

1978 No. 1623

## FUGITIVE CRIMINAL

## The Israel (Extradition) (Amendment) Order 1978

|                               |                           |
|-------------------------------|---------------------------|
| <i>Made - - - -</i>           | <i>15th November 1978</i> |
| <i>Laid before Parliament</i> | <i>23rd November 1978</i> |
| <i>Coming into Operation</i>  | <i>14th December 1978</i> |

At the Court at Buckingham Palace, the 15th day of November 1978

Present,

The Queen's Most Excellent Majesty in Council

Whereas an Agreement was concluded on 4th April 1960 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel for the reciprocal extradition of criminals, the terms of which are set out in the First Schedule to the Israel (Extradition) Order 1960(a):

And whereas it has been agreed by Notes exchanged on 16th August 1978, the terms of which are set out in the Schedule to this Order, that the Agreement should be amended so as to reserve the right of the requested Government not to extradite its nationals:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred upon Her by sections 2 and 21 of the Extradition Act 1870(b), 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 Israel (Extradition) (Amendment) Order 1978 and shall come into operation on 14th December 1978.
2. The Interpretation Act 1889(c) 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 1895(d), as amended or extended by any subsequent enactment, shall apply in the case of the State of Israel in accordance with the said Agreement, as amended by the said Exchange of Notes.

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

(a) S.I. 1960/1660. (b) 1870 c. 52. (c) 1889 c. 63.  
(d) 1870 c. 52; 1873 c. 60; 1895 c. 33.

## SCHEDULE

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE STATE OF ISRAEL AMENDING THE AGREEMENT FOR THE RECIPROCAL EXTRADITION OF CRIMINALS SIGNED ON 4TH APRIL 1960.

## No. 1

*The Minister for Foreign Affairs of the State of Israel to Her Majesty's Chargé d'Affaires a.i. at Tel Aviv*

מר ניוינגטון הנכבד,

אני מתכבד להסתמך על ההסכם ברבר הסגדה הדדית של עבריינים בין ממשלת מדינת ישראל ובין ממשלת הממלכה המאוחדת של בריטניה הגדולה ואירלנד הצפונית שנעשה בלונדון ביום 4 באפריל 1960. ממשלת ישראל מציעה לממשלת הממלכה המאוחדת של בריטניה הגדולה ואירלנד הצפונית כי ההסכם האמור יתוקן בתוספת הסעיף דלקמן:

## סעיף 1א

"על אף הוראות סעיף 1, ממשלת מדינת ישראל לא תהא חייבת להסגיר אזרח של ישראל וממשלת הממלכה המאוחדת של בריטניה הגדולה ואירלנד הצפונית לא תהא חייבת להסגיר אזרח של הממלכה המאוחדת והמושבות. לא הוענקה ההסגרה בהתאם לפסקה הראשונה לסעיף זה, יגיש הצד המתבקש את הענין לפני רשותו המוסמכת לשם העמדה לדין".

עם קבלת איגרת הוד מעלתך המציינת שההצעה דלעיל מתקבלת על דעתה של ממשלת הממלכה המאוחדת של בריטניה הגדולה ואירלנד הצפונית, תראה ממשלת ישראל באגרת זו ובתשובתך עליה הסכם בין שתי ממשלותינו המתקרא את ההסכם האמור, וכשהתיקון יהא בר פועל מתאריך חלוף אגרות זה.

אני משתמש בהזדמנות זו כדי לשוב ולחדש להוד מעלתך את הבטחות הערכתי הנעלה ביותר.

משה דיין

ירושלים, י"ג באב תשל"ח  
16 באוגוסט 1978

## Translation of No. 1

Jerusalem  
The 13th of Av, 5738  
16 August 1978

Dear Mr. Newington,

I have the honour to refer to the Agreement for the reciprocal extradition of criminals between the Government of the State of Israel and the Government of the United Kingdom of Great Britain and Northern Ireland, done at London on 4 April 1960. The Government of the State of Israel proposes to the Government of the United Kingdom of Great Britain and Northern Ireland that the said treaty be amended by the addition of the following Article:—

*Article 1A*

“Notwithstanding the provisions of Article 1, the Government of the State of Israel shall not be obliged to extradite a national of Israel, and the Government of the United Kingdom of Great Britain and Northern Ireland shall not be obliged to extradite a citizen of the United Kingdom and Colonies.

If extradition is not granted in pursuance of the first paragraph of this Article, the requested Party shall submit the case to its competent authority for the purpose of prosecution”.

Upon receipt of a Note from Your Excellency indicating that the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the State of Israel will consider that this Note and your reply thereto constitute an Agreement between our two Governments amending the said treaty, the amendment to take effect as from the date of this Exchange of Notes.

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

MOSHE DAYAN.

## No. 2

*Her Majesty's Chargé d'Affaires a.i. at Tel Aviv to the Minister for Foreign Affairs of the State of Israel*

British Embassy  
Tel Aviv  
16 August 1978

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of today's date, which in translation reads as follows:

[Translation as with No. 1]

In reply, I have the honour to inform Your Excellency that the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that your Note and the present reply shall constitute an Agreement between our two Governments amending the said treaty, the amendment to take effect from the date of this Exchange of Notes.

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

MICHAEL NEWINGTON.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order amends the application of the Extradition Acts 1870 to 1895, as amended or extended, in the case of the State of Israel so as to reserve the right of the requested Government not to extradite its nationals in accordance with the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel for the reciprocal extradition of criminals which was signed on 4th April 1960 and amended by Notes exchanged on 16th August 1978.

SI 1978/1623  
ISBN 0-11-084623-0



780110 846231