The Luxembourg (Extradition) Order in Council, 1951

1951 No. 1170

Made - - - -	*29th June,* 1951
Laid before Parliament	*29th June,* 1951
Coming into Operation	*9th July,* 1951

At the Court at Windsor, the 29th day of June, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas by the Extradition Acts, 1870-1935(a), (hereinafter referred to as the Acts) it is enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, His Majesty may, by Order in Council, direct that the Acts shall apply in the case of such foreign State; and that His Majesty may, by the same or any subsequent Order, limit the operation of the Order and restrict the same to fugitive criminals who are in or suspected of being in the part of His Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient;

And Whereas a Treaty(b) was signed on the 24th day of November, 1880, between Her late Majesty Queen Victoria and His late Majesty King William of the Netherlands, Grand Duke of Luxembourg, for the mutual extradition of fugitive criminals; and was duly ratified;

And Whereas a supplementary Convention(c) was signed on the 29th day of May, 1939, between His Majesty and Her Royal Highness the Grand Duchess of Luxembourg, which Convention is in the terms following:—

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and Her Royal Highness the Grand Duchess of Luxembourg, desiring to make further provision for the reciprocal extradition of fugitive criminals have resolved to conclude a supplementary Convention to this end and for this purpose have appointed as their plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

For Great Britain and Northern Ireland:

The Right Honourable Sir Robert Henry Clive, Knight Grand Cross of The Most Distinguished Order of Saint Michael and Saint George, Envoy Extraordinary and Minister Plenipotentiary to Her Royal Highness The Grand Duchess of Luxembourg;

Her Royal Highness the Grand Duchess of Luxembourg,

Mr. Joseph Bech, Grand Cross of the Order of Adolph of Nassau, Grand Officer of the Order of the Oaken Crown, &c., her Minister for Foreign Affairs;

(a) 33 & 34 Vict. c. 52; 36 & 37 Vict. c. 60; 58 & 59 Vict. c. 33; 6 Edw. 7. c. 15; 22 & 23 Geo. 5. c. 39; 25 & 26 Geo. 5. c. 25.

(b) C. 2803.

(c) Cmd. 6087.

Who, having communicated to each other their full powers found in good and due form, have agreed as follows :—

ARTICLE 1

From the date of the coming into force of the present Convention, Article 2 of the Extradition Treaty signed at Luxembourg on the 24th November 1880, shall be amended by the addition of the following clause :—

"Extradition may also be granted at the discretion of the High Contracting Party applied to in respect of any other crime or offence for which, according to the laws for the time being in force in the territories from which and to which extradition is desired, the grant may be made."

ARTICLE 2

The foregoing amendment shall apply to extradition proceedings between Luxembourg on the one hand and, on the other hand, the following territories, that is to say, the United Kingdom of Great Britain and Northern Ireland (including the Channel Islands and the Isle of Man), Newfoundland, British Colonies, British Protectorates and British-protected States to which the Extradition Treaty of the 24th November, 1880, applies, and all mandated territories to which the said Treaty extends and in respect of which the mandate is exercised by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 3

The High Contracting Parties agree that His Majesty The King may accede to the present Convention in respect of any other member of the British Commonwealth of Nations, whose Government may desire that such accession be effected, by a notice given to that effect by the appropriate diplomatic representative of His Majesty. From the date that such notice comes into effect the amendment set forth in Article 1 shall apply to extradition proceedings between Luxembourg on the one hand, and on the other the territory of the member of the Commonwealth concerned.

Any notice given under the first paragraph of this Article in respect of any member of the British Commonwealth of Nations may include any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is exercised by the Government of the member concerned.

ARTICLE 4

The present Convention shall be ratified. The ratifications shall be exchanged in Brussels as soon as possible.

ARTICLE 5

The present Convention shall enter into force three months after the exchange of ratifications and shall have the same duration as the Extradition Treaty of the 24th November, 1880.

In faith whereof the above-named plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate in English and French at Luxembourg the twenty-ninth day of May in the year of our Lord one thousand nine hundred and thirty-nine.

For Great Britain and Northern Ireland,
(L.S.) *R. H. Clive.*

For the Grand Duchy of Luxembourg,
(L.S.) *Bech.*

And Whereas the ratifications of the said supplementary Convention were exchanged at Brussels on the 3rd day of August, 1949;

Now, therefore, His Majesty, in exercise of the powers conferred on Him by the Acts, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The Acts shall apply in the case of Luxembourg under and in accordance with the said Treaty as supplemented by the said Convention as above set forth.

2. The operation of this Order is restricted to the United Kingdom of Great Britain and Northern Ireland, the Channel Islands, the Isle of Man, and the Colonies.

3. This Order may be cited as the Luxembourg (Extradition) Order in Council, 1951. It shall come into operation on the 9th day of July, 1951.

E. C. E. Leadbitter.

The Luxembourg (Extradition) (Australia) Order in Council, 1951

1951 No. 1171

Made - - - -	29*th June*, 1951
Laid before Parliament	29*th June*, 1951
Coming into Operation	10*th July*, 1951

At the Court at Windsor, the 29th day of June, 1951

Present,

The King's Most Excellent Majesty in Council.

Whereas by the Extradition Acts, 1870-1935(a), (hereinafter referred to as the Acts) it is enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, His Majesty may, by Order in Council, direct that the Acts shall apply in the case of such foreign State; and that His Majesty may, by the same or any subsequent Order, limit the operation of the Order and restrict the same to fugitive criminals who are in or suspected of being in the part of His Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient;

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His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and Her Royal Highness the Grand

(a) 33 & 34 Vict. c. 52; 36 & 37 Vict. c. 60; [58 & 59 Vict. c. 33; 6 Edw. 7. c. 15: 22 & 23 Geo. 5. c. 39; 25 & 26 Geo. 5. c. 25.
(b) C. 2803. (c) Cmd. 6087.