

S.I. 14 of 2012

Extradition Act

(Act 16 of 1991)

**Extradition (Designated Foreign State Belgium)
Order 2012**

In exercise of his powers conferred by Section 3(1)(b) of the Extradition Act 1991, the President makes the following Order—

1. This Order may be cited as the Extradition (Designated Foreign State Belgium) Order 2012. Citation

2. The Kingdom of Belgium is hereby declared a designated foreign state in pursuance of section 3 of the Extradition Act and in terms of the Treaty between the United Kingdom of Great Britain and Ireland and Belgium for the Mutual Surrender of Fugitive Criminals entered into between the United Kingdom of Great Britain and the Kingdom of Belgium, signed in Brussels on 29th October 1901, as set out in the schedule attached hereto save the references therein to the judicial and executive authorities of the United Kingdom be read as referring to the judicial and executive authorities of the Republic of Seychelles. Extradition Act 1991 Section 3

3. This Order shall remain in force until the said Treaty is revoked or resiled from by the Republic of Seychelles or Belgium, or further Order. Extradition Act 1991 Section 3(2)

SCHEDULE

**TREATY BETWEEN THE UNITED KINGDOM AND
BELGIUM FOR THE MUTUAL SURRENDER OF
FUGITIVE CRIMINALS**

Article I

It is agreed that His Britannic Majesty and His Majesty the King of the Belgians shall, on requisition made in their name

by their respective diplomatic agents, deliver up to each other reciprocally, under the circumstances and conditions stated in the present Treaty, any persons who, being accused or convicted, as principals or accessories, of any of the crimes hereinafter specified, committed within the territories of the requiring party, shall be found within the territories of the other party.

1. Murder (including assassination, parricide, infanticide, poisoning), or attempt, or conspiracy to murder, in cases jointly provided for by the laws of the two countries.
2. Administering drugs or using instruments with intent to procure the miscarriage of women.
3. Manslaughter.
4. Bigamy.
5. (a) Counterfeiting or altering money, or uttering counterfeit or altered money;
(b) Knowingly making, without lawful authority, any instrument, tool or engine adapted and intended for the counterfeiting of the coin of the realm.
6. Abandoning children, exposing or unlawfully detaining them.
7. Forgery, counterfeiting or altering or uttering what is forged, or counterfeited, or altered.
8. Any malicious act done with intent to endanger persons in a railway train.
9. Embezzlement or larceny.

10. Receiving any chattel, money, valuable security or other property, knowing the same to have been embezzled, stolen or feloniously obtained.
11. Obtaining money, goods or valuable securities by false pretences.
12. Crimes by bankrupts against bankruptcy law.
13. Fraud by a bailee, banker, agent, factor, trustee or director, or member or public officer of any company, made criminal by any law for the time being in force.
14. Rape.
Carnal knowledge, or any attempt to have carnal knowledge, of a girl under 16 years of age, so far as such acts are punishable by the law of the State upon which the demand is made.
Indecent assault. Indecent assault without violence upon children of either sex under 13 years of age.
15. Abduction.
16. Child-stealing.
17. Kidnapping and false imprisonment.
18. Burglary or housebreaking.
19. Arson.
20. Robbery with violence (including intimidation).
21. Threats by letter or otherwise, with intent to extort.
22. Piracy by law of nations.

23. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
24. Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.
25. Revolt or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.
26. Perjury and subornation of perjury.
27. Malicious injury to property, if the offence be indictable.
28. Assault occasioning actual bodily harm. Malicious wounding, or inflicting grievous bodily harm.
29. Offences in connection with the slave trade punishable by the laws of both States.

Provided that the surrender shall be made only when, in the case of a person accused, the commission of the crime shall be so established as that the laws of the country where the fugitive or person accused shall be found would justify his apprehension and commitment for trial if the crime had been there committed, and in the case of a person alleged to have been convicted, on such evidence as, according to the laws of the country where he is found, would prove that he had been convicted.

In no case can the surrender be made unless the crime shall be punishable according to the laws in force in both countries with regard to extradition.

In no case, nor on any consideration whatever, shall the High Contracting Parties be bound to surrender their own subjects, whether by birth or naturalization.

Article II

In the dominions of His Britannic Majesty, other than the colonies or foreign possessions of His Majesty, the manner of proceeding shall be as follows:

1. In the case of a person accused—

The requisition for the surrender shall be made to His Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Minister or other diplomatic agent of His Majesty the King of the Belgians, accompanied by a warrant of arrest or other equivalent judicial document issued by a Judge or Magistrate duly authorised to take cognizance of the acts charged against the accused in Belgium, together with duly authenticated depositions or statements taken on oath or upon solemn affirmation before such Judge or Magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify him.

The said Secretary of State shall transmit such documents to His Britannic Majesty's Principal Secretary of State for the Home

Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

