

Serial Number 1940/69.



**THE ICELAND (EXTRADITION : NEW ZEALAND) ORDER IN COUNCIL, 1940.**

At the Court at Buckingham Palace, the 16th day of January, 1940.

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 & 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 31st day of March, 1873, between Her late Majesty Queen Victoria and His late Majesty the King of Denmark for the mutual extradition of fugitive criminals, which Treaty applies to Iceland :

And whereas the said Treaty was duly ratified :

And whereas under the provisions of Article 3 of the Supplementary Convention signed on the 25th day of October, 1938, between His Majesty and His Majesty the King of Iceland and Denmark for the mutual extradition of criminals, the terms whereof were recited in the Iceland (Extradition) Order in Council, 1939, and are as follows :—

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty The King and Emperor), and His Majesty The King of Iceland and Denmark.

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 :

\* For Order in Council of 26th June, 1873, setting out the terms of the Treaty of 31st March, 1873, and applying the Extradition Act, 1870 (Imperial), thereto, see *Gazette*, 1873, page 576.

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 Rt. Hon. the Viscount Halifax, K.G., G.C.S.I., G.C.I.E., T.D.,  
His Majesty's Principal Secretary of State for Foreign Affairs ;

His Majesty The King of Iceland and Denmark :

For Iceland :

Count Eduard Reventlow, His Majesty's Envoy Extraordinary and  
Minister Plenipotentiary in London :

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 1 of the Extradition Treaty signed at Copenhagen on the 31st March, 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 other crime or offence for which, according to the laws of both of the High Contracting Parties for the time being in force, the grant may be made.”

#### *Article 2.*

The foregoing amendment shall apply to extradition proceedings between Iceland on the one hand, and, on the other hand, the following territories of His Majesty The King and Emperor, 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 31st March, 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 and Emperor 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 The King and Emperor at Copenhagen. From the date that such notice comes into force the amendment set forth in Article 1 shall apply to extradition proceedings between Iceland 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 The King and Emperor and is exercised by the Government of the Member concerned.

#### *Article 4.*

The present Convention shall be ratified. The ratifications shall be exchanged at London 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 31st March, 1873.

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

Done in duplicate in English and Icelandic at London the 25th day of October, 1938.

(L.S.) HALIFAX.

(L.S.) E. REVENTLOW.

And whereas His Majesty has acceded to the said Convention 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 Iceland in respect of New Zealand in accordance with the said Supplementary Convention :

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 27th day of February, 1940, the said Acts shall apply in respect of New Zealand in the case of Iceland under and in accordance with the said Treaty of the 31st March, 1873, as modified by the Supplementary Convention of the 25th October, 1938.

This Order may be cited as the Iceland (Extradition : New Zealand) Order in Council, 1940.

RUPERT B. HOWORTH.

\* It is hereby notified that the notice of accession in respect of the Dominion of New Zealand, which took effect on 27th February, 1940, included the Mandated Territory of Western Samoa.

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 18th day of April, 1940.  
These regulations are administered in the Police Department.