FUGITIVE CRIMINAL

1960 No. 1375

The Federal Republic of Germany (Extradition) Order, 1960

Made - - - -	*3rd August*, 1960
Laid before Parliament	*9th August*, 1960
Coming into Operation	*1st September*, 1960

At the Court at Buckingham Palace, the 3rd day of August, 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas an Agreement(a) was concluded on the 23rd of February, 1960, between Her Majesty's Government in the United Kingdom and the Government of the Federal Republic of Germany for the Extradition of Fugitive Criminals (hereinafter referred to as " the Agreement "), the terms of which are set out in the First Schedule to this Order:

And Whereas Article I of the Agreement provides that Articles I to XIV of the Treaty(b) between the United Kingdom and Germany for the Mutual Surrender of Fugitive Criminals signed at London on the 14th of May, 1872, shall be reapplied, with amendments, as between the territories mentioned in Article II of the Agreement; and Articles I to XIV of the said Treaty, as so amended, are set out in the Second Schedule to this Order:

And Whereas the Government of the Federal Republic of Germany have not delivered a declaration that the Agreement shall not apply to Land Berlin, in accordance with Article II thereof:

And Whereas it has been agreed by an Exchange of Notes on the 16th of July, 1960, the terms of which are set out in the Third Schedule to this Order, that the Agreement shall come into force on the 1st of September, 1960:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by the Extradition Acts, 1870 to 1935, 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. The Extradition Acts, 1870 to 1935, shall apply in the case of the Federal Republic of Germany and Land Berlin (West Berlin) under and in accordance with the Agreement.

2. The operation of this Order is limited to the United Kingdom of Great Britain and Northern Ireland, the Channel Islands, the Isle of Man, and the other territories (including their dependencies) specified in the Fourth Schedule to this Order.

3. This Order may be cited as the Federal Republic of Germany (Extradition) Order, 1960. It shall come into operation on the 1st September, 1960.

W. G. Agnew.

(a) Cmnd. 1002. (b) C. 564. (Printed in S.R. & O. Rev. IX, p. 148).

FIRST SCHEDULE

ENGLISH TEXT

AGREEMENT OF THE 23RD OF FEBRUARY, 1960 BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR THE EXTRADITION OF FUGITIVE CRIMINALS

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal Republic of Germany;

Desiring to reapply the Treaty between the United Kingdom and Germany for the Mutual Surrender of Fugitive Criminals signed at London on May 14th, 1872;

Have agreed as follows:

ARTICLE I

Subject to the provisions of this Agreement, Articles I to XIV of the Treaty between the United Kingdom and Germany for the Mutual Surrender of Fugitive Criminals signed at London on May 14th, 1872 (hereinafter called "the Treaty of 1872") shall be reapplied, as nearly as may be, as between the territories mentioned in Article II of this Agreement.

ARTICLE II

The territories to which the Treaty of 1872 shall apply are, on the one hand—

(*a*) the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man;

(*b*) Southern Rhodesia, Northern Rhodesia and Nyasaland, constituting the Federation of Rhodesia and Nyasaland;

(*c*) all British colonies (except Southern Rhodesia) for the international relations of which the Government of the United Kingdom are responsible;

(*d*) the following British protectorates, that is to say, Bechuanaland Protectorate, British Solomon Islands Protectorate, Gambia Protectorate, Kenya Protectorate, Nigeria Protectorate, Sierra Leone Protectorate, Somaliland Protectorate, Swaziland, Uganda Protectorate and Zanzibar Protectorate;

(*e*) the following British protected states, that is to say, Brunei and Tonga;

(*f*) the following territories administered by the Government of the United Kingdom under the trusteeship system of the United Nations, that is to say, Cameroons under United Kingdom trusteeship and Tanganyika; and

(*g*) any other territory for the international relations of which the Government of the United Kingdom are responsible and to which the application of the Treaty of 1872 may be extended by common agreement between the Contracting Parties embodied in an Exchange of Notes;

and, on the other hand—

the Federal Republic of Germany.

It shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany has not delivered a contrary declaration to the Government of the United Kingdom within three months from the date of signature of this Agreement.

References in the Treaty of 1872 to the territories of the High Contracting Parties shall be understood in this sense.

