

No. 5959

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FEDERAL REPUBLIC OF GERMANY**

Exchange of notes constituting an agreement providing for reciprocal assistance in criminal matters between the police authorities of the United Kingdom and the Federal Republic of Germany. Bonn, 2 May 1961

Official texts: English and German.

Registered by the United Kingdom of Great Britain and Northern Ireland on 20 November 1961.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Échange de notes constituant un accord prévoyant une assistance mutuelle en matière pénale entre les autorités de police du Royaume-Uni et de la République fédérale d'Allemagne. Bonn, 2 mai 1961

Textes officiels anglais et allemand.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 20 novembre 1961.

No. 5959. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY PROVIDING FOR RECIPROCAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE POLICE AUTHORITIES OF THE UNITED KINGDOM AND THE FEDERAL REPUBLIC OF GERMANY. BONN, 2 MAY 1961

I

Her Majesty's Ambassador at Bonn to the Federal German Minister for Foreign Affairs

BRITISH EMBASSY

Bonn, May 2, 1961

Excellency,

I have the honour to refer to discussions which took place in November, 1959 and April, 1960 between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and representatives of the Government of the Federal Republic of Germany concerning reciprocity between the two countries regarding assistance in criminal matters.

Her Majesty's Government have noted that under Article 41 of the German Extradition Law the granting of assistance in criminal matters to a foreign authority is permissible only if reciprocity is guaranteed. This is interpreted by legal opinion and court practice in the Federal Republic of Germany to mean that the reciprocity of a foreign State is to be assured by a declaration of the foreign Government binding under international law or by an internal Act of that country.

For this reason Her Majesty's Government propose that :

1. the National Central Bureau at New Scotland Yard and the Bundeskriminalamt shall, so far as is possible, assist each other in criminal matters ;
2. such assistance shall, however, not be granted :
 - (a) in matters of a political, religious or racial character ; or
 - (b) if it would be prejudicial to the essential interests of the State to grant it.

¹ Came into force on 2 May 1961 by the exchange of the said notes.