



An Chartlann Náisiúnta National Archives

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Mr Murray mentioned to Taoiseach
13/12/87
14/12/87
9.1.88

AN ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

Mr O'Keefe
Mr Collins
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these from Mr Murray

Rm 9 4/1/88

The Department of Foreign Affairs presents its compliments to the British Embassy and with reference to the Embassy's note no. 181/12/86 has the honour to attach a procedure in Annex I for the making safe of improvised explosive devices on or near the border.

The Garda Síochána and the Irish Army intend to follow the procedure set out in Annex I with effect from the seventh day after the date of this note.

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The Minister has granted permission for photographic overflights in connection with this procedure and subject to the stipulations as set out in Annex II with effect from the seventh day after the date of this note.

The Minister has granted permission for the entry into the State or going into any public place in the State of unarmed Ammunition Technical Officers of the British Army (not being more than two in number at any one place) in uniform to give effect to the procedure set out in Annex I for the making safe of Improvised Explosive Devices on or near the border to a maximum distance of 200 metres into the State from the nearest point of the Border and subject to the agreement of the Garda Officer, not below the rank of Inspector, at the scene or in the locality. This permission takes effect on the seventh day after the date of this note for a period of six months (subject to renewal for further periods of six months) with a review of the permission at the end of every six month period.

This consent does not imply that any liability is accepted by the State for death, injury, loss or damage howsoever arising by reason of the entry or presence in the State of uniformed personnel to whom this consent applies.

Both permissions may be terminated or varied at any time at the discretion of the Minister for Foreign Affairs.

The Department of Foreign Affairs avails itself of this opportunity to renew to the British Embassy the assurance of its highest consideration.



9 Jan 1987

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National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record
in place of each part abstracted

- (i) Reference number of the separate cover under which the abstracted part has been filed: **S230/08/05/0031M**
- (ii) How many documents have been abstracted: **1 and copy**
- (iii) The date of each such document: **January 1987**
- (iv) The description of each document: **Note of O/Foreign Affairs procedures.**
- (v) Number of pages: **2**

[Where appropriate, a composite description may be entered in respect of two or more related documents]

- (v) Reason(s) why the part has been abstracted for retention:

Section 8 (4) (a) (b) & (c) of the National Archives Act, 1986

[These will be the reasons given on the certificate under section 8(4)]

Name: *Quinn Kelly*

Grade: Assistant Principal Officer

Department/Office/Court: Taoiseach's Department

Date: *11 September 2017*

ANNEX II

Stipulations

- (I) The overflight is for photographic purposes in connection with actual or suspected improvised explosive devices on or near the Border;
- (II) The type of aircraft is a military Beaver fixed-wing aircraft or helicopter;
- (III) The aircraft is unarmed and carries no arms, ammunition or intelligence gathering equipment other than equipment for the photographic purposes of the overflight;
- (IV) The overflight does not form a part of a military exercise or any operation other than an operation for the purpose of making safe an actual or suspected improvised explosive device on or near the Border;
- (V) The aircraft does not carry, without the express permission of the Minister for Communications of Ireland, any dangerous goods;
- (VI) All relevant air traffic control or other appropriate operational procedures are complied with, the required navigational and communications equipment is carried, and the aircraft does not cause damage to persons or property;
- (VII) The call sign is given in the notification;
- (VIII) The number of crew is specified in the notification;

- (IX) Casement Aerodrome, Baldonnel is notified by the appropriate British authority of the intended flight plan in advance and the permit number for overflight clearance is inserted on the flight plan (IED 01 (designation for overflights) /87);
- (X) Landings are not permitted;
- (XI) The area to be flown over is specified in the notification by reference to the townland, the nearest border crossing and the grid numbers;
- (XII) The height is a minimum of 150ft. above ground level, and a maximum of 500ft. above ground level;
- (XIII) The depth of penetration into the State does not exceed 200 metres from the nearest point on the border;
- (XIV) The timing of the overflight is given in the notification and any subsequent change of timing caused by weather conditions or other factors is notified without delay;
- (XV) Subject to stipulation (XVIII) below the number of passes over the area in question does not exceed 5;
- (XVI) Subject to stipulation (XVIII) below the period of time over the area in question does not exceed 25 minutes;
- (XVII) The senior Garda officer (not below the rank of Inspector) at the scene or in the locality is notified by the RUC in advance and is provided with the information required in these stipulations and these particulars are confirmed in writing at the earliest opportunity thereafter;