ARTICLE III

For Article II of the Treaty of 1872 the following Article shall be substituted:

"Extradition shall be reciprocally granted for the following crimes, provided that the crime charged constitutes an extradition crime according to the laws of the territory from which and to which extradition is desired:—

1. Murder or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Maliciously wounding or inflicting grievous bodily harm, or assault occasioning actual bodily harm.
5. Bigamy.

FIRST SCHEDULE

GERMAN TEXT

VEREINBARUNG VOM 23 FEBRUAR, 1960 ZWISCHEN DER REGIERUNG DES VEREINIGTEN KÖNIGREICHS VON GROSSBRITANNIEN UND NORDIRLAND UND DER REGIERUNG DER BUNDESREPUBLIK DEUTSCHLAND ÜBER DIE AUSLIEFERUNG FLÜCHTIGER VERBRECHER

Die Regierung des Vereinigten Königreichs von Grossbritannien und Nordirland und die Regierung der Bundesrepublik Deutschland haben in dem Wunsche, den Vertrag zwischen dem Vereinigten Königreich und Deutschland über die gegenseitige Auslieferung flüchtiger Verbrecher, unterzeichnet in London am 14. Mai 1872, wieder anzuwenden, folgendes vereinbart:

ARTIKEL I

Nach Massgabe dieser Vereinbarung werden die Artikel I bis XIV des Vertrages zwischen dem Vereinigten Königreich und Deutschland über die gegenseitige Auslieferung flüchtiger Verbrecher, unterzeichnet in London am 14. Mai 1872 (im folgenden genannt "der Vertrag von 1872"), so weit wie möglich zwischen den in Artikel II dieser Vereinbarung erwähnten Gebieten wieder angewandt.

ARTIKEL II

Die Gebiete, auf die der Vertrag von 1872 Anwendung findet, sind auf der einen Seite:

a) das Vereinigte Königreich von Grossbritannien und Nordirland, die Kanalinseln und die Insel Man;

b) Südrhodesien, Nordrhodesien und Nyassaland, die die Föderation von Rhodesien und Nyassaland bilden;

c) alle britischen Kolonien (ausser Südrhodesien), für deren internationale Beziehungen die Regierung des Vereinigten Königreichs verantwortlich ist;

d) die folgenden britischen Protektorate: Betschuanaland, das Protektorat Britische Salomon-Inseln, das Protektorat Gambia, das Protektorat Kenia, das Protektorat Nigeria, das Protektorat Sierra Leone, das Protektorat Somaliland, Swasiland, das Protektorat Uganda und das Protektorat Sansibar;

e) die folgenden britischen Schutzstaaten: Brunei und Tonga;

f) die folgenden Gebiete, die von der Regierung des Vereinigten Königreichs nach dem Treuhandschaftssystem der Vereinten Nationen verwaltet werden; der Teil Kameruns, der unter der Treuhandschaft des Vereinigten Königreichs steht, und Tanganyika; ferner

g) jedes andere Gebiet, für dessen internationale Beziehungen die Regierung des Vereinigten Königreichs verantwortlich ist und auf das der Anwendungsbereich des Vertrages von 1872 durch eine Übereinkunft zwischen den vertragschliessenden Parteien in Form eines Notenaustausches ausgedehnt werden kann;

und auf der anderen Seite:

die Bundesrepublik Deutschland. Er findet auch Anwendung auf das Land Berlin, sofern nicht die Regierung der Bundesrepublik Deutschland gegenüber der Regierung des Vereinigten Königreichs von Grossbritannien und Nordirland innerhalb von drei Monaten nach der Unterzeichnung dieser Vereinbarung eine gegenteilige Erklärung abgibt.

Alle Hinweise in dem Vertrag von 1872 auf die Gebiete der vertragschliessenden Parteien werden in diesem Sinne verstanden.

ARTIKEL III

Artikel II des Vertrages von 1872 wird durch nachstehenden Artikel ersetzt:

Auslieferung wird gegenseitig für die folgenden Straftaten gewährt, wenn sie nach den Gesetzen des ersuchenden und ersuchten Gebietes auslieferungsfähig sind:

1. Mord und andere zum Tode eines Menschen führende verbrecherische Handlungen, einschliesslich Versuch, Verabredung und Verbindung zur Tat;
2. vorsätzliche Tötung geringerer Schwere und grob fahrlässige Tötung;
3. Abtreibung mittels Drogen oder Werkzeugen, einschliesslich vollendetem Versuch;
4. vorsätzliche Körperverletzung;
5. Doppelehe;

6. Indecent assault.

7. Unlawful sexual intercourse, or any attempt to have unlawful sexual intercourse, with a girl under sixteen years of age.

