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*Number 26 of 2002*

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**BRITISH-IRISH AGREEMENT (AMENDMENT) ACT, 2002**

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Adaptation of certain references in Act of 1999.
3. Téacs i mBéarla.
4. Tagairtí áirithe i gCuid VI d'Acht 1999 a oiriúnú.
5. Adaptation of certain references in Foyle Fisheries Act, 1952.
6. Consequential.
7. Short title, construction, collective citation, commencement and expiration.

SCHEDULE

TEXT OF THE LETTERS EXCHANGED BY THE GOVERNMENT OF IRELAND  
AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND REFERRED TO IN *SECTION 1(1)*.

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[No. 26.]

*British-Irish Agreement  
(Amendment) Act, 2002.*

[2002.]

ACTS REFERRED TO

British-Irish Agreement (Amendment) Act, 1999

1999, No. 16

British-Irish Agreement Act, 1999

1999, No. 1

Foyle Fisheries Act, 1952

1952, No. 5



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*Number 26 of 2002*

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**BRITISH-IRISH AGREEMENT (AMENDMENT) ACT, 2002**

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AN ACT TO AMEND THE BRITISH-IRISH AGREEMENT ACT, 1999, FOR THE PURPOSE OF GIVING EFFECT TO THE INTERNATIONAL AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ENTERED INTO FOR THE PURPOSE OF ENABLING NECESSARY ARRANGEMENTS TO BE MADE CONSEQUENT UPON THE TEMPORARY SUSPENSION OF THE NORTHERN IRELAND ASSEMBLY AND CONSTITUTED BY THE LETTERS EXCHANGED BY THOSE GOVERNMENTS THE TEXTS OF WHICH ARE SET OUT IN THE SCHEDULE TO THIS ACT. [29th November, 2002]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

“the Act of 1999” means the British-Irish Agreement Act, 1999, as amended by the British-Irish Agreement (Amendment) Act, 1999;

“the Agreement” means the agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland that is constituted by the letters exchanged by those Governments the texts of which are set out in the Schedule to this Act;

“the Council” means the North/South Ministerial Council, being the body established by the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing a North/South Ministerial Council done at Dublin on the 8th day of March 1999 when performing functions in relation to the bodies specified in *sections 2(2) and 4(2)* and under the Foyle Fisheries Act, 1952.

(2) In this Act—

(a) a reference to a section is a reference to a section of this Act, and

S.1 (b) a reference to a subsection is a reference to the subsection of the provision in which the reference occurs.

Adaptation of certain references in Act of 1999.

**2.**—(1) References to the Council in the Act of 1999 (other than Cuid VI) shall be construed and have effect in accordance with the provisions of the Agreement.

(2) The functions that, by virtue of *subsection (1)*, are performable by the Government may be performed, on the authority of the Government—

(a) in the case of functions relating to Waterways Ireland, by the Minister for Community, Rural and Gaeltacht Affairs,

(b) in the case of functions relating to The Food Safety Promotion Board, by the Minister for Health and Children,

(c) in the case of functions relating to The Trade and Business Development Body, by the Minister for Enterprise, Trade and Employment,

(d) in the case of functions relating to The Special EU Programmes Body, by the Minister for Finance, and

(e) in the case of functions relating to The Foyle, Carlingford and Irish Lights Commission, by the Minister for Communications, Marine and Natural Resources.

Téacs i mBéarla.

**3.**—Tá an téacs i mBéarla den alt seo agus *d'alt 4* leagtha amach sa Tábla a ghabhann le *halt 4*.

Tagairtí áirithe i gCuid VI d'Acht 1999 a oiriúnu.

**4.**—(1) Déanfar tagairtí don Chomhairle i gCuid VI d'Acht 1999 a fhorléiriú, agus beidh éifeacht leo, de réir fhorálacha an Chomhaontaithe.

(2) Féadfaidh an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta, ar údarás ón Rialtas, na feidhmeanna is inchomhlíonta ag an Rialtas, de bhua *fho-alt (1)*, a chomhlíonadh.

## AN TÁBLA

English language text.

**3.**—The text in the English language of this section and *section 4* is set out in the Table to *section 4*.

Adaptation of certain references in Part VI of Act of 1999.

**4.**—(1) References to the Council in Part VI of the Act of 1999 shall be construed and have effect in accordance with the provisions of the Agreement.

(2) The functions that, by virtue of *subsection (1)*, are performable by the Government may be performed, on the authority of the Government, by the Minister for Community, Rural and Gaeltacht Affairs.

