

Federal Republic of Germany (Extradition) Order in Council

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No. S 782

EXTRADITION ACT (CHAPTER 103)

THE FEDERAL REPUBLIC OF GERMANY (EXTRADITION) ORDER IN COUNCIL

The following Order of Her Majesty in Council made on the 3rd day of August, 1960, entitled “The Federal Republic of Germany (Extradition) Order, 1960”, is published for general information:

No. S 237/1960

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 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:

^(a) Cmnd. 1002.

And Whereas Article 1 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:

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

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

FIRST SCHEDULE

ENGLISH TEXT

AGREEMENT OF THE 23RD 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.
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 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