



**COUNCIL OF  
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**COVER NOTE**

from:	Claire Fielder, First Secretary, Justice and Home Affairs, UK Representation to the European Union
to:	Ivan Bizjak, Director-General, Council of the European Union
date of receipt :	4 June 2010
Subject :	Notification of a declaration of the United Kingdom to the General Secretariat of the Council of the European Union and the European Commission regarding the implementation of Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings

Dear Mr Director-General,

With reference to Article 5 of Council FD 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings, the United Kingdom gives notice to the General Secretariat of the Council of the European Union and the European Commission that it will implement the above FD in England and Wales by 15 August 2010.

With regard to Article 5(2) of the FD, which requires Member States to transmit to the Council and the Commission the text of the provisions transporting into their national law the obligations imposed on them in the FD, I attach a copy of the Coroners and Justice Act 2009 ([http://www.opsi.gov.uk/acts/acts2009/pdf/ukpga\\_20090025\\_en.pdf](http://www.opsi.gov.uk/acts/acts2009/pdf/ukpga_20090025_en.pdf)) which gives legal effect to the FD in England, Wales and Northern Ireland (section 144 and Schedule 17).

In Northern Ireland the very devolution of Policing and Justice powers to the Northern Ireland Assembly and the consequential revised procedural and legislative requirements mean that commencement of the legislation will be slightly later than the 15 August target. It is nevertheless intended to commence the legislation as early as possible thereafter with this expected to be roughly one month later towards the end of September. It is worth noting however that the use of EU-based convictions is already operational practice in courts in Northern Ireland and has been for quite some time.

For Scotland, provisions to give effect to the FD are contained within section 52A and Schedule 2A of the Criminal Justice and Licensing (Scotland) Bill. This Bill completed its Parliamentary consideration on 30 June 2010. It is subject to the normal legislative processes before it can become law, but is expected to become the Criminal Justice and Licensing (Scotland) Act 2010 in the next two or three months, at which point it will be published (at <http://www.opsi.gov.uk/legislation/scotland/s-acts2010a>). This process is unfortunately - later than originally intended and means that Scottish implementation of the FD will not now occur on the 15 August deadline. The intention is for the provisions adopting the FD (which will receive new section and Schedule numbers at that point) to be commenced at the earliest possible opportunity, which is expected to be October 2010. The Scottish Government would like to express its regret at missing the implementation deadline. We will write again to confirm the position when settled.

I am writing in the same terms to the European Commission.

(Complimentary close)

(s.) Claire Fielder