8. Rape.

9. Procuration.

10. Kidnapping or false imprisonment.

11. Abduction.

12. Stealing, abandoning, exposing or unlawfully detaining a child.

13. Burglary, housebreaking, larceny or embezzlement.

14. Robbery with violence.

15. Threats, by letter or otherwise, with intent to extort money or other things of value.

16. Receiving any money, valuable security or other property, knowing the same to have been stolen or unlawfully obtained.

17. Fraud by a bailee, banker, agent, factor or trustee, or by a director, member or public officer of any company; fraudulent conversion; or obtaining money,

18. Forgery, or uttering what is forged.

19. (*a*) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.

(*b*) Knowingly and without lawful authority making or having in possession any instrument for the counterfeiting of money.

(*c*) Attempts to commit any crime mentioned in (*a*) or (*b*) above.

20. Perjury, or subornation of perjury.

21. Malicious damage to property.

22. Arson.

23. Any malicious act done with intent to endanger the safety of any persons travelling or being upon a railway.

24. Crimes against bankruptcy law.

25. Crimes or attempted crimes in connection with the traffic in dangerous drugs. valuable security or goods by false pretences.

26. Piracy and other crimes committed on the high seas against persons or things.

27. Dealing in slaves.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided that the participation is punishable by the laws of the territory from which and to which extradition is desired.

Extradition may be refused if under the law of the requesting Party the person sought is liable to the death penalty for the crime on which the request for his extradition is based but the law of the requested Party does not provide for the death penalty in a similar case."

ARTICLE IV

For Article III of the Treaty of 1872 the following Article shall be substituted:

"No German shall be delivered up by the Government of the Federal Republic of Germany to the Government of the United Kingdom; and no British subject, British protected person or citizen of the Irish Republic shall be delivered up by the Government of the United Kingdom to the Government of the Federal Republic of Germany.

Neither Party shall be required by this Treaty to deliver up a fugitive criminal who is a member of the armed forces of a third state stationed in the territory of that Party. The same shall apply to a civilian accompanying and serving with those armed forces and to the dependants of any such member or civilian."

6. Vornahme unzüchtiger Handlungen unter Androhung oder Anwendung von Gewalt;
7. Beischlaf mit einem Mädchen unter 16 Jahren, einschliesslich Versuch;
8. Erzwingung oder Erschleichung des ausserehelichen Beischlafs;
9. Kuppelei;
10. Freiheitsberaubung;
11. Entführung;
12. Kindesraub, Kindesaussetzung und rechtswidrige Vorenthaltung eines Kindes;
13. Einbruchsdiebstahl, Diebstahl, Unterschlagung und Veruntreuung;
14. Raub;
15. Erpressung;
16. Hehleri;
17. Betrug und Untreue;
18. Urkundenfälschung;
19. a) Falschmünzerei, Münzverfälschung und Inverkehrbringen falschen Geldes;
    b) die vorsätzliche und rechtswidrige Herstellung sowie der vorsätzliche und rechtswidrige Besitz von Instrumenten, die für Falschmünzerei geeignet oder bestimmt sind;
    c) der Versuch, eines der unter a) oder b) aufgeführten Verbrechen zu begehen;
20. Meineid und Anstiftung zum Meineid;
21. Sachbeschädigung;
22. vorsätzliche Brandstiftung;
23. vorsätzliche Gefährdung von Personen im Eisenbahnverker;
24. Konkursstraftaten;
25. Straftaten im Zusammenhang mit dem Handel mit Betäubungsmitteln, einschliesslich Versuch;
26. Piraterie sowie andere Straftaten, die auf hoher See gegen Personen oder Sachen begangen werden;
27. Sklavenhandel.

Auslieferung wird auch für die Teilnahme an einer der oben erwähnten Straftaten gewährt, wenn die Teilnahme nach den Gesetzen des ersuchenden und des ersuchten Gebietes strafbar ist.

