

## Report of The International Body on Arms Decommissioning

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January 24, 1996

### I. INTRODUCTION

1. On 28 November, 1995, the British and Irish Governments issued a Communique; which announced the launching in Northern Ireland of a "'twin track' process to make progress in parallel on the decommissioning issue and on all-party negotiations."
2. One track was "to invite the parties to intensive preparatory talks with a remit to reach widespread agreement on the basis, participation, structure, format and agenda to bring all parties together for substantive negotiations aimed at a political settlement based on consent." This has become known as the political track.
3. The other track concerned the decommissioning of arms and was set forth as follows in the Communique:

5. "In parallel, the two Governments have agreed to establish an International Body to provide an independent assessment of the decommissioning issue.

6. "Recognising the widely expressed desire to see all arms removed from Irish politics, the two Governments will ask the International Body to report on the arrangements necessary for the removal from the political equation of arms silenced by virtue of the welcome decisions taken last summer and autumn by those organisations that previously supported the use of arms for political purposes.

7. "In particular, the two Governments will ask the Body to:

identify and advise on a suitable and acceptable method for full and verifiable decommissioning; and

report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve that.

8. "It will be for the International Body to determine its own procedures. The two Governments expect it to consult widely, to invite relevant parties to submit their analysis of matters relevant to the decommissioning issue and, in reaching its conclusions within its remit, to consider such evidence on its merits."

4. We are that Body. This is our report. We have no stake in Northern Ireland other than an interest in seeing an end to the conflict and in the ability of its people to live in peace. Our role is to bring an independent perspective to the issue. We are motivated solely by our wish to help. This assessment represents our best and our independent judgment. We are unanimous in our views. There are no differences of opinion among us.

5. To provide us with sufficient information to meet our remit, we held two series of meetings in Belfast, Dublin and London: the first, 15th through 18th December, 1995: the second, 11th through 22nd January, 1996.

In addition, we held an organisational meeting in New York on December 9th, 1995.

6. In the course of our meetings we heard orally and in writing from dozens of government officials, political leaders, church officials and representatives of other organisations and institutions. We received hundreds of letters and telephone calls from members of the public and met with many others.

We thank all for their submissions.

Contributions from those who suffered losses during the time of troubles but are strongly committed to the peace process were especially moving.

All the submissions have been carefully reviewed and considered.

## II. DISCUSSION

7. Our examination of the issues and of the facts, and the perspectives brought to us by those who briefed us or who made written representations to us, convince us that while there is no simple solution to the conflict in Northern Ireland, the factors on which a process for peace must be based are already known. We can indicate the way we believe these factors should be addressed so that decommissioning of arms and all-party negotiations can proceed, but only resolute action by the parties themselves will produce progress.
8. That noted, we are aware of the enormous contribution already made by individuals and groups in advancing the process of peace in Northern Ireland to its current stage. The tireless and courageous efforts of Prime Minister John Major and Taoiseach John Bruton (and before him Albert Reynolds) have been essential to the peace process. They have been joined by other political leaders, institutions, organisations and individuals in the promotion of peace.
9. We considered our task in the light of our responsibility to all of the people of Northern Ireland; the need for the people to be reassured that their democratic and moral expectations can be realised; and in the spirit of serious efforts made by the British and Irish Governments to advance the peace process.
10. For nearly a year and a half the guns have been silent in Northern Ireland. The people want that silence to continue. They want lasting peace in a just society in which paramilitary violence plays no part.

That was the dominant theme expressed in the many letters and calls we received from those in the North and South, Unionist and Nationalist, Catholic and Protestant, Loyalist and Republican.

11. Not with standing reprehensible "punishment" killings and beatings, the sustained observance of the ceasefires should not be devalued. It is a significant factor which must be given due weight in assessing the commitment of the paramilitaries to "work constructively to achieve" full and verifiable decommissioning.
12. Since the ceasefires, the political debate has focused largely on the differences that have prevented the commencement of all-party negotiations intended to achieve an agreed political settlement. This circumstance has obscured the widespread agreement that exists -- so widespread that it tends to be taken for granted. In fact, members of both traditions may be less far apart on the resolution of their differences than they believe.
13. No one should underestimate the value of the consensus for peace, and the fact that no significant group is actively seeking to end it.
14. In paragraph five of the Communique we were asked "to provide an independent assessment of the decommissioning issue" It is a serious issue. It is also a symptom of a larger problem: the absence of trust. Common to many of our meetings were arguments, steeped in history, as to why the other side cannot be trusted. As a consequence, even well-intentioned acts are often viewed with suspicion and hostility.
15. But a resolution of the decommissioning issue -- or any other issue -- will not be found if the parties resort to their vast inventories of historical recrimination. Or, as it was put to us several times, what is really needed is the decommissioning of mind-sets in Northern Ireland.
16. We have asked ourselves how those who have suffered during the many years of internal strife can accept the fact that the establishment of a lasting peace will call for reconciliation with those they hold responsible for their loss and pain. Surely the continued suffering and bereavement of individuals and of families

should never be forgotten.

But if the focus remains on the past, the past will become the future, and that is something no one can desire.

17. Everyone with whom we spoke agrees in principle with the need to decommission. There are differences on the timing and context -- indeed, those differences led to the creation of this Body -- but they should not obscure the nearly universal support which exists for the total and verifiable disarmament of all paramilitary organisations. That must continue to be a principal objective.
18. However the issue of decommissioning is resolved, that alone will not lead directly to all-party negotiations. Much work remains on the many issues involved in the political track. The parties should address those issues with urgency.

### III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE

19. To reach an agreed political settlement and to take the gun out of Irish politics, there must be commitment and adherence to fundamental principles of democracy and non-violence. Participants in all-party negotiations should affirm their commitment to such principles.
20. Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:

**a To democratic and exclusively peaceful means of resolving political issues;**

**b To the total disarmament of all paramilitary organisations;**

**c To agree that such disarmament must be verifiable to the satisfaction of an independent commission;**

**d To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;**

**e To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,**

**f To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.**

21. We join the Governments, religious leaders and many others in condemning "punishment" killings and beatings. They contribute to the fear that those who have used violence to pursue political objectives in the past will do so again in the future. Such actions have no place in a lawful society.
22. Those who demand decommissioning prior to all-party negotiations do so out of concern that the paramilitaries will use force, threaten to use force, to influence the negotiations, or to change any aspect of the outcome of negotiations with which they disagree.

Given the history of Northern Ireland, this is not an unreasonable concern. The principles we recommend address those concerns directly.

23. These commitments, when made and honoured, would remove the threat of force before, during and after all-party negotiations. They would focus all concerned on what is ultimately essential if the gun is to be taken out of Irish

politics: an agreed political settlement and the total and verifiable disarmament of all paramilitary organisations. That should encourage the belief that the peace process will truly be an exercise in democracy, not one influenced by the threat of violence.

