



Number 20 of 2004

**CRIMINAL JUSTICE (JOINT INVESTIGATION TEAMS)
ACT 2004**

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[No. 20.] *Criminal Justice (Joint Investigation Teams) Act 2004.* [2004.]

SCHEDULE

FRAMEWORK DECISION OF 13 JUNE 2002 OF THE COUNCIL OF THE
EUROPEAN UNION ON JOINT INVESTIGATION TEAMS

PART 1

PART 2

ACTS REFERRED TO

Criminal Justice Act 1994	1994, No. 15
European Communities Act 1972	1972, No. 27
Europol Act 1997	1997, No. 38
Garda Síochána Act 1989	1989, No. 1



Number 20 of 2004

**CRIMINAL JUSTICE (JOINT INVESTIGATION TEAMS)
ACT 2004**

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE FRAMEWORK DECISION OF 13 JUNE 2002 OF THE COUNCIL OF THE EUROPEAN UNION ON JOINT INVESTIGATION TEAMS, FOR THAT PURPOSE TO AMEND THE CRIMINAL JUSTICE ACT 1994, THE GARDA SÍOCHÁNA ACT 1989 AND REPEAL SECTION 5 OF THE EUROPOL ACT 1997, AND TO PROVIDE FOR RELATED MATTERS. [30th June, 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act, unless the context otherwise requires— Interpretation.

“Act of 1994” means Criminal Justice Act 1994;

“another Member State” means a Member State other than the State;

“the Commissioner” means the Commissioner of the Garda Síochána;

“competent authority” shall be construed in accordance with *section 2*;

“the Council Framework Decision” means the Framework Decision of 13 June 2002 of the Council of the European Union on joint investigation teams¹, the text of which is for convenience of reference set out—

(a) in *Part 1* of the *Schedule* to this Act, in the case of the Irish language text, and

(b) in *Part 2* of that *Schedule*, in the case of the English language text;

“European Communities” has the meaning it has in the European Communities Act 1972;

¹ OJ No. L 162, 20.06.2002, p.1.

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S.1 “joint investigation team” means a joint investigation team established under *section 3* or *4*;

“member”, in relation to a joint investigation team or a part of such a team, means a person who is assigned or appointed under *section 6* to be a member of the team;

“Member State” means Member State of the European Communities;

“Minister” means Minister for Justice, Equality and Law Reform;

“participants” has the meaning assigned to it by *section 9*;

“seconded member”, in relation to a joint investigation team or a part of such a team, means—

(a) if and when the team or the part is operating in the State, a member of the team or the part aforesaid appointed by the competent authority of another Member State that established the team, and

(b) if and when the team or the part is operating in another Member State, a member of the team or the part aforesaid assigned or appointed under *section 6*;

“team leader”, in relation to a joint investigation team or a part of such a team, means—

(a) if and when the team or the part is operating in the State, the member of the team or the part aforesaid designated by the Commissioner under *section 7(1)(d)* to be the team leader, and

(b) if and when the team or the part is operating in another Member State, the member of the team or the part aforesaid designated by the competent authority of that Member State to be the team leader.

(2) In this Act—

(a) a reference to a section is a reference to a section of this Act unless it is indicated that reference to some other enactment is intended,

(b) a reference to a subsection or paragraph is a reference to the subsection or paragraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended, and

(c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any other enactment including this Act.

Competent authorities.

2.—(1) Subject to *subsection (2)*, the competent authority of the State for the purposes of the Council Framework Decision and this Act (in this Act referred to as “the Competent Authority”) is the Commissioner.

(2) Where the competent authority of another Member State requires a request to it under *section 3(1)* to be made, or a request

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from it under *section 4(1)* to be received, by a judicial authority, the Minister shall be the Competent Authority in relation to the request. S.2

(3) In this Act “competent authority”, in relation to another Member State, means the authority designated by that Member State to be the competent authority of that Member State for the purposes of the Council Framework Decision.

3.—(1) Where the Competent Authority is satisfied that—

(a) either—

- (i) an offence has been committed, or there are reasonable grounds for suspecting that an offence has been committed, in the State and the investigation of the offence or suspected offence has links with another Member State or States, or
- (ii) conduct which would constitute an offence if it occurred in the State has occurred, or there are reasonable grounds for suspecting that such conduct has occurred, partly in the State and partly in another Member State or States,

and

(b) there are reasonable grounds for believing that it is in the public interest, having regard to the benefit likely to accrue to the investigation of the offence or suspected offence concerned or into the conduct concerned, to establish a joint investigation team with that other Member State or those other Member States because—

- (i) part of the investigation is being, or it is anticipated that it will be, conducted in that other Member State or those other Member States, or
- (ii) the investigation requires coordinated and concerted action by the Member States (including the State) concerned,

the Competent Authority may request the competent authority or authorities of that other Member State or those other Member States to establish a joint investigation team to investigate the offence, suspected offence or conduct concerned.

(2) A request under *subsection (1)* shall specify the following:

- (a) the competent authority making the request,
- (b) the purpose of the request,
- (c) the conduct to be investigated,
- (d) the identity and nationality (if known) of the person or persons whose conduct is to be investigated,
- (e) proposals in respect of the membership of a joint investigation team, and
- (f) the period for which a joint investigation team is required.

Request to other Member State or States to establish joint investigation team.