Die Auslieferung kann abgelehnt werden, wenn der Verfolgte wegen der Straftat, die dem Ersuchen um Auslieferung zugrunde liegt, nach dem Recht der ersuchenden Partei der Todesstrafe unterliegt, während das Recht der ersuchten Partei für einen solchen Fall die Todesstrafe nicht vorsieht.

Artikel IV

Artikel III des Vertrages von 1872 wird durch nachstehenden Artikel ersetzt:

"Kein Deutscher wird von der Regierung der Bundesrepublik Deutschland an die Regierung des Vereinigten Königreichs und kein britischer Untertan, keine unter britischem Schutze stehende Person und kein Bürger der Irischen Republik wird von der Regierung des Vereinigten Königreichs an die Regierung der Bundesrepublik Deutschland ausgeliefert.

Keine Partei wird durch diesen Vertrag verpflichtet, einen Verfolgten auszuliefern, der Mitglied der im Gebiet des ersuchten Staates stationierten Streitkräfte eines dritten Staates ist. Das gleiche gilt für eine Zivilperson, die solche Streitkräfte begleitet und in ihren Diensten steht, sowie für die Angehörigen eines solchen Mitgliedes oder einer solchen Zivilperson."

ARTICLE V

The following provisions shall be added at the end of the first paragraph of Article VIII of the Treaty of 1872:

"However, in the case of a fugitive criminal whose surrender is sought by the Government of the Federal Republic of Germany and who is found in a territory other than the United Kingdom, the Channel Islands and the Isle of Man, the requisition may be made direct to the Governor or chief authority of that territory and may be made either by a diplomatic or by a consular officer of the Federal Republic of Germany. If the requisition is made to the Governor or chief authority of a territory as aforesaid, it shall be dealt with by the competent authorities of the territory; provided, nevertheless, that if an order for the committal of the fugitive criminal to prison to await surrender shall be made by a magistrate, the said Governor or chief authority may, instead of issuing a warrant for the surrender of the fugitive, refer the matter to the Government of the United Kingdom."

ARTICLE VI

This Agreement shall not apply to extradition crimes committed earlier than January 1st, 1953.

ARTICLE VII

The date on which this Agreement shall come into force shall be agreed upon by an Exchange of Notes. Either Contracting Party may at any time terminate the Agreement by giving six months' notice in writing to the other Party.

In witness whereof the undersigned Plenipotentiaries have signed the present Agreement.

Done in duplicate at Bonn this 23rd day of February, 1960, in the English and German languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland.

CHRISTOPHER STEEL.

For the Government of the Federal Republic of Germany.

ALBERT HILGER VAN SCHERPENBERG
JOSEF SCHAFHEUTLE.

ARTIKEL V

Artikel VIII Abs. 1 des Vertrages von 1872 wird wie folgt ergänzt:

"Indessen können Ersuchen seitens der Bundesrepublik Deutschland um Auslieferung eines flüchtigen Verbrechers, der in einem Gebiet ausserhalb des Vereinigten Konigreichs, der Kanalinseln oder der Insel Man gefunden wird, unmittelbar an den Gouverneur oder die höchste Behörde dieses Gebietes gerichtet werden, und zwar entweder durch den diplomatischen oder den konsularischen Beamten der Bundesrepublik Deutschland. Wird das Ersuchen an den Gouverneur oder die höchste Behörde eines Gebietes gerichtet, wird es von den zuständigen Behörden des Gebietes erledigt; wenn jedoch ein Auslieferungs-Haftbefehl gegen den flüchtigen Verbrecher von einem Polizeirichter erlassen worden ist, kann der betreffende Gouverneur oder die betreffende höchste Behörde anstatt die Übergabe des Flüchtigen anzuordnen, die Angelegenheit an die Regierung des Vereinigten Königreichs verweisen."

ARTIKEL VI

Diese Vereinbarung findet keine Anwendung auf die auslieferungsfähigen Straftaten, die vor dem 1. Januar 1953 begangen worden sind.

ARTIKEL VII

Der Zeitpunkt, an dem diese Vereinbarung in Kraft treten soll, wird durch Notenwechsel vereinbart. Jede der beiden vertragschliessenden Parteien kann die Vereinbarung jederzeit gegenüber der anderen Partei unter Einhaltung einer Kündigungsfrist von sechs Monaten schriftlich kündigen.