#### **IV. COMMITMENT TO DECOMMISSIONING**

24. The second of the specific questions in paragraph seven of the Communique asks us "to report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve" full and verifiable decommissioning.
25. We have concluded that there is a clear commitment on the part of those in possession of such arms to work constructively to achieve full and verifiable decommissioning as part of the process of all-party negotiations; but that commitment does not include decommissioning prior to such negotiations.
26. After careful consideration, on the basis of intensive discussions with the Governments, the political parties, religious leaders, the security forces, and many others, we have concluded that the paramilitary organisations will not decommission any arms prior to all-party negotiations. That was the unanimous and emphatically expressed view of the representatives of the political parties close to paramilitary organisations on both sides. It was also the view of the vast majority of the organisations and individuals who made oral and written submissions. It is not that they are all opposed to prior decommissioning. To the contrary, many favour it. But they are convinced that it will not happen. That is the reality with which all concerned must deal.
27. Competing views were advanced on prior decommissioning. One was that decommissioning of arms must occur prior to all-party negotiations. We were told that the clearest demonstration of adherence to democratic principles, and of a permanent end to the use of violence, is the safe removal and disposal of paramilitary arms, and that at this time only a start to decommissioning will provide the confidence necessary for all-party negotiations to commence. In this view, all parties were aware of the need for prior decommissioning before the ceasefires were announced and should not now be able to avoid that requirement.
28. In the competing view we were told that decommissioning of arms prior to all-party negotiations was not requested before the announcement of the ceasefires, and that had it been, there would have been no ceasefires; that those who entered into ceasefires did so in the belief they would lead immediately to all-party negotiations; and that the request for prior decommissioning, seriously pursued for the first time months after the ceasefires were declared, is merely a tactic to delay or deny such negotiations. In this view, the ceasefires having been maintained for nearly a year and a half, all-party negotiations should begin immediately with no further requirements.
29. We believe that each side of this argument reflects a core of reasonable concern which deserves to be understood and addressed by the other side.
30. Those who insist on prior decommissioning need to be reassured that the commitment to peaceful and democratic means by those formerly supportive of politically motivated violence is genuine and irreversible, and that the threat or use of such violence will not be invoked to influence the process of negotiations or to change any agreed settlement.
31. Those who have been persuaded to abandon violence for the peaceful political path need to be reassured that a meaningful and inclusive process of negotiation is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.
32. Clearly, new approaches must be explored to overcome this impasse. That is the purpose of the six principles we recommend. They invoke a comprehensive commitment to democracy and non-violence that is intended to reassure all parties to the negotiations.

#### **V. DECOMMISSIONING DURING ALL-PARTY NEGOTIATIONS**

33. One side has insisted that some decommissioning of arms must take place before all-party negotiations can begin. The other side has insisted that no decommissioning can take place until the end of the process, after an agreed settlement has been reached. This has resulted in the current impasse.

34. The parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.
35. In addition, it offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence.

## **VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING**

36. The first of the specific questions in paragraph seven of the Communique asks us "to identify and advise on a suitable and acceptable method for full and verifiable decommissioning."
37. We recommend the following guidelines on the modalities of decommissioning. These recommendations are realistic in light of the nature and scale of the arsenals in question, estimates of which were provided to us by the Governments and their security forces. We believe these estimates to be accurate.
38. Decommissioning should receive a high priority in all-party negotiations. The details of decommissioning, including supporting confidence-building measures, timing and sequencing, have to be determined by the parties themselves.

The decommissioning process should suggest neither victory nor defeat.

39. The ceasefires and the peace process are products not of surrender but rather of a willingness to address differences through political means. This essential fact should be reflected clearly in the modalities of the decommissioning process, which should not require that any party be seen to surrender.

The decommissioning process should take place to the satisfaction of an independent commission.

40. The decommissioning process should take place to the satisfaction of an independent commission acceptable to all parties. The commission would be appointed by the British and Irish Governments on the basis of consultations with the other parties to the negotiating process.
41. The commission should be able to operate independently in both jurisdictions, and should enjoy appropriate legal status and immunity.
42. In addition to having available to it independent sources of legal and technical advice and adequate field resources to receive and audit armaments and to observe and verify the decommissioning process, the commission should be able to call upon the resources and the relevant technical expertise of the British and Irish Armies, when it is appropriate.

The decommissioning process should result in the complete destruction of armaments in a manner that contributes to public safety.

43. The decommissioning process should result in the complete destruction of the armaments. Procedures for destruction would include the cutting up or chipping of small arms and other weapons, the controlled explosion of ammunition and explosives, and other forms of conventional munitions disposal.
44. The decommissioning process could encompass a variety of methods, subject to negotiation, including:
  - the transfer of armaments to the commission or to the designated representatives of either Government, for subsequent destruction;
  - the provision of information to the commission or to designated representatives of either Government, leading to the discovery of

- armaments for subsequent destruction; and,
- the depositing of armaments for collection and subsequent destruction, by the commission or by representatives of either Government.

Parties should also have the option of destroying their weapons themselves.

45. Priority should be accorded throughout to ensuring that armaments are safely handled and stored, and are not misappropriated.

The decommissioning process should be fully verifiable.

46. Whatever the options chosen for the destruction of armaments, including the destruction of weapons by the parties themselves, verification must occur to the satisfaction of the commission.
47. The commission would record information required to monitor the process effectively. The commission should have available to it the relevant data of the Garda Síochána and the Royal Ulster Constabulary. It would report periodically to relevant parties on progress achieved in the decommissioning process.

The decommissioning process should not expose individuals to prosecution.

48. Individuals involved in the decommissioning process should not be prosecuted for the possession of those armaments; amnesties should be established in law in both jurisdictions. Armaments made available for decommissioning, whether directly or indirectly, should be exempt under law from forensic examination, and information obtained as a result of the decommissioning process should be inadmissible as evidence in courts of law in either jurisdiction.
49. Groups in possession of illegal armaments should be free to organise their participation in the decommissioning process as they judge appropriate, e.g. groups may designate particular individuals to deposit armaments on their behalf.

The decommissioning process should be mutual.

50. Decommissioning would take place on the basis of the mutual commitment and participation of the paramilitary organisations.

This offers the parties another opportunity to use the process of decommissioning to build confidence one step at a time during negotiations.

## **VII. FURTHER CONFIDENCE-BUILDING**

51. It is important for all participants to take steps to build confidence throughout the peace process. In the course of our discussions, many urged that certain actions other than decommissioning be taken to build confidence. We make no recommendations on them since they are outside our remit, but we believe it appropriate to comment on some since success in the peace process cannot be achieved solely by reference to the decommissioning of arms.
52. Support for the use of violence is incompatible with participation in the democratic process. The early termination of paramilitary activities, including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. So, too, would the provision of information on the status of missing persons, and the return of those who have been forced to leave their communities under threat.
53. Continued action by the Governments on prisoners would bolster trust. So would early implementation of the proposed review of emergency legislation, consistent with the evolving security situation.
54. Different views were expressed as to the weapons to be decommissioned. In the Communique, the Governments made clear their view that our remit is limited to those weapons held by paramilitary organisations. We accept and share that view. There is no equivalence between such weapons and those held by security

forces. However, in the context of building mutual confidence, we welcome the commitment of the Governments, as stated in paragraph nine of the Communique, "to continue to take responsive measures, advised by their respective security authorities, as the threat reduces".

55. We share the hope, expressed by many on all sides, that policing in Northern Ireland can be normalised as soon as the security situation permits. A review of the situation with respect to legally registered weapons and the use of plastic bullets, and continued progress toward more balanced representation in the police force would contribute to the building of trust.
56. Several oral and written submissions raised the idea of an elected body. We note the reference in paragraph three of the Communique; to "whether and how an elected body could play a part". Elections held in accordance with democratic principles express and reflect the popular will. If it were broadly acceptable, with an appropriate mandate, and within the three-strand structure, an elective process could contribute to the building of confidence.
57. Finally, the importance of further progress in the social and economic development of Northern Ireland and its communities was emphasised time and again in our meetings, in the context of building confidence and establishing a lasting peace.