[2002.]

*British-Irish Agreement  
(Amendment) Act, 2002.*

[No. 26.]

5.—(1) The references (inserted by the Act of 1999) in the Foyle Fisheries Act, 1952, to the Council shall be construed and have effect in accordance with the provisions of the Agreement.

Adaptation of certain references in Foyle Fisheries Act, 1952.

(2) The functions that, by virtue of *subsection (1)*, are performable by the Government may be performed, on the authority of the Government, by the Minister for Communications, Marine and Natural Resources.

6.—(1) Upon and after the expiry of *section 2*, references in the Act of 1999 that, pursuant to that section, were construed and had effect in accordance with the provisions of the Agreement shall be construed and have effect as references to the Council.

Consequential.

(2) (a) Tá an téacs i mBéarla den fho-alt seo leagtha amach sa Tábla a ghabhann leis an bhfo-alt seo.

(b) Ar dhul in éag *d'alt 4* agus dá éis sin, aon tagairtí i gCuid VI d'Acht 1999, ar de bhun an ailt sin a forléiríodh iad, agus a bhí éifeacht leo, de réir fhorálacha an Chomh-aontaithe, forléireofar iad agus beidh éifeacht leo mar thagairtí don Chomhairle.

AN TÁBLA

(2) (a) The text in the English language of this subsection is set out in the Table to this subsection.

(b) Upon and after the expiry of *section 4*, references in Part VI of the Act of 1999 that, pursuant to that section, were construed and had effect in accordance with the provisions of the Agreement shall be construed and have effect as references to the Council.

(3) Upon and after the expiry of *section 5*, references in the Foyle Fisheries Act, 1952, that, pursuant to that section, were construed and had effect in accordance with the provisions of the Agreement shall be construed and have effect as references to the Council.

7.—(1) This Act may be cited as the British-Irish Agreement (Amendment) Act, 2002.

Short title, construction, collective citation, commencement and expiration.

(2) The British-Irish Agreement Acts, 1999 and this Act shall be construed together as one and may be cited together as the British-Irish Agreement Acts, 1999 and 2002.

(3) This Act shall come into operation on such day as the Taoiseach may fix by order.

(4) (a) This Act (other than *section 6*) shall expire on such day as the Taoiseach may fix by order.

(b) The day fixed under *paragraph (a)* shall be the earliest practicable day after the termination of the Agreement in accordance with its terms on the restoration of the Northern Ireland Assembly.

SCHEDULE

TEXT OF THE LETTERS EXCHANGED BY THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND REFERRED TO IN SECTION 1(1).

19 November, 2002

H.E. Sir Ivor Roberts KCMG  
Ambassador

Your Excellency,

I have the honour to refer 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 1998 (hereinafter referred to as “the British-Irish Agreement”), and in particular Article 2 thereof;
- the Multi-Party Agreement reached at Belfast on 10 April 1998 (hereinafter referred to as “the Multi-Party Agreement”) annexed to the British-Irish Agreement;
- the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing a North/South Ministerial Council done at Dublin on 8 March 1999 (hereinafter referred to as “the Agreement establishing the North/South Ministerial Council”); and
- the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing Implementation Bodies done at Dublin on 8 March 1999 and the supplementary Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland constituted by the exchange of letters dated 18 June 1999 (hereinafter referred to as “the Implementation Bodies Agreement”).

I have the honour to refer also to the discussions which have taken place between our two Governments following the temporary suspension of the Northern Ireland Assembly on 15 October 2002 and to our continued, shared recognition that, notwithstanding temporary suspension, the effective implementation of the Multi-Party Agreement represents the only viable future for all the people of Northern Ireland. I have the further honour now to recall that, in order to protect and maintain the achievements of the British-Irish Agreement and the Multi-Party Agreement, and to ensure the continuation of the necessary public function performed by the Implementation Bodies during the period of temporary suspension of the Assembly, and pending its restoration, our two Governments have agreed that, for the duration of that temporary suspension, the British-Irish Agreement, the Agreement establishing the North/South Ministerial Council and the Implementation Bodies Agreement shall be read and have effect in accordance with the following provisions:

1. Decisions of the North/South Ministerial Council on policies and actions relating to the Implementation Bodies, Tourism Ireland Limited or their respective functions shall be taken by

[2002.]

*British-Irish Agreement  
(Amendment) Act, 2002.*

[No. 26.]

our two Governments. No new functions shall be conferred on SCH  
the Implementation Bodies.

