1978 No. 455

FUGITIVE CRIMINAL

The France (Extradition) (Amendment) Order 1978

Made - - - -	21*st March* 1978
Laid before Parliament	3*rd April* 1978
Coming into Operation	16*th April* 1978

At the Court at Buckingham Palace, the 21st day of March 1978

Present,
The Queen's Most Excellent Majesty in Council

Whereas a Treaty was concluded on 14th August 1876 between Her late Majesty in respect of the United Kingdom of Great Britain and Northern Ireland and the late President of the French Republic for the mutual surrender of fugitive criminals(a), which Treaty was later amended by supplementary Conventions(b):

And whereas it has been agreed by Notes exchanged on 16th February 1978, 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 III 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 France (Extradition) (Amendment) Order 1978 and shall come into operation on 16th April 1978.

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 France in accordance with the said Treaty, as amended by the said supplementary Conventions and the said Exchange of Notes.

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

(a) S.R. & O. 1878, May 16.
(b) S.R. & O. 1896/54, 1909/1458. (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 REPUBLIC OF FRANCE SUPPLEMENTING ARTICLE III OF THE TREATY FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS SIGNED ON 14 AUGUST 1876, AS AMENDED.

No. 1

Her Majesty's Ambassador at Paris to the Minister for Foreign Affairs of France

British Embassy,
Paris.
16 February 1978.

Your Excellency,

I have the honour to refer to the Treaty between the United Kingdom and the French Republic for the Mutual Surrender of Fugitive Criminals signed at Paris on 14 August 1876 as supplemented and amended by the Conventions signed at Paris on 13 February 1896 and 17 October 1908.

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 III of the Treaty, shall be supplemented by the addition of the following:

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

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

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

Nicholas Henderson.

No. 2

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

Paris.
16 Février 1978

Monsieur l'Ambassadeur,

Par lettre en date de ce jour, Votre Excellence a bien voulu m'adresser la communication suivante:

"J'ai l'honneur de me référer au Traité entre le Royaume-Uni et la République Française pour l'extradition réciproque des criminels fugitifs, signé à Paris le 14 août 1876, complété et modifié par les Conventions signées à Paris les 13 février 1896 et 17 octobre 1908.

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 III de ce Traité:

"26. Infractions à la législation relative aux stupéfiants et drogues dangereuses, y compris lorsqu'elles sont punissables selon la législation des deux pays, la tentative de commettre de telles infractions et l'entente délictueuse en vue de les commettre".

Si la proposition qui précède paraît acceptable au Gouvernement français j'ai l'honneur de suggérer que cette lettre et la réponse que Votre Excellence voudra bien lui réserver en ce sens, constitueront un accord entre le Royaume-Uni et la République Française qui entrera en vigueur deux mois après la date de la réponse."

J'ai l'honneur de faire connaître à Votre Excellence que le Gouvernement français prend acte de cette communication et donne son assentiment aux propositions qu'elle contient.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

Claude Chayet.

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 France by the addition of drug offences in accordance with Article III of the Treaty between Her late Majesty and the late President of the French Republic for the mutual surrender of fugitive criminals which was signed on 14th August 1876, as amended by supplementary Conventions and by Notes exchanged on 16th February 1978.

SI 1978/455
ISBN 0-11-083455-0