#### **VIII. CONCLUDING REMARKS**

58. Last week we stood in Belfast and looked at a thirty foot high wall and at barriers topped with iron and barbed wire. The wall, which has ironically come to be known as the "peace line", is a tangible symbol of the division of the people of Northern Ireland into two hostile communities. To the outsider both are warm and generous. Between themselves they are fearful and antagonistic.
59. Yet, it is now clear beyond doubt that the vast majority of the people of both traditions want to turn away from the bitter past. There is a powerful desire for peace in Northern Ireland. It is that desire which creates the present opportunity.
60. This is a critical time in the history of Northern Ireland. The peace process will move forward or this society could slip back to the horror of the past quarter century.
61. Rigid adherence by the parties to their past positions will simply continue the stalemate which has already lasted too long. In a society as deeply divided as Northern Ireland, reaching across the "peace line" requires a willingness to take risks for peace.
62. The risk may seem high but the reward is great: a future of peace, equality and prosperity for all the people of Northern Ireland.

George J. Mitchell; John de Chastelain; Harri Holkeri.

January 22nd, 1996

# Northern Ireland Arms Decommissioning Act 1997

## CHAPTER 7

### ARRANGEMENT OF SECTIONS

Section

1. Decommissioning scheme.
2. Duration of decommissioning scheme.
3. Methods of decommissioning.
4. Amnesty.
5. Evidence.
6. Testing decommissioned articles.
7. The Commission.
8. Arms in England and Wales and Scotland.
9. Expenses.
10. Interpretation.
11. Short title and saving.

SCHEDULE:

—Offences covered by the amnesty.

# Northern Ireland Arms Decommissioning Act 1997

## 1997 CHAPTER 7

An Act to make provision connected with Northern Ireland about the decommissioning of firearms, ammunition and explosives; and for connected purposes. [27th February 1997]

**B**E IT ENACTED, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

Decommissioning  
scheme.

- 1.**-(1) In this Act a "decommissioning scheme" is any scheme which-
- (a) is made by the Secretary of State to facilitate the decommissioning of firearms, ammunition and explosives in Northern Ireland, and
  - (b) includes provisions satisfying the requirements of sections 2 and 3 (whether or not it also includes other provisions).

1868 c. 37.

(2) Section 2 of the Documentary Evidence Act 1868 (mode of proving certain documents) shall apply to a decommissioning scheme.

Duration of  
decommissioning  
scheme.

**2.**-(1) A decommissioning scheme must identify a period during which firearms, ammunition and explosives may be dealt with in accordance with the scheme ("the amnesty period").

(2) The amnesty period must end before-

- (a) [27<sup>th</sup> February 2003<sup>1</sup>], or
- (b) such later day as the Secretary of State may by order from time to time appoint.

(3) A day appointed by an order under subsection (2)(b) must not be-

- (a) more than twelve months after the day on which the order is made, or
- (b) [later than 27<sup>th</sup> February 2007<sup>2</sup>].

(4) An order under subsection (2)(b) shall be made by statutory instrument; and no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

Methods of  
decommissioning.

**3.**-(1) A decommissioning scheme must make provision for one or more of the following ways of dealing with firearms, ammunition and explosives (and may make provision for others)-

- (a) transfer to the Commission mentioned in section 7, or to a designated person, for destruction;
- (b) depositing for collection and destruction by the Commission or a designated person;

- (c) provision of information for the purpose of collection and destruction by the Commission or a designated person;
- (d) destruction by persons in unlawful possession.

(2) In subsection (1) "designated person" means a person designated by the Secretary of State or, in the case of firearms, ammunition or explosives transferred or collected in the Republic of Ireland, a person designated by the Minister for Justice of the Republic.

**4.-**(1) No proceedings shall be brought for an offence listed in the Schedule to this Act in respect of anything done in accordance with a decommissioning scheme.

Amnesty.

(2) The Secretary of State may by order add any offence or description of offence to, or remove any offence or description of offence from, the list in the Schedule to this Act.

(3) An order under subsection (2)-

- (a) shall be made by statutory instrument, and
- (b) may include such transitional provisions as appear to the Secretary of State to be expedient.

(4) No order shall be made under subsection (2) unless a draft has been laid before, and approved by resolution of, each House of Parliament.

**5.-**(1) A decommissioned article, or information derived from it, shall not be admissible in evidence in criminal proceedings.

Evidence.

(2) Evidence of anything done, and of any information obtained, in accordance with a decommissioning scheme shall not be admissible in criminal proceedings.

(3) Subsections (1) and (2) shall not apply to the admission of evidence adduced in criminal proceedings on behalf of the accused.

(4) Subsection (1) shall not apply to proceedings for an offence alleged to have been committed by the use of, or in relation to, something which was a decommissioned article at the time when the offence is alleged to have been committed.

**6.-**(1) A person who has received a decommissioned article shall not carry out, or cause or permit anyone else to carry out, a test or procedure in relation to the article the purpose of which is-

Testing decommissioned articles.

- (a) to discover information about anything done with or in relation to any decommissioned article,
- (b) to discover who has been in contact with, or near to, any decommissioned article,
- (c) to discover where any decommissioned article was at any time (including the conditions under which it was kept),
- (d) to discover when any decommissioned article was in contact with, or near to, a particular person or when it was in a particular place or kept under particular conditions,
- (e) to discover when or where any decommissioned article was made, or
- (f) to discover the composition of any decommissioned article.

(2) Subsection (1)(f) does not prohibit a test or procedure the purpose of which is-

- (a) to determine whether an article is, or contains, an explosive or ammunition,
- (b) to determine the quantity of explosive or ammunition present, or
- (c) to determine whether an article can safely be moved or otherwise dealt with.

(3) Subsection (1) does not prohibit a test or procedure the purpose of which is to discover information in relation to a decommissioned article where the information-

- (a) is sought for the purposes of the investigation of an offence alleged to have been committed at a time after the article became a decommissioned article, and
- (b) does not concern the treatment of the article in accordance with a decommissioning scheme.

The Commission.

7.-(1) In this section "the Commission" means an independent organisation established by an agreement, made in connection with the affairs of Northern Ireland between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland, to facilitate the decommissioning of firearms, ammunition and explosives.

(2) The Secretary of State may by order-

- (a) confer on the Commission the legal capacities of a body corporate;
- (b) confer on the Commission, in such cases, to such extent and with such modifications as the order may specify, any of the privileges and immunities set out in Part I of Schedule 1 to the International Organisations Act 1968;
- (c) confer on members and servants of the Commission and members of their families who form part of their households, in such cases, to such extent and with such modifications as the order may specify any of the privileges and immunities set out in Parts II, III and V of that Schedule;
- (d) make provision about the waiver of privileges and immunities.

In this subsection "servants of the Commission" includes agents of, and persons carrying out work for or giving advice to, the Commission.

(3) An order under subsection (2)-

- (a) may make different provision for different cases (including different provision for different persons);
- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The Secretary of State may-

- (a) make payments to the Commission or to members of the Commission;
- (b) provide for the Commission such premises and facilities, and the services of such staff, as he thinks appropriate.

(5) This section shall come into force on such day as the Secretary of State, after consulting the Minister for Justice of the Republic of Ireland, may by order made by statutory instrument appoint.

(6) This section shall cease to have effect at the end of such day as the Secretary of State, after consulting the Minister for Justice of the Republic of Ireland, may by order made by statutory instrument appoint; and an

order under this subsection may include such transitional provisions as appear to the Secretary of State to be expedient.

