

cc/po



LEGAL SECRETARY

THE LEGAL SECRETARIAT TO THE LAW OFFICERS
ATTORNEY GENERAL'S CHAMBERS
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

Duty Clerk
pl. say no comments.
COP 5/3

David Manning Esq
Cabinet Office
Whitehall
London SW1

8 March 1990

Dear Sir,

IRELAND/REPUBLIC OF IRELAND

WITH COP: I WILL REQUEST IF REQUIRED

I enclose a copy of the Attorney General's proposed reply to John Murray's letter of 2 February concerning the use of "Republic of Ireland" in extradition warrants and their supporting documentation. The Attorney would like to send the reply as soon as possible and I would therefore be grateful for any comments you or the copy addressees of this letter may have by close of play on Friday.

Also enclosed is a draft line to take should the change of nomenclature in warrants be raised in the House or by the press.

Copies of this letter go to Charles Powell (No. 10), Colin Walters (HO), Colin Roberts (FCO) and Steve Rickard (NIO).

Yours sincerely,

John Helli

MISS J L WHELDON



ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-936 6201

John Murray Esq SC
Attorney General
DUBLIN 2

8 March 1990

Thank you for your letter of 2 February concerning the Supreme Court's comments in the Ellis case about the use of the name of the State in warrants and other documentation supporting a request for extradition. I appreciate the difficulties which their comments cause and the position in which you are now placed.

Careful consideration has been given to your helpful proposals that addresses on warrants and supporting documentation emanating from England, Wales and Scotland should, where necessary, refer to "Ireland" in lieu of "Republic of Ireland" and that warrants and documentation emanating from Northern Ireland should omit the name of the State and refer only to the city or county, as appropriate. However, the introduction of a distinction between Northern Ireland documentation and other United Kingdom documentation is not very attractive.

Such a distinction may be liable to be misunderstood in at least two ways. Some, perhaps including your courts, may see it as a "conscious and deliberate practice" by the Northern Ireland authorities not to comply with the Supreme Court's dicta: others, more mischievously, may suggest that it is a recognition by the Northern Ireland authorities that Northern Ireland is indeed part of a country called Ireland and that the designation of a country is accordingly inappropriate when referring to an address in the Republic. Such a false suggestion would be most undesirable.

In the circumstances therefore I think it would be best if the nomenclature given to the State in warrants and supporting documentation emanating from all jurisdictions in the United Kingdom were to be consistent.



I would not wish to see our extradition arrangements disrupted over the issue of nomenclature and, since the risk of your courts rejecting warrants is clearly greater if the name of the State is omitted altogether, all warrants and supporting documentation emanating from the United Kingdom will in future refer to "Ireland" in lieu of "Republic of Ireland" where the need to refer to the State arises. Instructions will be given to all United Kingdom prosecuting authorities accordingly. Indeed, as you know, on the warrant and supporting documentation recently sent to the Commissioner of the Garda Siochana in the Hamilton case, Hamilton's current address was given as Mountjoy Prison, Dublin, Ireland.

LINE TO TAKE

USE OF "IRELAND" IN ADDRESSES ON WARRANTS AND SUPPORTING DOCUMENTATION

In the course of giving their judgment in the case of Desmond Ellis the Supreme Court expressed their views about the correct nomenclature to be used when referring to the State in addresses on warrants and documentation supporting applications for extradition. The Irish Attorney General has intimated that he will not be able to permit the endorsement of any warrants from the United Kingdom which offend against the principle expressed in the Supreme Court's dicta. In future therefore, in the interests of maintaining satisfactory and effective extradition arrangements between our two countries, where it is necessary to refer to the name of the State in addresses on warrants and supporting documentation sent to the Irish authorities from the United Kingdom the name of the State will be given as Ireland.

This change in nomenclature is applicable only to warrants and other documentation supporting extradition applications. The change does not affect, and is not intended to affect, the status of Northern Ireland as an integral part of the United Kingdom of Great Britain and Northern Ireland.

