



Jordan No. 1 (2013)

Treaty

on Mutual Legal Assistance in Criminal Matters
between the United Kingdom of Great Britain and Northern Ireland and
the Hashemite Kingdom of Jordan

London, 24 March 2013

[The Treaty is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 2013*

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**TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS
BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE HASHEMITE KINGDOM OF JORDAN**

Preamble,

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Hashemite Kingdom of Jordan, hereinafter referred to as the "Contracting States";

Desiring to develop bilateral cooperation in the field of mutual legal assistance in criminal matters, in order to prevent and combat crime, in a manner that protects the rights and interests of their citizens and to develop the relations and cooperation ties between the Contracting States in this field;

Having due regard for human rights and the rule of law;

Mindful of the guarantees under their respective legal systems which provide an accused person with the right to a fair trial, including the right to adjudication by an impartial tribunal established pursuant to law;

Have agreed as follows:

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

1. Both Contracting States undertake to afford each other, in accordance with the provisions of this Treaty and in conformity with their respective domestic laws, the widest measure of mutual legal assistance in the investigation, prosecution and suppression of criminal offences and in proceedings related to criminal matters.
2. Assistance shall be provided without regard to whether the conduct that is the subject of the request would be punishable under the domestic laws of both Contracting States. Where a request is made for search and seizure of evidence, restraint or confiscation of the proceeds of crime, the Requested State may render the assistance in accordance with its domestic law.
3. This Treaty does not apply to offences punished by the criminal military law and which are not offences under the ordinary criminal law.

ARTICLE 2

1. For the purpose of this Treaty, each Contracting State shall designate Central Authorities to send and receive requests directly or through diplomatic channels pursuant to this Treaty.
2. For the United Kingdom, the Central Authorities for the purposes of sending requests shall be:
 - (a) the Secretary of State; and
 - (b) the Lord Advocate (for matters pertaining to Scotland).
3. For the United Kingdom, the Central Authorities for the purpose of receiving requests shall be:
 - (a) the Secretary of State;
 - (b) the Lord Advocate (for matters pertaining to Scotland); and/or
 - (c) Her Majesty's Revenue and Customs.
4. The Central Authority of the Hashemite Kingdom of Jordan shall be the Ministry of Justice.
5. Each Contracting State shall notify the other of any change to its Central Authorities through diplomatic channels.

ARTICLE 3

1. Mutual legal assistance may be refused:
 - a. If the request for assistance concerns an offence which the Requested State considers a political offence or an offence connected with a political offence; or
 - b. If the Requested State considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests, or is otherwise inconsistent with its domestic law.
2. Before refusing mutual legal assistance, the Requested State shall assess whether it may be granted under the conditions it deems necessary. If the Requesting State agrees to such conditions, it must comply with them.

ARTICLE 4

1. Requests for assistance may be executed in accordance with the domestic law of the Requested State and, to the extent not prohibited by its domestic law, in the manner specified by the Requesting State.
2. The Central Authority of the Requested State shall endeavour to promptly execute the request or arrange for its execution through its competent authorities.
3. The Requested State shall inform the Requesting State of any circumstances likely to cause significant delay to the execution of the request.
4. The Requested State shall inform the Requesting State of any decision it makes not to execute the request for assistance, whether partially or completely, or to postpone it, and shall inform it of the grounds for this decision.

CHAPTER II

CONFIDENTIALITY AND LIMITATIONS ON USE

ARTICLE 5

1. The Requested State shall, upon request, keep confidential the request for assistance, its contents and supporting documents, and any response to such a request.
2. If the request cannot be executed without breaching its confidential nature, the Requested State shall inform the Requesting State, which shall then determine whether, and the extent to which, it wishes the request to be executed.
3. The Requested State may require that the information or evidence communicated be disclosed or used only subject to such terms and conditions as it may specify. When it intends to avail itself of those provisions, the Requested Party shall notify the Requesting State beforehand. If the Requesting State accepts the said terms and conditions, it must comply with them. Otherwise, the Requested State may refuse its assistance.
4. Nothing in this Article shall preclude the use or disclosure of information to the extent that there is an obligation under the domestic law of the Requesting State to use or disclose such information for the purpose of judicial proceedings. The Requesting State shall, wherever possible, notify the Requested State in advance of any such disclosure.