**8.**-(1) This section applies to any scheme which-

(a) is made by the Secretary of State, for purposes relating to the affairs of Northern Ireland, to facilitate the decommissioning of firearms, ammunition and explosives in England and Wales or in Scotland, and

(b) includes provisions satisfying the requirements of sections 2 and 3 (whether or not it also includes other provisions).

(2) The Secretary of State may by order provide that a scheme to which this section applies shall be a decommissioning scheme for the purposes of this Act.

(3) In relation to a scheme which is a decommissioning scheme by virtue of subsection (2), the Schedule to this Act shall have effect with the substitution for any offence under the law of Northern Ireland of such similar offence under the law of England and Wales, or as the case may be of Scotland, as the Secretary of State may specify by order.

(4) An order under this section shall be made by statutory instrument; and no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

**9.** Any expenses incurred by the Secretary of State in connection with a decommissioning scheme or under section 7(4) shall be paid out of money provided by Parliament.

**10.**-(1) In this Act-

"ammunition" means anything which is-

(a) ammunition within the meaning of the Firearms (Northern Ireland) Order 1981, or

(b) a component of such ammunition;

"decommissioned article" means-

(a) anything which has been transferred, deposited or collected in accordance with a decommissioning scheme,

(b) anything found on or in, or received with, something falling within paragraph (a), and

(c) a part of, or thing derived from, something falling within paragraph (a) or (b);

"destruction" includes making permanently inaccessible or permanently unusable;

"firearm" means anything which-

(a) is a firearm within the meaning of the Firearms (Northern Ireland) Order 1981,

(b) is an accessory to such a firearm,

(c) is a weapon designed or adapted for the discharge of any thing, or

(d) has the appearance of being one of the things described in paragraphs (a) to (c);

"explosive" means anything which is-

(a) an explosive within the meaning of the Explosives Act 1875, or

Arms in England and  
Wales and Scotland

Expenses.

Interpretation.

S.I. 1981/155  
(N.I. 2).

S.I. 1981/155  
(N.I. 2).

1883 c. 3.

(b) an explosive substance within the meaning of the Explosive Substances Act 1883.

(2) In this Act, references to things done in accordance with a decommissioning scheme include references to things done in accordance with arrangements provided for by a scheme.

Short title and saving.

**11.**-(1) This Act may be cited as the Northern Ireland Arms Decommissioning Act 1997.

(2) Nothing in this Act shall prejudice any power or discretion exercisable apart from this Act in relation to the institution or conduct of criminal proceedings.

## SCHEDULE

Section 4(1).

### OFFENCES COVERED BY THE AMNESTY

#### *Explosives Act 1875*

1. An offence of contravening any provision of the Explosives Act 1875 or any instrument under that Act.

1875 c. 17.

#### *Explosive Substances Act 1883*

2. An offence under section 4 of the Explosive Substances Act 1883 (possession of explosive under suspicious circumstances, &c.).

1883 c. 3.

#### *Criminal Law Act (Northern Ireland) 1967*

3. An offence under section 5 of the Criminal Law Act (Northern Ireland) 1967 (concealing offences, &c.).

1967 c. 18 (N.I.).

#### *Theft Act (Northern Ireland) 1969*

4. An offence under section 1 or 21 of the Theft Act (Northern Ireland) 1969 (theft and handling stolen goods).

1969 c. 16 (N.I.).

#### *Explosives Act (Northern Ireland) 1970*

5. An offence under any provision of the Explosives Act (Northern Ireland) 1970.

1970 c. 10 (N.I.).

#### *Health and Safety at Work (Northern Ireland) Order 1978*

6. An offence under any provision of the Health and Safety at Work (Northern Ireland) Order 1978.

S.I. 1978/1039  
(N.I. 9).

#### *Customs and Excise Acts 1979*

7. An offence under any provision of the Customs and Excise Acts 1979 (within the meaning of the Customs and Excise Management Act 1979).

1979 c. 2.

#### *Firearms (Northern Ireland) Order 1981*

8. An offence under any of the following provisions of the Firearms (Northern Ireland) Order 1981:

S.I. 1981/155  
(N.I. 2).

- (a) article 3(1) (possession, &c. of firearm or ammunition not authorised by firearm certificate);
- (b) article 4(1) and (2) (transactions with firearms and ammunition);
- (c) article 6(1), (1A) and (4) (prohibited firearms and ammunition);
- (d) article 7 (movement of firearms and ammunition);
- (e) article 18(2), in so far as it concerns possession of firearms or imitation firearms at the time of being arrested;
- (f) article 20(1) (carrying firearms in a public place);
- (g) article 21 (trespassing with firearms);
- (h) article 22(5) and (7) (possession of firearms by person previously convicted of crime, &c.);
- (i) article 23 (possession of firearms and ammunition in suspicious circumstances);

- (j) article 26 (acquisition and possession of firearms and ammunition by persons under 18);
- (k) article 43 (failure to comply with requirements relating to transactions in firearms, &c.).

*Prevention of Terrorism (Temporary Provisions) Act 1989*

- 1989 c. 4. 9. An offence under either of the following provisions of the Prevention of Terrorism (Temporary Provisions) Act 1989-
- (a) section 10(1)(b) (making property available for the benefit of a proscribed organisation, &c.);
  - (b) section 18 (failure to disclose information about acts of terrorism).

*Northern Ireland (Emergency Provisions) Act 1996*

- 1996 c. 22. 10. An offence under any of the following provisions of the Northern Ireland (Emergency Provisions) Act 1996-
- (a) section 29 (directing terrorist organisation);
  - (b) section 30(1)(c) (inviting persons to carry out orders on behalf of a proscribed organisation, &c.);
  - (c) section 30(1)(d)(ii) or (iii) (meetings);
  - (d) section 31 (display of support in public for proscribed organisation);
  - (e) section 32 (possession of items intended for terrorist purposes);
  - (f) section 35 (wearing of hoods, &c. in public place).

*Inchoate offences*

11. The offence of aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Schedule.

12. The offence of attempting or conspiring to commit an offence specified in this Schedule.

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- 1. Subst., 2002 c. 6 s. 1(2)
  - 2. Subst., 2002 c. 6 s. 1(3)



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*Number 3 of 1997*

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**DECOMMISSIONING ACT, 1997**

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
  2. Regulations in relation to decommissioning.
  3. Provisions relating to Commission.
  4. Regulations in relation to Commission.
  5. Prohibition of certain proceedings.
  6. Prohibition of certain testing, etc., and certain evidence.
  7. General provisions as to regulations.
  8. Expenses.
  9. Short title and commencement.
-

[No. 3.]                      *Decommissioning Act, 1997.*                      [1997.]

