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Treaty Series No. 6 (2009)

Agreement

between the Government of the United Kingdom of Great Britain and
Northern Ireland and the Government of Ireland

on Co-operation on Criminal Justice Matters

Belfast, 26 July 2005

[The Agreement entered into force on 10th December 2008]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 2009*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF IRELAND ON CO-OPERATION ON CRIMINAL
JUSTICE MATTERS**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland:

Having regard to the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland done at Belfast on 10 April 1998¹ (“the British-Irish Agreement”) and to the Multi-Party Agreement reached at Belfast on 10 April 1998 annexed to the aforesaid Agreement;

Having regard to the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland done at Dublin on 8 March 1999² establishing a British-Irish Intergovernmental Conference;

Considering the report of the Review of the Criminal Justice System in Northern Ireland published in March 2000 (“the Criminal Justice Review”), the Justice (Northern Ireland) Act 2002, which enacts certain recommendations of the Criminal Justice Review, and the Criminal Justice Review Updated Implementation Plan published in June 2003;

Taking into account the progress made on co-operation between the relevant agencies in Ireland and in Northern Ireland (“the two jurisdictions”) on policing and security matters;

Taking into account also developments within the European Union in respect of co-operation on criminal justice matters;

Recalling the discussions that took place between the two Governments and the political parties at Hillsborough Castle in March 2003 and the Joint Declaration published by the two Governments on 1st May 2003;

Have agreed as follows:

ARTICLE 1

Ministerial Meetings on Criminal Justice Cooperation

(1) The Ministers of the governments of the United Kingdom and Ireland (hereinafter referred to as “the Ministers”) responsible for criminal justice matters

¹ Treaty Series No. 50 (2000) Cm 4705

² Treaty Series No. 54 (2000) Cm 4709

in the two jurisdictions shall meet at least annually for the purpose of facilitating more effective co-operation and coordination on criminal justice matters, including in combating criminal behaviour, working together in the prevention of crime and on community safety issues, and dealing with offenders after conviction. Such meetings shall be referred to hereinafter as Ministerial Meetings on criminal justice cooperation.

(2) The Ministerial Meetings shall operate under the auspices of, and be accountable to, the British-Irish Intergovernmental Conference. The Ministers shall provide periodic joint reports to the British-Irish Intergovernmental Conference on the Ministerial Meetings.

(3) The Ministerial Meetings shall operate on the basis of the arrangements set out in the Annex, which shall constitute an integral part of this Agreement.

ARTICLE 2

Working Group on Criminal Justice Cooperation

(1) A Working Group on Criminal Justice Cooperation comprising officials from the United Kingdom and Ireland shall meet regularly to support the Ministerial Meetings and to take forward work on progressing the relevant recommendations of the Criminal Justice Review, and to identify other areas in which co-operation on criminal justice matters could be enhanced or initiated, as appropriate.

(2) The Working Group shall prepare, seek the agreement of the Ministers to, and implement annual work programmes on co-operation and co-ordination on criminal justice matters. Such work programmes will be published, including in electronic format.

(3) The Working Group shall be accountable to the Ministers, and through the Ministers to the British-Irish Intergovernmental Conference, and shall provide reports on progress to the Ministerial Meetings.

(4) The Working Group shall meet at least twice each year and shall operate on the basis of the arrangements set out in the Annex, which shall constitute an integral part of this Agreement.

ARTICLE 3

Protocols

(1) Where appropriate, written Protocols may be drawn up between relevant criminal justice agencies in the two jurisdictions addressing detailed aspects of co-operation agreed between them.

(2) Any such protocols shall be submitted to the Ministers for approval and signature.

(3) Such protocols shall not constitute international agreements and shall not have binding effect on either Government.

ARTICLE 4

Relationship with other International Agreements

This Agreement shall not affect the rights and obligations of the Parties under other international agreements.

ARTICLE 5

Operation and Review of Agreement

(1) This Agreement shall have effect in respect of criminal justice matters to the extent that they are not devolved to the Northern Ireland Assembly.

(2) When the criminal justice matters to which this Agreement relates are devolved to the Northern Ireland Assembly, the operation of the Agreement will be reviewed by the Ministers.