ARTICLE 6

The Requesting State may not without the prior consent of the Requested State disclose or use information or evidence obtained under the terms of this Treaty for any purpose other than for the proceedings stated in the request.

CHAPTER III

REQUESTS FOR ASSISTANCE

ARTICLE 7

1. Without prejudice to the provisions of Article 4(1), the Requested State shall execute, in compliance with its law, requests for assistance relating to a criminal matter and addressed to it by the relevant authorities of the Requesting State for the purpose of obtaining and communicating evidence, records and documents of all kinds.
2. Upon request, and if necessary under the domestic law of the Requesting State, the Requested State shall take statements from witnesses or experts under oath.
3. Documents, transcripts, records, statements and other materials shall be exempted from any legalisation requirements, including certification or authentication by consular or diplomatic officers.
4. Documents, transcripts, records, statements and other materials which are to be transmitted to the Requesting State shall only be certified if the Requesting State so requests. For that purpose, certification by the Central Authority of the Requested State shall be sufficient.
5. The Requesting State may request transmission of the original records or documents requested. Any such request shall be complied with, wherever possible, according to the law of the Requested State.

ARTICLE 8

1. If the Requested State has permitted the presence of specified persons during the execution of the request, then, subject to the domestic law of the Requested State, such persons may be permitted to present questions to be asked of the person giving testimony or producing evidence.
2. The authorities of the Requesting State may be provided directly with a duly certified copy of the documents related to the execution of the request which they have attended, if specifically requested.

ARTICLE 9

1. The Requested State may postpone the handing over of any property, records or documents requested, if it needs the said property, records or documents in connection with pending judicial proceedings.
2. Any property, as well as original records or documents, handed over in execution of requests for assistance, shall be returned by the Requesting State to the Requested State as soon as possible, unless the latter State waives the return thereof. If agreed upon by the Central Authorities, such documents, records, or items shall instead be disposed of in a mutually acceptable manner.

ARTICLE 10

1. The Requested State shall execute, to the extent permitted by its domestic law, requests for search, seizure of assets or property and delivery of any evidence, as part of the investigation in the Requesting State. The Requested State shall inform the Requesting State of the outcomes of the execution of the request, including the place of seizure, the circumstances of seizure and the subsequent custody of the evidence seized.
2. The Requested State may transmit to the Requesting State the objects mentioned in paragraph 1, if the Requesting State accepts the terms and conditions set out by the Requested State for this transmission.

ARTICLE 11

1. The Contracting States shall assist each other in proceedings involving the identification, tracing, restraint, seizure and confiscation of the proceeds and instrumentalities of crime in accordance with the domestic law of the Requested State.
2. In addition to the provisions contained in Article 22 of this Treaty, a request for assistance in restraint or confiscation proceedings shall also include:
 - (a) details of the property in relation to which co-operation is sought;
 - (b) the location of the property and its connection with the subjects of the request;
 - (c) the connection, if any, between the property and the offences;
 - (d) details of any third party interests in the property; and

- (e) a certified true copy of the restraint or confiscation order made by the court and statement of the grounds on the basis of which the order was made, if they are not indicated in the order itself.

3. The confiscated proceeds and instrumentalities are kept by the Requested State. However, the Requested State, at the request of the Requesting State, may, to the extent permitted by its legislation, and in accordance with the terms and conditions agreed between the two Contracting States, transfer to the Requesting State, in whole or in part, the property or the proceeds of the sale, of the instrumentalities or the proceeds of a criminal offence.