ACTS REFERRED TO

Explosive Substances Act, 1883	1883, c. 3
Explosives Act, 1875	1875, c. 17
Firearms Act, 1925	1925, No. 17
Firearms Acts, 1925 to 1990	



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*Number 3 of 1997*

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**DECOMMISSIONING ACT, 1997**

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AN ACT TO MAKE PROVISION IN RELATION TO THE DECOMMISSIONING OF FIREARMS, AMMUNITION AND EXPLOSIVES AND FOR THAT PURPOSE TO MAKE PROVISION IN RELATION TO A COMMISSION ESTABLISHED BY AGREEMENT BETWEEN THE GOVERNMENT AND THE GOVERNMENT OF THE UNITED KINGDOM AND TO PROVIDE FOR RELATED MATTERS. [26th February, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

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

“act” includes omission and a reference to the doing of an act includes a reference to the making of an omission;

“the agreement” means the agreement between the Government and the Government of the United Kingdom establishing the Commission;

“arms” means a firearm within the meaning of the Firearms Acts, 1925 to 1990, and includes ammunition within the meaning of the Firearms Act, 1925, an explosive within the meaning of the Explosives Act, 1875, and any other substance or thing that is an explosive substance within the meaning of the Explosive Substances Act, 1883;

“arrangements” means arrangements made by the Commission pursuant to regulations;

“the Commission” means the commission established by the agreement;

“the corresponding law” means the law of the United Kingdom corresponding to this Act;

“decommissioning”, in relation to arms, means—

- (a) destroying the arms, or
- (b) transferring to, or doing an act leading to the collection and destruction of the arms by or on behalf of, the Commission or a person designated by the Minister or, if appropriate, the Secretary of State, in or outside the State, and cognate words shall be construed accordingly;

[No. 3.]                      *Decommissioning Act, 1997.*                      [1997.]

- S.1 “destruction” includes making permanently inaccessible or unusable and cognate words shall be construed accordingly;
- “enactment” includes an instrument made under a power conferred by statute;
- “functions” includes powers and duties;
- “the Minister” means the Minister for Justice;
- “regulations” means regulations made by the Minister under this Act;
- “Secretary of State” means a Secretary of State in the Government of the United Kingdom.

(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 provision is intended, and
- (b) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph 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 subsequent enactment.

Regulations in relation to decommissioning.

2.—(1) Regulations may provide for the decommissioning of arms.

(2) Without prejudice to the generality of *subsection (1)*, regulations may make provision in relation to—

- (a) the locations at which, the procedures by which and the times at or during which the decommissioning of arms or any particular method or manner of such decommissioning may take place,
- (b) the methods and manners by and in which the decommissioning of arms may take place including—
  - (i) the transfer of arms to the Commission or to a person designated by the Minister or (if the transfer is to a person outside the State in accordance with the corresponding law) the Secretary of State for destruction,
  - (ii) the provision of information to the Commission or to a person in the State designated by the Minister or (if the information is provided to a person outside the State in accordance with the corresponding law) a person designated by the Secretary of State leading to the collection and destruction of arms by the Commission or a person designated by the Minister or (in the case of arms outside the State) the Secretary of State,
  - (iii) the depositing of arms for collection and destruction by the Commission or a person designated by the

[1997.] *Decommissioning Act, 1997.* [No. 3.]

Minister or (in the case of arms deposited outside S.2  
the State in accordance with the corresponding law)  
the Secretary of State,

(iv) the destruction of arms by those in possession of  
them,

and

(c) the destruction of arms decommissioned in accordance with  
*subparagraph (i), (ii) or (iii) of paragraph (b).*

3.—(1) The subsequent provisions of this section shall come into operation on such day as the Minister, after consultation with the Secretary of State, may, for the purpose of enabling the agreement to have full effect, by order appoint. Provisions relating to Commission.

(2) The Commission shall be independent in the performance of its functions.

(3) The Commission shall have the legal capacity of a body corporate.

(4) (a) The Minister may by order make provision for the purposes of *paragraph (b)* as respects inviolability, exemptions, facilities and immunities, privileges and rights in relation to the Commission.

(b) The Commission, its property and a person (being a member of the Commission or a member of the staff of, or a person performing functions assigned to him or her by, the Commission, an agent of the Commission or a member of the person's family who forms part of his or her household) shall have and enjoy inviolability, exemptions, facilities and immunities, privileges and rights in such manner, to such extent and subject to such limitations (including the waiver thereof) as may be provided for in each case in the order under *paragraph (a)*.

(c) An order made under this section may make different provision for different cases or classes of case.

(5) The Minister may by order amend or revoke an order under this section (other than *subsection (1)*).

(6) The Commission shall stand dissolved upon such day as the Minister may, after consultation with the Secretary of State, by order appoint, and the Minister may include in the order such transitional or consequential provisions as appear to him or her to be expedient.

(7) An order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

4.—(1) Regulations may make provision in relation to the Commission. Regulations in relation to Commission.

(2) Without prejudice to the generality of *subsection (1)*, regulations may provide for—

- (a) the membership of the Commission, including the number of members thereof,
- (b) the terms and conditions upon and subject to which the members of the Commission shall hold office as such members and the terms and conditions of employment of any staff of the Commission,
- (c) the provision to the Commission of such moneys, premises, facilities and services (including the services of staff) as may be necessary for the performance of its functions,
- (d) the maintenance by the Commission, and the inspection by or on behalf of the Minister and the Secretary of State, of accounts of moneys received or expended by the Commission,
- (e) the proof of documents executed on behalf of the Commission,
- (f) the prohibition of the disclosure by a member of the Commission or of the staff of the Commission or by any person providing a service to the Commission of information obtained by such member or person in the course of the performance of his or her functions as such member or person unless such disclosure is authorised by or on behalf of the Commission,
- (g) the functions of the Commission and its role generally in relation to the decommissioning of arms or any particular method or manner of such decommissioning, which functions may include all or any one or more of the following:
  - (i) the making of arrangements for the decommissioning of arms and the joining or assisting by the Commission in the carrying out of any such arrangements,
  - (ii) the taking possession of arms decommissioned pursuant to regulations or arrangements,
  - (iii) the observation and verification and, where appropriate, the supervision of the decommissioning of arms taking place in accordance with regulations or arrangements,
  - (iv) the recording of such information as may be specified for the purpose of monitoring the process of the decommissioning of arms,
  - (v) the making of reports on specified matters to such persons as may be specified,
  - (vi) the facilitating of the safe and secure movement, handling and storage of arms during and after their decommissioning, and the supervision of such movement, handling and storage,

and

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(h) any other matters that the Minister considers necessary for the purposes of this Act.

5.—(1) Proceedings shall not be instituted against a person for an offence in relation to any particular arms if— Prohibition of certain proceedings.

(a) at the time of its commission, the person was engaged in the process of the decommissioning of those arms in accordance with regulations or arrangements,

(b) the requirements of the regulations or arrangements were satisfied as respects the person and the decommissioning,

(c) the decommissioning was taking or took place at a time or during a period standing specified in the regulations, and

(d) the act constituting the offence or an act that is an ingredient of the offence was a part of the process of the decommissioning and was done in pursuance of the regulations or arrangements.

(2) Without prejudice to the generality of *subsection (1)*, regulations may specify offences to which it applies.

(3) Regulations may provide that *subsection (1)*, in so far as it relates to any particular method or manner of decommissioning of arms, shall apply only to specified offences.

(4) Where arms have been decommissioned in accordance with regulations or arrangements, *subsection (1)* shall not apply to proceedings for an offence alleged to have been committed, after the decommissioning, by the use of, or in relation to, those arms.

6.—(1) Subject to *subsections (2) and (3)*—

Prohibition of certain testing, etc., and certain evidence.

(a) arms being made available for the purposes of decommissioning in accordance with regulations or arrangements or taken into the possession of the Commission or a person designated by the Minister for the purposes of or following such decommissioning,

(b) anything resulting from the process of the decommissioning of arms in accordance with regulations or arrangements,

(c) any substance or thing found on or in any arms decommissioned in accordance with regulations or arrangements, or

(d) anything on or in which arms decommissioned in accordance with regulations or arrangements were when so decommissioned or any substance or other thing found on or in such a thing,

shall not be subjected to forensic examination or to testing.