ZU URKUND DESSEN haben die hierzu gehörig bevollmächtigten Unterzeichneten diese Vereinbarung unterzeichnet.

GESCHEHEN zu Bonn am 23. Februar 1960 in zwei Urschriften, jede in englischer und deutscher Sprache, wobei jeder Wortlaut gleichermassen verbindlich ist.

Für die Regierung des Vereinigten Königreichs von Grossbritannien und Nordirland

CHRISTOPHER STEEL.

Für die Regierung der Bundesrepublik Deutschland

ALBERT HILGER VAN SCHERPENBERG.

JOSEF SCHAFHEUTLE.

SECOND SCHEDULE

ARTICLES I TO XIV OF THE TREATY OF THE 14TH OF MAY, 1872, BETWEEN THE UNITED KINGDOM AND GERMANY FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS AS AMENDED BY THE AGREEMENT OF THE 23RD OF FEBRUARY, 1960

ARTICLE I

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime committed in the territory of the one Party, shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

ARTICLE II

Extradition shall be reciprocally granted for the following crimes, provided that the crime charged constitutes an extradition crime according to the laws of the territory from which and to which extradition is desired:—

1. Murder or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Maliciously wounding or inflicting grevious bodily harm, or assault occasioning actual bodily harm.
5. Bigamy.
6. Indecent assault.
7. Unlawful sexual intercourse, or any attempt to have unlawful sexual intercourse, with a girl under sixteen years of age.
8. Rape.
9. Procuration.
10. Kidnapping or false imprisonment.
11. Abduction.
12. Stealing, abandoning, exposing or unlawfully detaining a child.
13. Burglary, housebreaking, larceny or embezzlement.
14. Robbery with violence.
15. Threats, by letter or otherwise, with intent to extort money or other things of value.
16. Receiving any money, valuable security or other property, knowing the same to have been stolen or unlawfully obtained.
17. Fraud by a bailee, banker, agent, factor or trustee, or by a director, member or public officer of any company; fraudulent conversion; or obtaining money, valuable security or goods by false pretences.
18. Forgery, or uttering what is forged.
19. (*a*) Counterfeiting or altering money or bringing into circulation counterfeited or altered money.

    (*b*) Knowingly and without lawful authority making or having in possession any instrument for the counterfeiting of money.

    (*c*) Attempts to commit any crime mentioned in (*a*) or (*b*) above.
20. Perjury, or subornation of perjury.
21. Malicious damage to property.
22. Arson.
23. Any malicious act done with intent to endanger the safety of any persons travelling or being upon a railway.
24. Crimes against bankruptcy law.
25. Crimes or attempted crimes in connection with the traffic in dangerous drugs.
26. Piracy and other crimes committed on the high seas against persons or things.
27. Dealing in slaves.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided that the participation is punishable by the laws of the territory from which and to which extradition is desired.

Extradition may be refused if under the law of the requesting Party the person sought is liable to the death penalty for the crime on which the request for his extradition is based but the law of the requested Party does not provide for the death penalty in a similar case.

ARTICLE III

No German shall be delivered up by the Government of the Federal Republic of Germany to the Government of the United Kingdom; and no British subject, British protected person or citizen of the Irish Republic shall be delivered up by the Government of the United Kingdom to the Government of the Federal Republic of Germany.

Neither Party shall be required by this Treaty to deliver up a fugitive criminal who is a member of the armed forces of a third state stationed in the territory of that Party. The same shall apply to a civilian accompanying and serving with those armed forces and to the dependants of any such member or civilian.

ARTICLE IV

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of the Federal Republic of Germany has already been tried and discharged or punished, or is still under trial, in the Federal Republic of Germany or Land Berlin, or in the United Kingdom, respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Government of the Federal Republic of Germany should be under examination for any other crime in the Federal Republic of Germany or Land Berlin, or in the United Kingdom, respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

ARTICLE V

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

ARTICLE VI

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

ARTICLE VII

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place.

This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties, respectively.