4. The rights claimed by bona fide third parties over these assets shall be respected.

5. When the Requested State seizes or confiscates assets that constitute public funds, whether or not these have been laundered, and which have been embezzled from the Requesting State, the Requested State shall return the seized or confiscated assets, less any costs of realisation, to the Requesting State.

CHAPTER IV

SERVICE OF PROCESS, APPEARANCE OF WITNESSES, EXPERTS AND PROSECUTED PERSONS

ARTICLE 12

1. The Requested State shall, upon request and insofar as is possible, effect service of any process issued or made for the purposes of criminal proceedings.

2. Proof of service shall be given, wherever possible, by means of a receipt dated and signed by the person being served or by means of a declaration made by the Requested State that service has been carried out and stating the form and date of such service. Either of these documents shall be sent to the Requesting State. If service cannot be effected, the reasons shall be communicated by the Requested Party to the Requesting State.

3. The Requesting State shall transmit a proof of service of a document requiring the appearance of a person before a competent authority in the Requesting State at a reasonable time before the scheduled appearance.

ARTICLE 13

A person who has failed to answer a summons to appear shall not be subjected to any punishment or measure of restraint.

ARTICLE 14

The Requesting State shall pay the fees, allowances and reasonable expenses of witnesses so that they may appear at the relevant criminal proceedings. These cannot be lower than the rates set out by the existing laws and regulations in the State where the hearing is intended to take place.

ARTICLE 15

1. If the Requesting State considers the personal appearance of a witness or expert before its judicial authorities particularly necessary, it shall mention so in its request for service of the summons and the Requested State shall inform the witness or expert. The Requested State shall inform the Requesting State of the reply of the witness or expert.

2. In the case provided for under paragraph 1 of this Article, the request shall indicate the approximate compensation payable and the expenses or allowances payable.

ARTICLE 16

1. Where a request is received by the Requested State for the transfer of a person in the custody of that State to the territory of the Requesting State for the purpose of providing assistance under this Treaty, that person shall be so transferred if he and the Contracting States consent.

2. The Requesting State may make arrangements to ensure, so far as is possible, that a person attending in the territory of the Requesting State pursuant to this Article shall not be subject to service of process, or be detained or subjected to any further restriction of personal liberty, by reason of any acts or convictions in the Requesting State that preceded that person's departure from the territory of the Requested State.

3. The Requesting State shall be responsible for the safety of the person transferred whilst in custody.

4. The Requested State may, if satisfied that appropriate arrangements for that person's safety will be made by the Requesting State, invite the person to give or provide evidence or assistance in relation to a criminal matter in the Requesting State. The person shall be informed of details of any immunity as required by Article 22 of this Treaty.

5. Unless notified to the contrary by the Requested State, the Requesting State shall have the authority and the obligation to keep in custody the person transferred.

6. Where the Requested State advises the Requesting State that the person transferred is no longer required to be held in custody, that person shall be released from custody and be treated as a person to whom Article 17 of this Treaty applies.

7. The Requesting State shall return the person transferred to the custody of the Requested State as soon as circumstances permit and in any event no later than the date upon which he would have been released from custody in the territory of the Requested State, unless otherwise agreed by the Contracting States.

8. The Requesting State shall not require the Requested State to initiate extradition proceedings for the return of the person transferred.

9. The period of custody in the territory of the Requesting State shall be deducted from the period of detention which the person concerned is, or will be, obliged to undergo in the territory of the Requested State.

ARTICLE 17

1. Where a person is situated in the Requested State, that State may assist in arranging the attendance of that person, subject to his or her consent, in the Requesting State:

- (a) to assist in the investigation in relation to a criminal matter; or
- (b) to appear in proceedings in relation to a criminal matter in the Requesting State.

2. The Requesting State may make arrangements to ensure, so far as is possible, that a person attending in the territory of the Requesting State pursuant to this Article, shall not be subject to service of process, or be prosecuted nor detained nor subjected to any other restriction of his personal liberty by reason of any acts or convictions in the Requesting State that preceded that person's departure from the territory of the Requested State.