- (XVIII) In the event of the said Garda officer not being satisfied that these stipulations have been observed, he has the right to deny or suspend an overflight and to issue directions as to duration, time and number of passes over the area in question and in regard to any other aspect of an overflight;
- (XIX) Formal notification in writing giving the information required by these stipulations is given to the Department of Foreign Affairs by the British Embassy as soon as possible in each case;
- (XX) This permission is availed of only when absolutely necessary;
- (XXI) This permission is given for a period of six months (subject to renewal for further periods of six months) with a review of the permission at the end of every six month period;
- (XXII) This permission may be terminated or varied at any time at the discretion of the Minister for Foreign Affairs.

Note No 3/1/87

Her Britannic Majesty's Embassy present their compliments to the Department of Foreign Affairs and with reference to the Embassy's Note No 181/12/86 have the honour to attach a / procedure in Annex I for the making safe of Improvised Explosive Devices on or near the Border.

The Royal Ulster Constabulary and the British Army intend to follow the procedure in Annex I with effect from the seventh day after the date of this Note.

Permission has been granted for photographic overflights in connection with this procedure and subject to the stipu- / lations as set out in Annex II, with effect from the seventh day after the date of this Note.

Permission has been granted for the entry into the State or going into any public place in the State of unarmed Explosives Ordinance Demolition Officers of the Irish Army (not being more than two in number at any one place) in uniform to give effect to the procedure set out in Annex I attached for the making safe of Improvised Explosive Devices on or near the Border to a maximum distance of 200 metres into the State from the nearest point of the Border and subject to the agreement of the RUC Officer, not below the rank of Inspector, at the scene or in the locality. This permission takes effect on the seventh day after the date of this Note for a period of six months (subject to renewal

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for further periods of six months) with a review of the permission at the end of every six month period.

This consent does not imply that any liability is accepted by the State for death, injury, loss or damage however arising by reason of the entry or presence in the State of uniformed personnel to whom this consent applies.

Both permissions may be terminated or varied at any time at the discretion of the Secretary of State for Northern Ireland.

The Embassy avail themselves of this opportunity to renew to the Department the assurance of their highest consideration.

British Embassy
DUBLIN

9 January 1987



ANNEX II

STIPULATIONS FOR IED OVERFLIGHTS

- (i) The overflight is for photographic purposes in connection with actual or suspected improvised explosive devices on or near the border;
- (ii) the type of aircraft is a military fixed-wing aircraft or helicopter;
- (iii) the aircraft is unarmed and carries no arms, ammunition or intelligence gathering equipment other than equipment for the photographic purposes of the overflight;
- (iv) the overflight does not form part of a military exercise or any operation other than an operation for the purpose of making safe an actual or suspected improvised explosive device on or near the border;
- (v) the aircraft shall not carry, without the express permission of the Secretary of State for Northern Ireland, any dangerous goods;
- (vi) all relevant air traffic control or other appropriate operational procedures are complied with, the required navigational and communications equipment is carried, and the aircraft does not cause damage to persons or property;
- (vii) the call sign is given in the notification;
- (viii) the number of crew is specified in the notification;
- (ix) Aldergrove Airport is informed by the appropriate Irish authority of the intended flight plan in advance and the permit number for overflight clearance is inserted on the flight plan (IED 01 (designation for overflights) /87);
- (x) landings are not permitted;
- (xi) the area in question is specified by reference to the townland, the nearest border crossing and the grid numbers;
- (xii) the height is a minimum of 150 feet above ground level, and a maximum of 500 feet above ground level;

