

Serial Number 1940/10.



**THE HUNGARY (EXTRADITION : NEW ZEALAND) ORDER
IN COUNCIL, 1938.**

At the Court at Buckingham Palace, the 24th day of February, 1938.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Extradition Acts, 1870 to 1935 (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 and 26 Geo. 5, c. 25), it was, amongst other things, 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 said 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* was signed on the 3rd day of December, 1873, between Her late Majesty Queen Victoria and His late Majesty the Emperor of Austria and King of Hungary for the mutual extradition of fugitive criminals which Treaty was amended by a Declaration† signed on the 26th day of June, 1901 :

And whereas the said Treaty and Declaration were duly ratified.

And whereas under the provisions of Article 3 of the Supplementary Treaty signed on the 18th day of September, 1936, between His former Majesty King Edward VIII and His Serene Highness the Regent of the Kingdom of Hungary, for the mutual extradition of fugitive criminals, the terms whereof were recited in the Hungary (Extradition) Order in Council, 1937, and are as follows :—

TREATY BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM
AND HIS SERENE HIGHNESS THE REGENT OF HUNGARY, SUPPLE-
MENTARY TO THE TREATY OF DECEMBER 3, 1873, REGARDING
EXTRADITION.

Budapest, September 18, 1936.

[Ratifications exchanged in London on July 13, 1937.]

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, and His Serene Highness the Regent of the Kingdom of Hungary, desiring to make further

* For Order in Council of 17th March, 1874, setting out the terms of the Treaty of 3rd December, 1873, and applying the Extradition Act, 1870 (Imperial), thereto, see *Gazette*, 1874, page 416.

† For Order in Council of 15th September, 1902, setting out the terms of the Declaration of 26th June, 1901, and applying the Extradition Acts, 1870 to 1895 (Imperial), thereto, see *Gazette*, 1902, Vol. II, page 2633.

provision for the reciprocal extradition of fugitive criminals, have resolved to conclude a Supplementary Treaty 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—

Sir Geoffrey George Knox, K.C.M.G., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Budapest ;

His Serene Highness the Regent of the Kingdom of Hungary—

M. Kálmán Kánya de Kánya, Royal Hungarian Minister for Foreign Affairs ;

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

Article 1.

Article 2 of the Extradition Treaty signed at Vienna on the 3rd December, 1873, 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 act, not being one in respect of which there is an obligation to grant extradition under the preceding provisions of this Article, but which is a crime or offence which is punishable, according to the laws of both of the High Contracting Parties for the time being in force, by not less than two years' imprisonment, and for which, according to the said laws, the grant may be made.”

Article 2.

The foregoing amendment shall apply to extradition proceedings between Hungary on the one hand and, on the other hand, the following territories of His Majesty, that is to say, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands, the Isle of Man, Newfoundland, British Colonies, British Protectorates to which the Extradition Treaty of the 3rd December, 1873, applies, and mandated territories to which the said Treaty has been or may be extended, 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 Treaty 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 at Budapest. From the date that such notice comes into force the amendment set forth in Article 1 shall apply to extradition proceedings between Hungary 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 Treaty shall be ratified. The ratifications shall be exchanged in London as soon as possible.

Article 5.

The present Treaty shall enter into force three months after the exchange of ratifications and shall have the same duration as the Extradition Treaty of the 3rd December, 1873.

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

Done in duplicate in the English and Hungarian languages at Budapest, the 18th day of September, 1936.

[SEAL] G. G. KNOX.

[SEAL] KANYA KALMAN.

His Majesty has acceded to the said Supplementary Treaty in respect of the Dominion of New Zealand* :

And whereas His Majesty has been advised by his Ministers in New Zealand to take the necessary steps to cause the said-recited Acts to be applied in the case of Hungary in respect of New Zealand in accordance with the said Supplementary Treaty :

Now, therefore, His Majesty, by and with the advice of His Privy Council, and in virtue of the authority committed to Him by the said-recited Acts, doth order, and it is hereby ordered, that from and after the 14th day of March, 1938, the said Acts shall apply in respect of New Zealand in the case of Hungary under and in accordance with the said Treaty of the 3rd December, 1873, as modified by the Declaration of the 26th June, 1901, and by the Supplementary Treaty of the 18th September, 1936.

This Order may be cited as the Hungary (Extradition : New Zealand) Order in Council, 1938.

M. P. A. HANKEY.

* The notice of accession under Article 3 of the Supplementary Treaty in respect of the Dominion of New Zealand included the Mandated Territory of Western Samoa. See *Gazette*, 1938, Vol. I, page 902.

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This Order in Council is administered in the Police Department.