3. The Requested State may, if satisfied that appropriate arrangements for that person's safety will be made by the Requesting State, invite the person to give or provide evidence or assistance in relation to a criminal matter in the Requesting State. The person shall be informed of details of any immunity as required by Article 22 of this Treaty and any expenses or allowances payable.

4. The protection provided for in this Article shall cease thirty (30) days after the Central Authority of the Requesting State has notified the Central Authority of the Requested State that the person's presence is no longer required, or when the person, having left the territory of the Requesting State, voluntarily returns.

5. The Requested State shall promptly communicate in writing to the Requesting State the person's response and, if the person consents, take any steps necessary to facilitate that person's attendance in the Requesting State.

ARTICLE 18

1. A person within the territory of the Requested State may give evidence in proceedings in the Requesting State by video conference.

2. If access to the technical means for video conferencing is not available in either Contracting State, such means may be made available by the other Contracting State by agreement.

3. Where a witness is to be heard by video conference, the hearing shall be conducted before an appropriate judicial authority in the Requested State.

4. The hearing shall be supervised by a judicial authority of the Requesting State and evidence shall be given:

- (a) in accordance with the domestic law of the Requesting State; and
- (b) in accordance with any other measures for the protection of the witness which have been agreed between the Contracting States.

5. At the hearing the appropriate judicial authority of the Requested State shall be responsible for:

- (a) ensuring there is appropriate interpretation of proceedings;
- (b) establishing the identity of the witness;
- (c) intervening, where necessary, to safeguard the rights of the witness;
- (d) drawing up a record of the hearing which shall include the following information:
 - (i) the date and place of the hearing;
 - (ii) the identity of the person heard;
 - (iii) the identities and functions of anyone else participating in the hearing;
 - (iv) details of any oaths taken; and
 - (v) the technical conditions under which the hearing took place; and

- (e) transmitting the record of the hearing as referred to in this Article as soon as is practicable after the conclusion of the hearing.

6. The costs of establishing and operating video conferencing or television links and the interpretation and transcription of such proceedings pursuant to this Article shall be paid by the Requesting State.

CHAPTER V

JUDICIAL AND PUBLIC RECORDS

ARTICLE 19

The Requested State shall provide, in accordance with its laws, extracts from judicial records and information relating to such records requested from it by the relevant authorities of the Requesting State and needed in criminal proceedings.

ARTICLE 20

1. The Requested State shall, upon request, provide the Requesting State with copies of publicly available records that are in the possession of authorities in the Requested State.

2. The Requested State may provide the Requesting State with copies of documents or records in the possession of authorities in the Requested State but which are not publicly available, to the same extent and under the same conditions as they would be available to its own law enforcement or judicial authorities.

CHAPTER VI

SPONTANEOUS EXCHANGE OF INFORMATION

ARTICLE 21

1. The Central Authority of one of the Contracting States may, without prior request, forward or exchange information to the Central Authority of the other Contracting State when it considers that the disclosure of such information might assist the receiving State in initiating or carrying out investigations or proceedings, or might lead to a request by the receiving State under this Treaty.

2. The sending authority may, pursuant to its national law, impose conditions on the use of such information by the receiving authority and the receiving authority shall be bound by those conditions.

CHAPTER VII

PROCEDURE

ARTICLE 22

1. Requests for assistance shall include the following:
 - (a) the name and address of the authority conducting the proceedings to which the request relates;
 - (b) the subject matter and nature of the proceedings for the purposes of which the request is made;
 - (c) a description of the offence to which the request relates including its applicable penalty;
 - (d) a summary of the information giving rise to the request;
 - (e) a description of the evidence or other assistance sought;
 - (f) the purpose for which the evidence or other assistance is sought; and
 - (g) details of any timeframe within which compliance with the request is desired.

