STATUTORY INSTRUMENTS

1979 No. 1311

FUGITIVE CRIMINAL

The Denmark (Extradition) (Amendment) Order 1979

Made - - - -	19*th October* 1979
Laid before Parliament	29*th October* 1979
Coming into Operation	19*th November* 1979

At the Court at Buckingham Palace, the 19th day of October 1979

Present,

The Queen's Most Excellent Majesty in Council

Whereas a Treaty **(a)** was concluded on 31st March 1873 between Her late Majesty Queen Victoria in respect of the United Kingdom of Great Britain and Ireland and His late Majesty the King of Denmark for the mutual surrender of fugitive criminals which Treaty was later amended by a supplementary Convention **(b)**:

And whereas it has been agreed by Notes exchanged on 24th August 1979, the terms of which are set out in the Schedule to this Order, that the said Treaty shall be further amended by amending Article XII:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her 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 Denmark (Extradition) (Amendment) Order 1979 and shall come into operation on 19th November 1979.

2. The Extradition Acts 1870 to 1935**(d)** shall apply in the case of the Kingdom of Denmark in accordance with the said Treaty, as amended by the said supplementary Convention and the said Exchange of Notes.

N. E. Leigh,
Clerk of the Privy Council.

(a) Cd. 779. **(b)** Cmd. 5172. **(c)** 1870 c. 52.
(d) 1870 c. 52; 1873 c. 60; 1895 c. 33; 1935 c. 25.

SCHEDULE

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF DENMARK AMENDING THE TREATY FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS SIGNED ON 31ST MARCH 1873 AS AMENDED BY THE SUPPLEMENTARY CONVENTION SIGNED ON 15TH OCTOBER 1935.

No. 1

Her Majesty's Ambassador at Copenhagen to the Danish Ministry of Foreign Affairs

British Embassy
Copenhagen
24 *August* 1979

Your Excellency,

I have the honour to refer to the Treaty between the United Kingdom and Denmark for the Mutual Surrender of Fugitive Criminals signed at Copenhagen on 31 March 1873, as amended by the supplementary Convention signed at Copenhagen on 15 October 1935.

I have to propose on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland that Article XII of the Treaty of 1873 shall be amended to read as follows:

"(1) Expenses incurred in the territory of the requested Party by reason of the request for extradition shall be borne by that Party.

(2) The requested Party shall make all arrangements which may be requisite with respect to the representation of the requesting Party in any proceedings arising out of the request."

If the foregoing proposal is acceptable to the Government of the Kingdom of Denmark, I have the honour to suggest that this Note, together with Your Excellency's reply to that effect, shall constitute an Agreement between the two Governments which shall enter into force three months from the date of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

ANNE WARBURTON

No. 2

The Danish Minister Without Portfolio with special responsibility in the field of foreign affairs to Her Majesty's Ambassador at Copenhagen

R.II.j.nr.27.D.5.a.

København, den 24. august 1979.

Deres Excellence,

Jeg har den ære at anerkende modtagelsen af Deres Excellences note, dateret i dag, der i oversættelse lyder:

"Deres Excellence,

Jeg har den ære at henvise til den mellem Det Forenede Kongerige og Kongeriget Danmark indgåede traktat af 31. marts 1873 om gensidig udlevering af flygtede forbrydere, som ændret ved tillægsoverenskomsten underskrevet den 15. oktober 1935.

På Det Forenede Kongerige Storbritannien og Nord-Irlands regerings vegne skal jeg foreslå, at artikel XII i traktaten af 1873 ændres til at lyde som følger:

(1) Udgifter, der opstår i den begærede parts territorium som følge af en begæring om udlevering, skal afholdes af denne part.

(2) Den begærede part skal træffe alle nødvendige foranstaltninger for den begærede parts repræsentation under en hvilken som helst retslig handling, der opstår som følge af begæringen.

Såfremt dette forslag kan godtages af Kongeriget Danmarks regering, har jeg den ære at foreslå, at denne note tillige med Deres Excellences bekræftende svar skal udgøre en aftale mellem de to regeringer, der skal træde i kraft efter tre måneder fra datoen for Deres svar.

Modtag på ny, Deres Excellence, forsikringen om min mest udmærkede højagtelse."

I besvarelse har jeg den ære at meddele Deres Excellence, at de foranstående forslag kan godtages af Kongeriget Danmarks regering, der derfor er enig i, at Deres note og dette svar skal udgøre en aftale mellem de to regeringer, og at aftalen skal træde i kraft tre måneder fra i dag.

Modtag på ny, Deres Excellence, forsikringen om min mest udmærkede højagtelse.

LISE ØSTERGAARD

TRANSLATION OF No. 2

The Danish Minister Without Portfolio with special responsibility in the field of foreign affairs to Her Majesty's Ambassador at Copenhagen

Copenhagen, 24 August 1979

Your Excellency,

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

[Translation as in No. 1]

In reply, I have the honour to inform Your Excellency that the foregoing proposal is acceptable to the Government of the Kingdom of Denmark, who therefore agree that your Note and the present reply shall constitute an Agreement between the two Governments, and that the Agreement shall enter into force three months from today's date.

Accept anew, Your Excellency, the assurances of my highest consideration.

LISE ØSTERGAARD

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies the Extradition Acts 1870 to 1935 in the case of the Kingdom of Denmark in accordance with the Treaty between the United Kingdom and Denmark for the mutual surrender of criminals, signed at Copenhagen on 31st March 1873, as amended by the supplementary Convention signed on 15th October 1935, and as further amended by Notes exchanged at Copenhagen on 24th August 1979.

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