(2) *Subsection (1)* does not apply to a forensic examination or to testing of—

[No. 3.]                      *Decommissioning Act, 1997.*                      [1997.]

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- (a) any substance or thing decommissioned in accordance with regulations or arrangements,
- (b) any substance or thing referred to in *paragraph (b), (c) or (d) of subsection (1)*,

for the purpose of—

- (i) determining—
  - (I) if it is or contains ammunition or an explosive or explosive substance,
  - (II) the quantity of ammunition, explosives or explosive substances present, or
  - (III) if the condition of the substance or thing is safe and stable,
- or
- (ii) discovering information concerning an offence alleged to have been committed after the decommissioning concerned.

(3) Arms decommissioned in accordance with regulations or arrangements or any other substance or thing referred to in *subsection (1)* or information obtained in the course, or as a result, of the decommissioning of arms in accordance with regulations or arrangements shall not be admissible in evidence by or on behalf of the State in proceedings in any court for an offence (other than an offence referred to in *subsection (2)(ii)*) or in any appeal in relation to any such proceedings.

(4) Evidence of anything done for the purposes of the decommissioning of arms in accordance with regulations or arrangements shall not be admissible by or on behalf of the State in proceedings in any court for an offence (other than an offence referred to in *subsection (2)(ii)*) or in any appeal in relation to such proceedings.

(5) (a) In this section, save where the context otherwise requires—

“ammunition” has the meaning assigned to it by the Firearms Act, 1925;

“explosive” means an explosive within the meaning of the Explosives Act, 1875;

“explosive substance” has the meaning assigned to it by the Explosive Substances Act, 1883;

“firearm” has the meaning assigned to it by the Firearms Acts, 1925 to 1990.

(b) In this section references to arms or firearms or ammunition or an explosive or explosive substance include references to any substance or thing that is a firearm or ammunition or an explosive or explosive substance for the purpose of the corresponding law and references to decommissioning and decommissioned shall be construed accordingly.

[1997.]            *Decommissioning Act, 1997.*            [No. 3.]

7.—(1) The Minister may make regulations for any purpose in relation to which regulations are provided for by any of the provisions of this Act. General provisions as to regulations.

(2) Regulations under this section shall be laid before each House of the Oireachtas as soon as may be after they are made and, if a resolution annulling the regulations is passed by either such House within the next 21 days on which that House has sat after the regulations have been laid before it, the regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(3) Without prejudice to any specific provision of this Act, any regulations may contain such incidental or supplementary provisions as may appear to the Minister to be expedient for the purposes of the regulations.

8.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

9.—(1) This Act may be cited as the Decommissioning Act, 1997. Short title and commencement.

(2) This Act (other than *section 3*) shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.



Treaty Series No. 54 (1997)

# Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the Republic of Ireland

## Establishing the Independent International Commission on Decommissioning

Belfast, 26 August 1997

[The Agreement entered into force, upon the exchange of  
notifications of acceptance, on 24 September 1997]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty*

1997

**AGREEMENT BETWEEN THE GOVERNMENT OF  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
AND THE GOVERNMENT OF THE REPUBLIC OF IRELAND  
ESTABLISHING THE INDEPENDENT INTERNATIONAL COMMISSION  
ON DECOMMISSIONING**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland:

Recalling their decision on the 28<sup>th</sup> day of November 1995 to establish an International Body to provide an independent assessment of the decommissioning issue;

Noting that the Report of the International Body presented to the two Governments on the 22<sup>nd</sup> day of January 1996 recommended that the decommissioning process should take place to the satisfaction of an independent commission;

Noting that the Decommissioning Act, 1997 in the Republic of Ireland and the Northern Ireland Arms Decommissioning Act 1997 in the United Kingdom make reference to a Commission to be established by agreement between the two Governments;

Recalling the Joint Communiqué issued on the 29<sup>th</sup> July 1997, following the meeting between the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, in which they announced their decision to complete preparations for the establishment of an Independent Commission in order that the mechanisms on decommissioning would be capable of being launched simultaneously with substantive political negotiations;

Have agreed as follows:

ARTICLE 1

The Independent International Commission on Decommissioning (hereinafter referred to as “the Commission”) is hereby established by the two Governments in accordance with this Agreement.

ARTICLE 2

(1) The Commission shall be independent in the performance of its functions.

(2) The Commission shall have the legal capacity of a body corporate in accordance with the Decommissioning Act, 1997 and any Order made by the Secretary of State under the Northern Ireland Arms Decommissioning Act 1997.

ARTICLE 3

The objective of the Commission is to facilitate the decommissioning of firearms, ammunition, explosives and explosive substances (hereinafter referred to as “arms”) in accordance with the Report of the International Body, any regulations or arrangements made under the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1 of the Northern Ireland Arms Decommissioning Act 1997.

ARTICLE 4

In fulfilment of the objective set out in Article 3, the Commission shall have the following functions:

- (a) to consult with the participants in political negotiations in Northern Ireland, including both Governments, and others whom it deems relevant on the type of scheme or schemes for decommissioning including the role it might play in respect of each scheme;
- (b) to present to the two Governments proposals for schemes for decommissioning having due regard to the views expressed by those it has consulted;
- (c) to undertake, in accordance with any regulations or arrangements made under the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1, and in accordance with section 3, of the Northern Ireland Arms Decommissioning Act 1997, such tasks that may be required of it to facilitate the decommissioning of arms, including observing, monitoring and verifying decommissioning and receiving and auditing arms; and
- (d) to report periodically to both Governments and, through whatever mechanisms they may establish for that purpose, the other participants in political negotiations in Northern Ireland.

#### ARTICLE 5

The Commission shall consist of not less than two members. The members shall be appointed jointly by the two Governments who may also appoint additional members from time to time. The two Governments may jointly appoint one of the members as Chairperson. The members of the Commission shall serve on terms and conditions decided by the two Governments.

#### ARTICLE 6

The Commission, its property and premises, and the persons referred to in section 3(4)(b) of the Decommissioning Act, 1997 and in section 7(2)(c) of the Northern Ireland Arms Decommissioning Act 1997 shall have such privileges, immunities and inviolabilities as may be conferred or provided for in accordance with orders made by the Minister for Justice, Equality and Law Reform and the Secretary of State under those Acts.

#### ARTICLE 7

Such moneys, premises, facilities and services as may be necessary for the proper functioning of the Commission shall be provided by the two Governments on a basis to be determined by them.

#### ARTICLE 8

Members of the Commission, members of the staff of the Commission, persons carrying out work for or giving advice to the Commission and agents of the Commission shall be bound not to disclose any information obtained in the course of the performance of their functions as such members or persons unless such disclosure is authorised by or on behalf of the Commission.

#### ARTICLE 9

The Commission shall keep proper accounts and proper records of all moneys received or expended by it and shall, at the joint request of the two Governments, appoint auditors who shall audit the accounts of the Commission. The reports of the auditors shall be submitted to both Governments.

#### ARTICLE 10

The Minister for Justice, Equality and Law Reform and the Secretary of State may make further provision in relation to the Commission and the decommissioning of arms in accordance with the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1 of the Northern Ireland Arms Decommissioning Act 1997.

ARTICLE 11

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of it.