2. To the extent necessary and possible, a request shall also include:
 - (a) the identity, date of birth, nationality and location of any person from whom evidence is sought;
 - (b) the identity, date of birth, nationality and location of a person to be served, that person's relationship to the proceedings, and the manner in which the service is to be made;
 - (c) available information on the identity and whereabouts of a person to be located;
 - (d) a precise description of the place to be searched and of the articles to be seized;
 - (e) a description of the manner in which any testimony or statement is to be taken and recorded;
 - (f) a list of questions to be asked of a witness or expert;

- (g) a description of any particular procedures to be followed in executing the request;
- (h) information as to the allowances and expenses to which a person asked to appear in the territory of the Requesting State will be entitled;
- (i) requirements for confidentiality; and
- (j) any other information which may be brought to the attention of the Requested State to facilitate its execution of the request.

3. Where the request involves the presence of a person in the Requesting State, as provided for under Article 16 or Article 17 of this Treaty, the request shall include information on the extent of immunity, if any, to be afforded to the person while he or she is in the Requesting State.

4. If the Requested State considers that the information contained in the request is not sufficient for the purposes of this Treaty, that State may request the Requesting State to provide additional information.

ARTICLE 23

A request for assistance shall be made in writing except in urgent cases. In urgent cases, the request for assistance may be made by secure fax or email, but shall be confirmed in writing within thirty (30) working days from receipt of the request unless the Requested State agrees otherwise.

ARTICLE 24

All requests supporting documents and any communication made pursuant to this Treaty shall be in the official language of the Requesting State, accompanied by a translation into the official language of the Requested State, unless otherwise agreed.

ARTICLE 25

1. Execution of requests for assistance shall not entail the refunding of expenses except where provided for by Articles 14 and 18 and expenses incurred by the attendance of experts in the territory of the Requested Party.

2. If it becomes apparent that expenses of an extraordinary nature are required to fulfil the request, the Contracting States shall by mutual consultation determine the terms and conditions under which the execution of the request may begin or continue.

Chapter VIII
RETURNED PERSONS

ARTICLE 26

1. This Chapter shall apply to any citizen of the Contracting States:
 - a) who is to be returned to one Contracting State (“the receiving State”) under processes provided for under the immigration laws of the other Contracting State (“the sending State”); and
 - b) who has been accepted by the receiving State for readmission to its territory following a written request by the sending State; and
 - c) in respect of whom there are outstanding criminal charges pending against that person, or who is otherwise likely to face a criminal trial on return to the receiving State for offences committed before his return.

Any references to “requests under this Chapter” or “returns under this Chapter” shall be interpreted in accordance with this paragraph. In respect of returns to the United Kingdom this Chapter shall only apply in relation to criminal charges pending, or a criminal trial in, England and Wales.

2. Requests under this Chapter shall be submitted in writing to, for the United Kingdom, the Secretary of State or, for Jordan, the Ministry of the Interior. A response to a request under this Chapter may be given orally, but must be confirmed in writing within 14 days before any return can take place.

3. To enable a decision to be made on whether or not to return a person under this Chapter the Contracting States shall inform each other of the details of any criminal charges pending against the subject of the request, whether original charges or charges of which the subject of the request has been convicted and for which he will be tried or retried on return, or any criminal charges he is otherwise likely to face on return to the Contracting States for offences committed before his return, and, where applicable, any penalties imposed in any previous trial and the penalties which may be imposed.

ARTICLE 27

1. Where a person is returned under this Chapter the Contracting States shall ensure the provisions in this Article shall apply in respect of any criminal trial in the receiving State against such a person in relation to charges notified under Article 26(3).