However, in the case of a fugitive criminal whose surrender is sought by the Government of the Federal Republic of Germany and who is found in a territory other than the United Kingdom, the Channel Islands and the Isle of Man, the requisition may be made direct to the Governor or chief authority of that territory and may be made either by a diplomatic or by a consular officer of the Federal Republic of Germany. If the requisition is made to the Governor or chief authority of a territory as aforesaid, it shall be dealt with by the competent authorities of the territory; provided, nevertheless, that if an order for the committal of the fugitive criminal to prison to await surrender shall be made by a magistrate, the said Governor or chief authority may, instead of issuing a warrant for the surrender of the fugitive, refer the matter to the Government of the United Kingdom.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A requisition for extradition cannot be founded on sentences passed *in contumaciam.*

ARTICLE IX

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the same country.

ARTICLE X

The extradition shall not take place before the expiration of fifteen days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition.

ARTICLE XI

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a Judge, Magistrate, or Officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

ARTICLE XII

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

ARTICLE XIII

All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XIV

The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance till placed on board ship; they reciprocally agree to bear such expenses themselves.

THIRD SCHEDULE

EXCHANGE OF NOTES OF THE 16TH OF JULY, 1960, PROVIDING FOR THE ENTRY INTO FORCE OF THE EXTRADITION AGREEMENT BETWEEN THE UNITED KINGDOM AND THE FEDERAL REPUBLIC OF GERMANY

July 16, 1960

Your Excellency,

Acting upon instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to propose that the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal Republic of Germany for the Extradition of Fugitive Criminals, signed at Bonn on the 23rd of February, 1960, should enter into force on the 1st of September, 1960.

If the foregoing proposal is acceptable to the Government of the Federal Republic of Germany, I have the honour to suggest that this Note together with Your Excellency's reply in that sense should constitute the Exchange of Notes provided for in Article VII of the said Agreement.

I have the honour to be,
With the highest consideration,
Your Excellency's obedient Servant,

CHRISTOPHER STEEL.

Bonn, den 16 Juli 1960

Herr Botschafter,

Ich beehre mich, den Empfang Ihrer Note Nr. 1596 vom 16. Juli 1960 zu bestätigen, mit welcher vorgeschlagen wird, dass die am 23. Februar 1960 in Bonn unterzeichnete Vereinbarung zwischen der Regierung der Bundesrepublik Deutschland und der Regierung des Vereinigten Königreichs Grossbritannien und Nordirland über die Auslieferung flüchtiger Verbrecher am 1. September 1960 in Kraft tritt.

Ich beehre mich, Ihnen mitzuteilen, dass die Regierung der Bundesrepublik Deutschland mit diesem Vorschlag einverstanden ist und dass Ihre Note und diese Antwort den im Artikel VII der genannten Vereinbarung vorgesehenen Notenwechsel darstellen.

Genehmigen Sie, Herr Botschafter, die Versicherung meiner ausgezeichnetsten Hochachtung.

A. H. VAN SCHERPENBERG.

Seiner Exzellenz,
dem Königlich Britischen Botschafter,
Sir Christopher Eden Steel.
Bonn

FOURTH SCHEDULE

OVERSEAS TERRITORIES TO WHICH THE ORDER EXTENDS

The Colony of Aden.
Antigua.
Bahamas.
Barbados.
Basutoland.
Bermuda.
British Guiana.
British Honduras.
The Cayman Islands.
Dominica.
The Falkland Islands.
Fiji.
The Colony of the Gambia.
Gibraltar.
The Gilbert and Ellice Islands.
Grenada.
Hong Kong.
Jamaica.
The Colony of Kenya.
Malta.
Mauritius.
Montserrat.
The Colony of Nigeria.
North Borneo.
Pitcairn.
St. Christopher, Nevis and Anguilla.
St. Helena.
St. Lucia.
St. Vincent.
Sarawak.
Seychelles.
The Colony of Sierra Leone.
The State of Singapore.
Southern Rhodesia.
The Sovereign Base Areas of Akrotiri and Dhekelia.
Trinidad and Tobago.
The Turks and Caicos Islands.
The Virgin Islands.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order applies the Extradition Acts, 1870 to 1935, in the case of Federal Republic of Germany and Land Berlin (West Berlin) in accordance with the Agreement between Her Majesty's Government and the Government of the Federal Republic of Germany concluded on the 23rd of February, 1960