ARTICLE 6

Entry into Force

Each Government shall notify the other in writing of the completion, so far as it is concerned, of the requirements for entry into force of this Agreement. This Agreement shall enter into force on the date of receipt of the later of the two notifications.

In witness whereof the undersigned, being duly authorised thereto by the respective Governments, have signed this Agreement.

Done in two originals at Belfast on the twenty-sixth day of July 2005

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

DAVID HANSON

For the Government of Ireland:

MICHAEL McDOWELL

ANNEX

ARRANGEMENTS FOR THE OPERATION OF THE MINISTERIAL MEETINGS AND WORKING GROUP MEETINGS ON CRIMINAL JUSTICE CO-OPERATION

Ministerial Meetings

Terms of Reference

The Ministerial Meetings shall serve as a forum for the Ministers responsible for criminal justice matters in the two jurisdictions to:

- discuss criminal justice matters of mutual interest or concern in the two jurisdictions.
- consider the scope for, and develop plans to achieve, more effective co-operation and co-ordination on criminal justice matters between the two jurisdictions.
- oversee and give direction to the work of the Working Group.
- approve and periodically review progress against the annual work programmes on criminal justice co-operation.

Attendance

The Ministers shall be supported at meetings by the Joint Chairmen of the Working Group or their nominated representatives and by such other officials and representatives from the United Kingdom and Ireland as the Ministers may determine. Both sides shall endeavour to maintain a balance in representation between the two jurisdictions and to keep overall numbers at a manageable level.

Secretariat

Officials from the Northern Ireland Office and officials from the Department of Justice, Equality and Law Reform shall provide administrative support for, and shall produce an agreed record of, all Ministerial Meetings. Any disagreement about the record of a meeting that cannot be resolved through consultation between the two sides shall be referred to the Joint Chairmen and ultimately to the Ministers.

Working Group on Criminal Justice Cooperation

Terms of Reference

The Ministerial Meetings shall be supported by a Working Group comprising officials from the United Kingdom and Ireland who shall meet at least twice a year in order to:

- exchange information and discuss criminal justice matters of mutual interest.
- identify and advise on the opportunities for co-operation on criminal justice matters at government level and between the criminal justice agencies in the two jurisdictions, taking account also of the need for effective co-operation with other parts of these islands.
- prepare and submit annual work programmes on co-ordination and co-operation on criminal justice matters between the two jurisdictions for consideration at Joint Ministerial Meetings, and, where Ministers agree, to take forward the implementation of such programmes.
- take forward consideration of, and where appropriate implement, the recommendations on co-operation on criminal justice matters in the Criminal Justice Review.
- establish and manage projects and initiatives to facilitate and enhance co-operation on criminal justice matters between the two jurisdictions.
- keep under review the effectiveness of the arrangements for facilitating and enhancing co-ordination and co-operation on criminal justice matters between the two jurisdictions, and make appropriate recommendations on these matters to Ministerial Meetings.
- prepare and agree periodic reports for the Ministers on progress in taking forward the Work Programme approved by Ministers.
- prepare and agree reports as appropriate for Ministers to provide to the BIIGC.

Chairmanship

The Working Group shall be chaired jointly by the Director, Criminal Justice of the Northern Ireland Office and the relevant Assistant Secretary from the Department of Justice, Equality and Law Reform, or their nominated representatives.

Meetings of the group shall alternate between the United Kingdom and Ireland. The chairmanship of meetings shall also alternate with their location. The Director, Criminal Justice of the Northern Ireland Office shall take the chair when meetings take place in Northern Ireland, or elsewhere in the United Kingdom. The relevant

Assistant Secretary from the Department of Justice, Equality and Law Reform shall take the chair when meetings take place in Ireland.

Membership

Membership of the Working Group shall include such officials and representatives from both jurisdictions as the Joint Chairmen may determine. Both sides shall strive to maintain a balance in representation between the two jurisdictions and to keep overall numbers at a manageable level.

Official support

The Working Group shall be supported by those officials from the DJELR and the NIO who provide administrative support to the Ministerial Meetings.

Records of meetings of the Working Group shall be agreed between the Joint Chairmen.



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