STATUTORY INSTRUMENTS

1999 No. 2035

EXTRADITION

The European Convention on Extradition Order 1990 (Amendment) Order 1999

Made - - - -	*21st July 1999*
Laid before Parliament	*29th July 1999*
Coming into force	*1st September 1999*

At the Court at Buckingham Palace, the 21st day of July 1999

Present,

The Queen's Most Excellent Majesty in Council

Whereas the European Convention on Extradition ("the Convention")**(a)** opened for signature at Paris on 13th December 1957 entered into force for the United Kingdom on 14th May 1991:

And whereas the Convention entered into force in respect of Albania on 17th August 1998 and Albania made the reservations and declarations set out in Article 2(b)(i) of this Order:

And whereas the Convention entered into force in respect of Ukraine on 9th June 1998 and Ukraine made the reservations and declarations set out in Article 2(b)(iii) of this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by sections 4(1) and 37(3) of the Extradition Act 1989**(b)**, 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 European Convention on Extradition Order 1990 (Amendment) Order 1999 and shall come into force on 1st September 1999.

2. The European Convention on Extradition Order 1990**(c)** ("the 1990 Order") shall be amended as follows:–

(a) in Part I of Schedule 2 (which names States parties to the Convention), at the appropriate places in the alphabetical order, there shall be inserted the following entries–

(i) "Albania"; and

(ii) "Ukraine";

(b) in Schedule 3 (which sets out the reservations and declarations made by States parties to the Convention)–

(a) Cm. 1762.
(b) 1989 c. 33; to which there are amendments not relevant to this Order.
(c) S.I. 1990/1507 as amended by S.I. 1992/2663, 1993/2667, 1994/2796, 1994/3203, 1995/1624, 1995/1962, 1995/2703, 1996/2596, 1996/2875, 1997/1759, 1997/2596 and 1998/259.

(i) the following part shall be inserted before the Part relating to Austria–

"Part 1

Albania

Reservations and Declarations

1. Relating to paragraph 1 of Article 2 of the Convention, the Albanian party has no minimum limits for the term of imprisonment for the effect of extradition. The Albanian party considers this declaration as valid only in conditions of reciprocity.
2. Relating to paragraph 1, sub-paragraph a, of Article 6, the Albanian party refuses the extradition of its nationals, unless otherwise provided in the International Agreements to which Albania is a contracting party.
3. Relating to paragraph 1, sub-paragraph b, of Article 6, the Albanian party includes in the term "nationals" the "persons with double nationality", in case either of them is Albanian.
4. Relating to paragraph 1 of Article 7, the Albanian party does not allow the extradition of the persons who have committed offences either in the Albanian territory or outside it, when the offence has injured the interest of the State or of the nationals, unless it is otherwise agreed with the interested party.
5. Relating to paragraph 2 of Article 19, the Albanian party declares that when a person asked to be surrendered is serving a sentence for another offence, he or she, in the event of extradition, shall be permitted to serve the full sentence in the requesting country.
6. Relating to paragraph 4, sub-paragraph a, of Article 21, the Albanian party declares that prior notification is not necessary in cases of transit by air that does not schedule the landing in Albanian territory.
7. Declarations contained in paragraphs 1, 4 and 5 are valid only in conditions of reciprocity.
8. Relating to paragraph 2 of Article 12, the Albanian party presents the reservation that the request for extradition must be accompanied always by the original text, or authenticated copy of the applied law";

(ii) in the heading to the Part relating to Austria for the words "Part 1" there shall be substituted the words "Part 1AA";

(iii) the following part shall be inserted after Part 20–

"Part 21

Ukraine

Reservations and Declarations

Article 1
Ukraine reserves the right to refuse extradition if the person whose extradition is requested cannot, on account of his/her state of health, be extradited without damage to his/her health.

Article 2, paragraph 1
Ukraine shall grant extradition only for offences which are punishable by imprisonment for a maximum period of not less than one year or by a more severe penalty.

Article 4
The extradition in respect of general criminal offences which are also military offences may only be granted provided that the person whose extradition is requested will not be subject to criminal prosecution in accordance with Martial Law.

Article 6, paragraph 1, sub-paragraphs a and b
Ukraine will not extradite citizens of Ukraine to another State. For the purposes of this Convention, any person is considered to be a citizen who, in accordance with the laws of Ukraine at the time when the decision to extradite is taken, is a citizen of Ukraine.

Article 21, paragraph 5
Ukraine shall allow transit through its territory of persons who are extradited on the same conditions as those on which extradition is granted.

Article 23
Requests for extradition and documents appended thereto shall be sent to Ukraine together with a translation into Ukrainian or into one of the official languages of the Council of Europe unless they are drawn up in those languages.".

(c) in Schedule 5 (which sets out orders revoked)–

(i) in the heading to the part relating to Belgium for the words "Part 6" there shall be substituted the words "Part 7";

(ii) at the end, there shall be added–

"PART 8

ORDERS REVOKED WITH EFFECT FROM 1st September 1999

Order in Council dated 27th June 1927 directing that the Extradition Acts shall apply in the case of Albania (S.R. and O. 1927/605).".

A.K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on the 1st September 1999, amends the European Convention on Extradition Order 1990 by adding Albania and Ukraine to the States parties to the European Convention on extradition listed in Schedule 2 to the 1990 Order. It also adds the reservations and declarations made by Albania and Ukraine to the reservations and declarations set out in Schedule 3 to the 1990 Order and has the effect of revoking the Order in Council embodying the Extradition Treaty between the United Kingdom and Albania, to the extent that it applies to the United Kingdom, The Channel Islands and the Isle of Man.

£1.50

© Crown copyright 1999

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

WO 5133 7/99 ON (MFK)