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- (xiii) the depth of penetration into the State does not exceed 200 metres from the nearest point on the Border;
- (xiv) the timing of the overflight is given in the notification, and any subsequent change of timing caused by weather conditions or other factors is notified without delay;
- (xv) subject to stipulation (xviii) below, the number of passes over the area in question does not exceed 5;
- (xvi) subject to stipulation (xviii) below, the period of time over the area in question does not exceed 25 minutes;
- (xvii) the senior RUC officer (not below the rank of Inspector) at the scene or in the locality is notified by the Garda in advance and is provided with the information required in these stipulations and that these particulars are confirmed in writing at the earliest opportunity thereafter;
- (xviii) in the event of the said RUC officer not being satisfied that these stipulations have been observed, he has the right to deny or suspend an overflight and to issue directions as to duration, time and number of passes over the area in question and in regard to any other aspect of an overflight;
- (xix) formal notification in writing giving the information required by these stipulations is given to the British Embassy by the Department of Foreign Affairs as soon as possible in each case;
- (xx) this permission is availed of only when absolutely necessary;
- (xxi) this permission is given for a period of six months (subject to renewal for further periods of six months) with a review of the permission at the end of every six month period;
- (xxii) this permission may be terminated or varied at any time at the discretion of the Secretary of State for Northern Ireland.

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Wearing of uniform by Ammunition Technical Officers
of the British Army

Whereas sub-sections (1) and (2) of Section 317 of the Defence Act 1954 (no. 18 of 1954) provides that no person shall, save with the consent in writing of a Minister of State, enter or land in the State or go into any public place in the State while wearing any foreign uniform;

And whereas by sub-section (3) of the said Section the Minister of State may direct that the said sub-sections (1) and (2) shall not apply during a specified period in respect of any particular class of persons defined in such manner as he thinks fit;

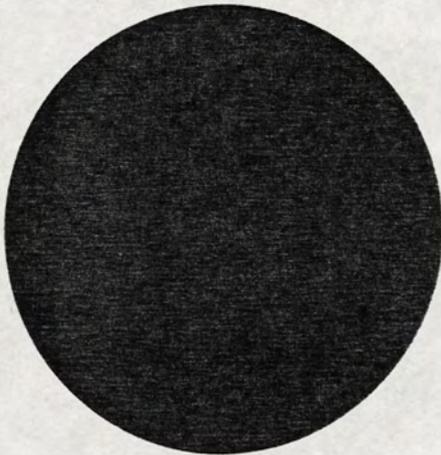
And whereas, I believe that in certain circumstances it is expedient to permit British military experts of the particular class hereby defined to cross the Border in connection with the making safe of improvised explosive devices on or near the Border;

Now, therefore, by virtue of sub-section (3) of Section 317 of the said Act, I, Peter Barry, a Minister of State, hereby direct that the said sub-section (1) and (2) of Section 317 of the Defence Act 1954 (no. 18 of 1954) shall not apply to the entry into the State or going into any public place in the State of unarmed Ammunition Technical Officers of the British Army (not being more than two in number in any one place) in uniform in connection with the making safe of improvised explosive devices on or near the Border to a maximum distance of 200 metres into the State from the nearest point of the Border and subject to the agreement of a member of the Garda Síochána, not below the rank of Inspector, at the scene or in the locality.

This direction does not imply that any liability is accepted by the State for death, injury, loss or damage howsoever arising by reason of the entry into or presence in the State of uniformed personnel to whom this direction applies.

This direction is to come into operation on the seventh day after the signing hereof and shall be valid for a period of 6 months from the said date of commencement unless earlier withdrawn.

Given under my official seal this *9th* day of *January* 1987.



Garret de Bóroa

Minister for Foreign Affairs
of Ireland