ARTICLE 12

The Agreement shall continue in force until terminated by mutual agreement and thereafter shall cease to have effect save in so far as and to the extent necessary for meeting any liabilities or disposing in an orderly manner of any remaining assets of the Commission in accordance with the spirit of the Agreement.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done at Belfast in two originals on the 26<sup>th</sup> day of August 1997.

For the Government of the United Kingdom  
of Great Britain and Northern Ireland:

For the Government of the Republic of Ireland:

MARJORIE MOWLAM

RAY BURKE

The Agreement entered into force on 24 September 1997

**Decommissioning Scheme  
based on Section 3(1)(c)  
and (d) of the  
Northern Ireland  
Arms Decommissioning  
Act 1997**

**Introduction**

1. This is a decommissioning scheme within the meaning of section 1 of the Northern Ireland Arms Decommissioning Act 1997 (“the 1997 Act”), made by the Secretary of State to facilitate the decommissioning of firearms, ammunition and explosives (“arms”) in Northern Ireland. It comes into force on 30 June 1998 and, accordingly, a person can start to act in accordance with the scheme from that date.
2. It makes provision for the decommissioning of arms by one or a combination of the following methods in section 3(1)(c) and (d) of the 1997 Act: the provision of information for the purpose of collection and destruction by the Commission; and destruction by persons in unlawful possession.
3. Words and phrases used in this scheme bear the same meaning as in the 1997 Act save where the contrary is expressly stated.
4. In this scheme,
  - (i) “the Commission” means the Independent International Commission established by agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Ireland made on 26<sup>th</sup> August 1997 and, as regards the functions of the Commission in paragraphs 16, 17, 21, 22 and 23 of this scheme, includes any person duly authorised by the Commission to perform on its behalf the functions of the Commission;
  - (ii) “proscribed organisation” means an organisation specified in Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1996; and
  - (iii) “contact person” means a person who has given notice to the Commission in accordance with paragraph 7.

5. For the purposes of section 2(1) of the 1997 Act, the period during which arms may be dealt with in accordance with the scheme (“the amnesty period”) begins on 30 June 1998 and ends on [24 February 2005]<sup>1</sup>.

### **Provision of information by the Commission**

6. The Commission may provide a person who seeks information in relation to the decommissioning of arms and the application of this scheme with such information as it considers appropriate.

### **Notice of intention to decommission arms**

7. A person who proposes to decommission arms on behalf of a proscribed organisation in accordance with this scheme shall, before doing any other act leading to decommissioning, give notice to the Commission of the proposal, in accordance with arrangements decided by the Commission.

A person starts to act in accordance with this scheme once the Commission is satisfied that such notice:

- is given on behalf of a proscribed organisation, and
  - provides the Commission with sufficient information to indicate a clear intention to decommission specified arms.
8. He will continue to act in accordance with the scheme only if he complies with all the requirements of this scheme and the arrangements provided for by it.
  9. A person who gives notice to the Commission in accordance with paragraph 7 above (“the contact person”) shall provide the Commission with such information as it may require for the purpose of making arrangements for decommissioning, and such information may include-
    - the name of the proscribed organisation proposing to decommission the arms,
    - the location where it is proposed that the arms should be collected by the Commission or destroyed by the person proposing to decommission them,
    - the number or quantity and type of the arms and information about their age and condition,

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1. The extent of the amnesty period is currently constrained by section 2(2) of the Northern Ireland Arms Decommissioning Act 1997, as amended by the Northern Ireland Arms Decommissioning (Amendment) Act 2002 and the Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2004.

- an indication as to whether the arms will require to be moved to the location referred to above,
  - if the arms are to be collected by the Commission, the day on which and the time at which it is proposed the arms can be collected, and
  - any other information required by the Commission.
10. The Commission shall keep a record of all the information provided in accordance with paragraph 9.

#### **Non-disclosure of information**

11. A person who has provided information to the Commission in accordance with this scheme shall not intentionally disclose that information to any person who is not acting with him without the agreement of the Commission nor do anything which affects the accuracy of the information which has been provided. If he subsequently becomes aware of any matter which affects the accuracy of the information provided, he shall inform the Commission as soon as practicable. The Commission shall keep a record of any such information provided to it.

#### **Making of arrangements by the Commission for the purpose of decommissioning arms and ensuring public safety**

12. The Commission may make such arrangements as it considers appropriate to facilitate the decommissioning of arms in accordance with this scheme including requiring compliance with any conditions necessary on grounds of public safety.
13. Persons who are acting with the contact person on behalf of the proscribed organisation, act in accordance with this scheme if they comply with all the requirements of the scheme and the arrangements provided by it.
14. Nothing shall be done with arms in respect of which contact has been with the Commission under paragraph 7 above which is not necessary in order to comply with arrangements made or conditions imposed by the Commission.

#### **Locations at which decommissioning of arms may take place**

15. The locations at which the decommissioning of arms may take place shall be determined in accordance with arrangements made by the Commission.

#### **Movement of arms**

16. The movement of any arms for the purpose of decommissioning them to a location determined under paragraph 15 by a person other than the

Commission shall be in accordance with arrangements made by the Commission and subject to compliance with any conditions imposed by the Commission.

17 Without prejudice to the generality of paragraph 16, the conditions which the Commission may impose may relate to:

- the location to which arms may be moved,
- the quantity of arms which may be moved at any one time,
- the method of transportation to be used, and
- the condition in which the arms may be transported including the requirement that there shall be no movement of arms by public transport, movement of primed explosives or movement of loaded firearms.

The Commission may, on grounds of public safety, prohibit the movement of specified arms or specified types of arms.

18. The Commission shall keep a record of any conditions imposed in accordance with paragraph 17.

19. Where the Commission has agreed the conditions on which movement may take place, it may give to a person moving arms in accordance with this scheme a document stating that the arms described in the document are being moved by the person under arrangement made by the Commission. A copy shall be retained by the Commission.

20. A person moving arms in accordance with this scheme shall inform the Commission of the arrival of the arms at the location agreed with the Commission unless the Commission has taken part in the movement of the arms in question or is already at the location when the arms arrive there.

### **Destruction of arms by the Commission**

21. Where information has been provided for the purpose of collection and destruction by the Commission, the Commission shall

- carry out, or arrange to have carried out, an evaluation of the arms involved to determine their stability and whether it is safe to move or destroy them,
- collect or supervise the collection of the arms and, if appropriate, their movement to another location for destruction, and

- destroy, or supervise the destruction of the arms and dispose, or supervise the disposal, of any resulting residue.
22. Where arms are to be destroyed by persons in unlawful possession
- the person or persons concerned shall destroy the arms in accordance with arrangements made with the Commission, and
  - the Commission shall dispose, or supervise the disposal, of any resulting residue.
23. Destruction of arms by the Commission shall mean:
- in the case of firearms, them being rendered unusable as weapons by methods such as cutting, bending, chipping, stamping and grinding and the disposal of the residue;
  - in the case of ammunition or explosives, their burning, firing, discharge, detonation or disposal by other means.
24. Before destroying any arms, the Commission shall log details of the arms including:
- in the case of firearms, the number, type and make (if known),
  - in the case of ammunition or explosives, the quantity, make (if known) and, in the case of ammunition, the calibre,
  - the name of the proscribed organisation by whom the arms are being decommissioned, and
  - such particulars of the decommissioning process (including the date, time and location and relevant events or processes) as the Commission considers necessary to ensure a complete record of the decommissioning process.

