

AUTRICHE  
ET GRANDE-BRETAGNE  
ET IRLANDE DU NORD

Convention additionnelle au Traité d'extradition du 3 décembre 1873, signée à Vienne, le 29 octobre 1934, et échange de notes relatif à l'adhésion de la Nouvelle-Zélande (y compris le Samoa occidental) à ladite convention additionnelle, Vienne, les 8 et 16 août et 5 septembre 1935.

---

AUSTRIA  
AND GREAT BRITAIN  
AND NORTHERN IRELAND

Supplementary Convention to the Treaty of December 3rd, 1873, regarding Extradition, signed at Vienna, October 29th, 1934, and Exchange of Notes regarding the Accession of New Zealand (including Western Samoa) to the above Supplementary Convention, Vienna, August 8th, 16th and September 5th, 1935.

No. 3823. — CONVENTION<sup>1</sup> BETWEEN AUSTRIA AND GREAT BRITAIN AND NORTHERN IRELAND SUPPLEMENTARY TO THE TREATY OF DECEMBER 3RD, 1873, REGARDING EXTRADITION. SIGNED AT VIENNA, OCTOBER 29TH, 1934.

---

*English and German official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Convention took place February 3rd, 1936.*

---

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<sup>2</sup>, 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. ”

---

<sup>1</sup> The exchange of ratifications took place at London, April 30th, 1935.

Came into force July 30th, 1935.

<sup>2</sup> *British and Foreign State Papers*, Vol. 63, page 213.

*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.

## EXCHANGE OF NOTES

REGARDING THE ACCESSION OF NEW ZEALAND (INCLUDING WESTERN SAMOA) TO THE ABOVE SUPPLEMENTARY CONVENTION. VIENNA, AUGUST 8TH, 16TH AND SEPTEMBER 5TH, 1935.

## I.

BRITISH LEGATION.

No. 97.

VIENNA, *August 8th*, 1935.

YOUR EXCELLENCY,

In accordance with instructions from His Majesty's Principal Secretary of State for Foreign Affairs and at the instance of His Majesty's Government in New Zealand, I have the honour to notify Your Excellency of the accession of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of New Zealand and the mandated territory of Western Samoa, to the Supplementary Extradition Convention, signed at Vienna on the 29th October 1934, in accordance with Article 3 thereof.

2. This accession will take effect on the date — which I shall have the honour to communicate to you in due time — specified in the Order in Council applying the Extradition Acts to Austria in respect of New Zealand.

3. I have the honour to request that you will be good enough to acknowledge the receipt of this communication.

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

W. SELBY.

His Excellency  
Baron Berger-Waldenegg,  
Minister for Foreign Affairs,  
Vienna.

## II.

No. 99. B.  
(211/10/35.)

His Majesty's Legation presents its compliments to the Federal Chancery, Department for Foreign Affairs, and, with reference to its Note verbale No. 97 of August 8th, has the honour to inform them, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, that the accession of His Majesty's Government in New Zealand to the Supplementary Extradition Convention of October 29th, 1934, will take effect on August 30th, 1935.

BRITISH LEGATION.

VIENNA, *August 16th*, 1935.

The Federal Chancery,  
Department for Foreign Affairs,  
Vienna.

## III.

TEXTE ALLEMAND. — GERMAN TEXT.

BUNDESKANZLERAMT.  
AUSWÄRTIGE ANGELEGENHEITEN.

Zl. 39.227-15/35.

## VERBALNOTE

Das Bundeskanzleramt, Auswärtige Angelegenheiten, beehrt sich, der königlich grossbritannischen Gesandtschaft den Empfang der geschätzten Verbalnote vom 8. August 1935, Nr. 97, mit welcher der Beitritt Neuseelands und des Mandatsgebietes von West-Samoa zum Zusatzabkommen zwischen Österreich und dem Vereinigten Königreich von Grossbritannien und Nordirland über die gegenseitige Auslieferung flüchtiger Verbrecher vom 29. Oktober 1934 mitgeteilt, und der geschätzten Verbalnote vom 16. August 1935, Nr. 99, mit welcher der 30. August 1935 als Tag des Inkrafttretens dieser Erklärung angegeben wurde, ergebenst zu bestätigen.

WIEN, am 5. September 1935.

An die  
Königlich Grossbritannische Gesandtschaft  
in Wien.

## III.

<sup>1</sup> TRADUCTION. — TRANSLATION.THE FEDERAL CHANCERY,  
DEPARTMENT FOR FOREIGN AFFAIRS.

No. 39.227-15/35.

## NOTE VERBALE.

The Federal Chancery, Department for Foreign Affairs, has the honour to acknowledge to the Legation of His Britannic Majesty receipt of Note Verbale No. 97, of August 8th, 1935, communicating the accession of New Zealand and of the mandated territory of Western Samoa to the Supplementary Convention concluded on October 29th, 1934, between Austria and the United Kingdom of Great Britain and Northern Ireland concerning the reciprocal extradition of fugitive criminals, and Note Verbale No. 99, of August 16th, 1935, which states that the accession will take effect on August 30th, 1935.

VIENNA, September 5th, 1935.

To  
His Britannic Majesty's Legation,  
Vienna.<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>1</sup> TRADUCTION. — TRANSLATION.

N<sup>o</sup> 3823. — CONVENTION ENTRE L'AUTRICHE ET LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD, ADDITIONNELLE AU TRAITÉ D'EXTRADITION DU 3 DÉCEMBRE 1873. SIGNÉE A VIENNE, LE 29 OCTOBRE 1934.

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES et LE PRÉSIDENT FÉDÉRAL D'AUTRICHE,

Désireux de prendre de nouvelles mesures en vue de l'extradition réciproque des délinquants fugitifs, ont résolu de conclure à cette fin une convention additionnelle et ont désigné à cet effet pour leurs plénipotentiaires :

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES :

POUR LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD :

Sir Walford SELBY, K.C.M.G., C.B., C.V.O., son envoyé extraordinaire et ministre plénipotentiaire à Vienne ;

LE PRÉSIDENT FÉDÉRAL D'AUTRICHE :

M. Egon BERGER-WALDENEGG, ministre des Affaires étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus de ce qui suit :

*Article premier.*

A dater de l'entrée en vigueur de la présente convention, l'article 2 du Traité d'extradition signé à Vienne le 3 décembre 1873, sera amendé par l'addition de la clause ci-après :

« L'extradition pourra également être accordée, au gré de la Haute Partie contractante requise, pour tout autre crime ou délit pour lequel l'autorisation peut être accordée d'après les lois des deux Hautes Parties contractantes en vigueur à ce moment. »

*Article 2.*

L'amendement ci-dessus sera applicable aux procédures d'extradition entre l'Autriche, d'une part, et, d'autre part, les territoires ci-après de Sa Majesté, à savoir le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les îles anglo-normandes, l'île de Man, Terre-Neuve, les colonies britanniques, les protectorats britanniques auxquels le Traité d'extradition du 3 décembre 1873 est applicable, et les territoires sous mandat auxquels ledit traité a été ou pourra être étendu et à l'égard desquels le mandat est exercé par le Gouvernement de Sa Majesté dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.