

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 Convention signed on the 29th day of October, 1934, between His Majesty and the Federal President of Austria for the mutual extradition of fugitive criminals, the terms whereof were recited in the Austrian (Extradition) Order in Council, 1935, and are as follows:—

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

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:

Sir Walford Selby, K.C.M.G., C.B.,
C.V.O., His Envoy Extraordinary and
Minister Plenipotentiary at Vienna:

The Federal President of Austria:

M. Egon Berger-Waldenegg, 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.

From the date of the coming into force of the present Convention 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 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 Austria 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 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 at Vienna. From the date that such notice comes into force the amendment set forth in Article 1 shall apply to extradition proceedings between Austria 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 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 3rd December, 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 German at Vienna, the 29th of October, 1934.

(L.S.) W. SELBY.

(L.S.) EGON BERGER.

His Majesty has acceded to the said Treaty in respect of the following Dominions, to wit: the Commonwealth of Australia (including Papua and Norfolk Island) and New Zealand:

And whereas His Majesty has been advised by His Ministers in the aforesaid Dominions to take the necessary steps to cause the said recited Acts to be applied in the case of Austria in respect of the aforementioned Dominions, 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 30th day of August, 1935, the said Acts shall apply in respect of the aforementioned Dominions in the case of Austria under and in accordance with the Treaty of the 3rd December, 1873, as modified by the Declaration of the 26th June, 1901, and by the said Supplementary Convention of the 29th October, 1934.

This Order may be cited as the Austria (Extradition: Commonwealth of Australia and New Zealand) Order in Council, 1935.

E. C. E. Leadbitter.