replaced by the following provision:

"He shall be discharged, as well in the United Kingdom as in Belgium, if within twenty-one days a requisition shall not have been made for his surrender by the Diplomatic Agent of the requiring State in the manner directed by Articles II and III of this Treaty."

—*Article XIII*: This Article shall be supplemented by the following paragraph:

"The requested Party shall make all necessary arrangements for and meet the cost of representation of the requesting Party in any proceedings before the Courts of the requested Party arising out of the request for extradition."

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

In reply, I have the honour to inform Your Excellency that the foregoing proposal is acceptable to the United Kingdom, which therefore agrees that your Note and this reply shall constitute an Agreement between the United Kingdom and Belgium which shall enter into force on 10 November 1985.

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

DEREK W. PARTRIDGE.

EXPLANATORY NOTE

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

This Order applies the Extradition Acts 1870 to 1935 in the case of Belgium in accordance with the Extradition Treaty between the United Kingdom and Belgium for the mutual extradition of fugitive criminals signed on 29th October 1901, as amended by supplementary Conventions and by Notes exchanged on 15th May 1975 and 10th September 1985.

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