2. In respect of a criminal trial referred to in paragraph 1 of this Article:

- (i) A returned person who is arrested or detained shall be brought promptly before a judge or other officer authorised by law to exercise judicial power in order that the lawfulness of his detention may be decided;
- (ii) A returned person who is arrested or detained shall be informed promptly of the reasons for his arrest or detention, and of the charges against him;
- (iii) A returned person who is charged with an offence following his return shall receive a fair and public hearing without undue delay by a competent, independent and impartial tribunal established by law. Judgment shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interests of morals, public order, or national security, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice;
- (iv) A returned person who is charged with an offence following his return shall be allowed adequate time and facilities to prepare his defence, and shall be permitted to examine or have examined the witnesses against him and to call and have examined witnesses on his behalf. He shall be allowed to defend himself in person or through legal assistance of his own choosing, or, if he has not sufficient means to pay for legal assistance, shall be entitled to receive legal assistance in accordance with the law of the receiving State.

3. Where there are serious and credible allegations that a statement from a person has been obtained by torture or ill-treatment by the authorities of the receiving State and it might be used in a criminal trial in the receiving State referred to in paragraph 1 of this Article, then the statement shall not be submitted by the prosecution nor admitted by the Court in the receiving State, unless the prosecution submits evidence on the conditions in which the statement was obtained, and the Court is satisfied to a high standard that such statement has been provided out of free-will and choice and was not obtained by torture or ill-treatment by the authorities of the receiving State.

4. Where, before the date of signature of this Treaty, a Court in the sending State has found that there is a real risk that a statement from a person has been obtained by torture or ill-treatment by the authorities of the receiving State, and might be used in a criminal trial in the receiving State referred to in paragraph 1 of this Article, this statement shall not be submitted by the prosecution nor admitted by the Court in the receiving State, unless the prosecution in the receiving State proves beyond any doubt that the statement has been provided out of free-will and choice and was not obtained by torture or ill-treatment by the authorities of the receiving State, and the Court in the receiving State is so satisfied.

5. The guarantees set out in this Article shall apply to both:
 - (i) any retrial of a person returned to the Contracting States under this Chapter; and
 - (ii) any criminal trial on charges which have not previously been the subject of any criminal proceedings;

where those charges have been notified in accordance with Article 26(3).

CHAPTER IX

FINAL PROVISIONS

ARTICLE 28

1. The Contracting States shall consult, orally or in writing, on the application or implementation of this Treaty in general terms or in a particular case, whenever appropriate. The Contracting States may also agree on such practical measures as may be necessary to facilitate the implementation of this Treaty.
2. The Contracting States may modify this Treaty by mutual consent at any time. Such amendment or revision shall enter into force according to the provision of Article 32(1) of this Treaty.

ARTICLE 29

Any dispute regarding the interpretation, application or implementation of this Treaty shall be settled through consultation through diplomatic channels if the Central Authorities are themselves unable to reach an agreement.

ARTICLE 30

This Treaty shall not prejudice any rights and obligations arising from multilateral Treaties to which either or both Contracting States are party.

ARTICLE 31

1. This Treaty shall apply to offences committed before or after the date on which it enters into force.
2. This Treaty shall apply:
 - (a) in the territories of the United Kingdom, which consists of Great Britain and Northern Ireland;

- (b) in the territory of the Hashemite Kingdom of Jordan; and
- (c) to any other territories for whose international relations one of the Contracting States is responsible or to which this Treaty shall have been extended by Exchange of Notes.

3. The application of this Treaty to any territory in respect of which extension has been made in accordance with paragraph 2(c) of this Article may be terminated by either State giving six (6) months written notice to the other through diplomatic channels.

ARTICLE 32

1. This Treaty shall be subject to ratification and shall enter into force after both the Contracting States have notified each other through diplomatic channels that their respective requirements for the entry into force of this Treaty have been complied with.

2. Either Contracting State may terminate this Treaty at any time by giving notice in writing to the other. In that case, the Treaty shall cease to have effect six (6) months after the date of the receipt of that notification.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Treaty.

DONE in two originals at London on the Twenty Fourth day of March 2013 both in English and the Arabic languages; both texts each being equally authentic;

**For the United Kingdom of Great
Britain and Northern Ireland:**

THERESA MAY

**For the Hashemite Kingdom of
Jordan:**

MAZEN KEMAL HOMOUD



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