2. In the Implementation Bodies Agreement:

- (a) any reference to a Northern Ireland Minister shall be read as a reference to the relevant Northern Ireland Department; and
- (b) any reference to the Assembly shall be read as a reference to the United Kingdom Parliament.

If the foregoing statement of the understandings reached in our discussions is acceptable to your Government, I have the honour then to propose that this Note and Your Excellency's Reply thereto in similar terms shall constitute an Agreement between our two Governments. It shall enter into force upon the receipt by the Government of the United Kingdom of Great Britain and Northern Ireland of the notification by the Government of Ireland that the requirements for its entry into force so far as the Government of Ireland is concerned have been completed. It shall terminate, following restoration of the Assembly, upon receipt of the later of two notifications, the one to state that the requirements for termination of this Agreement so far as the Government of Ireland is concerned have been completed, and the other to state that the requirements for the termination of this Agreement so far as the Government of the United Kingdom of Great Britain and Northern Ireland is concerned have been completed.

Accept, Your Excellency, the assurances of my highest consideration,

Brian Cowen T.D.  
Minister for Foreign Affairs

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19 November 2002

Mr Brian Cowen TD  
Minister for Foreign Affairs

Sir,

I have the honour to acknowledge receipt of your Note of today's date which reads as follows:

“I have the honour to refer 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 1998 (hereinafter referred to as “the British-Irish Agreement”), and in particular Article 2 thereof;
- the Multi-Party Agreement reached at Belfast on 10 April 1998 (hereinafter referred to as “the Multi-Party Agreement”) annexed to the British-Irish Agreement;
- the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing a North/South Ministerial Council done at Dublin on 8 March 1999 (hereinafter referred to as “the Agreement establishing the North/South Ministerial Council”); and
- the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing Implementation Bodies done at Dublin on 8 March 1999 and the supplementary Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland constituted by the exchange of letters dated 18 June 1999 (hereinafter referred to as “the Implementation Bodies Agreement”).

I have the honour to refer also to the discussions which have taken place between our two Governments following the temporary suspension of the Northern Ireland Assembly on 15 October 2002 and to our continued, shared recognition that, notwithstanding temporary suspension, the effective implementation of the Multi-Party Agreement represents the only viable future for all the people of Northern Ireland. I have the further honour now to recall that, in order to protect and maintain the achievements of the British-Irish Agreement and the Multi-Party Agreement, and to ensure the continuation of the necessary public function performed by the Implementation Bodies during the period of temporary suspension of the Assembly, and pending its restoration, our two Governments have agreed that, for the duration of that temporary suspension, the British-Irish Agreement, the Agreement establishing the North/South Ministerial Council and the Implementation Bodies Agreement shall be read and have effect in accordance with the following provisions:

1. Decisions of the North/South Ministerial Council on policies and actions relating to the Implementation Bodies, Tourism Ireland Limited or their respective functions shall be taken by our two Governments. No new functions shall be conferred on the Implementation Bodies.



[2002.]

*British-Irish Agreement  
(Amendment) Act, 2002.*

[No. 26.]

2. In the Implementation Bodies Agreement:

SCH

(a) any reference to a Northern Ireland Minister shall be read as a reference to the relevant Northern Ireland Department; and

(b) any reference to the Assembly shall be read as a reference to the United Kingdom Parliament.

If the foregoing statement of the understandings reached in our discussions is acceptable to your Government, I have the honour then to propose that this Note and Your Excellency's Reply thereto in similar terms shall constitute an Agreement between our two Governments. It shall enter into force upon the receipt by the Government of the United Kingdom of Great Britain and Northern Ireland of the notification by the Government of Ireland that the requirements for its entry into force so far as the Government of Ireland is concerned have been completed. It shall terminate, following restoration of the Assembly, upon receipt of the later of two notifications, the one to state that the requirements for termination of this Agreement so far as the Government of Ireland is concerned have been completed, and the other to state that the requirements for the termination of this Agreement so far as the Government of the United Kingdom of Great Britain and Northern Ireland is concerned have been completed."

In reply to the foregoing, I have the honour to confirm that the Government of the United Kingdom of Great Britain and Northern Ireland is in agreement with the statement of understandings set out in your Note and further to confirm that your Note and this Reply thereto shall together constitute an Agreement between our two Governments which shall enter into force and terminate in accordance with the terms thereof.

Accept, Sir, the assurances of my highest consideration,

Sir Ivor Roberts,  
Her Majesty's Ambassador