Where arms are destroyed by a person other than the Commission and without the Commission's supervision in accordance with this scheme the person shall make a record containing the information specified in this paragraph (other than the particulars of the decommissioning process referred to above) and shall give the information to the Commission. Where necessary and to the extent possible the Commission will verify the information given to it by a person who has destroyed arms by examining any residue resulting from the destruction.

### **Presence of persons at decommissioning events**

25. Where arms are decommissioned in accordance with this scheme, the Commission may allow the person or persons decommissioning them, or an intermediary of that person or persons, to be present at the collection and destruction of the arms or the disposal of any resulting residue subject to compliance by the person or persons with any conditions imposed by the Commission.

In this paragraph “intermediary”, in relation to a person, means a person authorised by the first mentioned person to act on the person's behalf, being an authorisation notice of which has been given to the Commission.

### **Confidentiality**

26. The Commission shall ensure that all information received by it in relation to the decommissioning process is kept confidential and that any records maintained by the Commission are kept secure. Disclosure of information received by the Commission may occur where disclosure is necessary:

- for reasons of public safety,
- to confirm the legitimate participation in the decommissioning process by those eligible to do so,
- to fulfil the Commission's duty to report to the two Governments.

[Signed]

**ADAM INGRAM**  
**For and on behalf of the Secretary of State**  
**Northern Ireland Office**  
29 June 1998

STATUTORY INSTRUMENTS

S.I. No. 216 of 1998

DECOMMISSIONING ACT, 1997 (DECOMMISSIONING) REGULATIONS, 1998

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DECOMMISSIONING ACT, 1997 (DECOMMISSIONING) REGULATIONS, 1998

WHEREAS the Government and the Government of the United Kingdom by an agreement between them done on the 26th day of August, 1997, established the Independent International Commission on Decommissioning ("the Commission");

AND WHEREAS it is enacted by section 2(1) of the Decommissioning Act, 1997 (No. 3 of 1997), that regulations may provide for the decommissioning of arms;

AND WHEREAS it is provided by section 4(2)(g) of the said Act that regulations may provide for the functions of the Commission and its role generally in relation to the decommissioning of arms or any particular method or manner of such decommissioning;

AND WHEREAS the Commission, in accordance with Article 4 of the said agreement and the Decommissioning Act, 1997 (Independent International Commission on Decommissioning) Regulations, 1997 (S.I. No. 400 of 1997), consulted with the participants in political negotiations in Northern Ireland, including the Government and the Government of the United Kingdom, and other persons whom it deemed relevant, in relation to the type of scheme or schemes for the decommissioning of arms that should be made and the role it might play under and in respect of any such scheme or schemes;

AND WHEREAS the Commission, also in accordance with the said Article 4 and the said Regulations, has presented to the Government and the Government of the United Kingdom proposals for such schemes;

AND WHEREAS the Minister for Justice, Equality and Law Reform proposes, for the purposes inter alia of such schemes, to make the following Regulations;

NOW, I, JOHN O'DONOGHUE, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 7(1) of the Decommissioning Act, 1997 (No. 3 of 1997), and the Justice (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 298 of 1997), hereby make the following Regulations:

#### Preliminary

1. These Regulations may be cited as the Decommissioning Act, 1997 (Decommissioning) Regulations, 1998.
2. These Regulations shall come into operation on the 30th day of June, 1998, and shall expire on the 22nd day of May, 2000.

#### Interpretation

3. (1) In these Regulations -

"the Commission" means the Independent International Commission on Decommissioning established by an agreement between the Government and the Government of the United Kingdom done on the 26th day of August, 1997, and, in

Regulations 10, 11, 12 and 13, includes any person, duly authorised by the Commission to perform on its behalf the functions of the Commission under those Regulations;

"contact person" means a person who has given notice to the Commission in accordance with Regulation 6(1);

"intermediary", in relation to a person, means a person authorised by the first-mentioned person to act on the person's behalf, being an authorisation notice of which has been given to the Commission;

"paramilitary organisation" means -

- (a) an unlawful organisation (within the meaning of the Offences against the State Act, 1939 (No. 13 of 1939)) in respect of which a suppression order under that Act is in force, or
- (b) a proscribed organisation for the purposes of the Act of the British Parliament entitled the Northern Ireland (Emergency Provisions) Act 1996.

(2) In these Regulations -

- (a) a reference to a Regulation is a reference to a Regulation of these Regulations, unless it is indicated that reference to some other provision is indicated, and

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

**Methods and manners by and in which the decommissioning of arms may take place**

4. Decommissioning of arms may take place -

- (a) by the provision of information to the Commission leading to the collection and destruction of the arms by the Commission, or
- (b) by the destruction of the arms by those in possession of them.

**Provision of information by the Commission**

5. The Commission may provide a person who seeks information from it in relation to the decommissioning of arms or the application of these Regulations such information as it considers appropriate.

**Notice of intention to decommission arms**

6. (1) A person who proposes to decommission arms on behalf of a paramilitary organisation in accordance with Regulation 4 or an intermediary of that person shall, before doing any other act leading to their decommissioning, give notice to the Commission of the proposal in accordance with arrangements made by the Commission.

(2) The process of decommissioning any particular arms shall be deemed to commence on the receipt by the Commission of notice under this Regulation as respects which the Commission is satisfied that it -

- (a) is given on behalf of a paramilitary organisation, and
- (b) contains sufficient information to indicate a clear intention to decommission specified arms.

**Provision of information to Commission**

7. (1) A contact person shall provide the Commission with such information as it may require for the purpose of making arrangements for the decommissioning concerned.

(2) Without prejudice to the generality of paragraph (1), information required under that paragraph may include -

- (a) the name of the paramilitary organisation proposing to decommission the arms concerned,
- (b) the location where it is proposed that the arms concerned should be collected by the Commission or destroyed by the person proposing to decommission them,

- (c) the number or quantity and type of the arms concerned and information about their age and condition,
  - (d) an indication as to whether the arms concerned will require to be moved to the location referred to in subparagraph (b), and
  - (e) if the arms concerned are to be collected by the Commission, the day on which and the time at which it is proposed that the collection should take place.
- (3) A person who has provided information to the Commission in accordance with paragraph (2) -
- (a) shall not intentionally disclose any of the information to a person who is not acting with him in relation to the proposal aforesaid without the agreement of the Commission,
  - (b) shall not do anything which affects the accuracy of the information provided, and
  - (c) if he becomes aware of any matter that affects the accuracy of the information provided, inform the Commission of that matter as soon as practicable.

(4) The Commission shall keep a record of information provided in accordance with paragraphs (2) and (3).

**Making of arrangements by the Commission for the purpose of decommissioning arms and ensuring public safety**

8. (1) The Commission may make such arrangements as it considers appropriate to facilitate the decommissioning of arms in accordance with the Act and these Regulations and may impose such conditions in relation to the decommissioning of arms as it considers necessary on grounds of public safety.

(2) Persons taking part in the process of decommissioning arms -

(a) shall act in accordance with any arrangements made under these Regulations and shall comply with any conditions imposed under them, and

(b) shall not do anything, or permit anything to be done, in relation to the decommissioning of arms that is not necessary for the purpose of compliance with these Regulations.

**Location at which the decommissioning of arms may take place**

9. The locations at which the decommissioning of arms may take place shall be determined in accordance with arrangements made by the Commission.

Movement of arms prior to their collection by the Commission or their destruction by those in possession of them

10. (1) The movement of any arms for the purpose of decommissioning them to a location determined pursuant to Regulation 9 by a person other than the Commission shall be in accordance with arrangements made by the Commission and subject to compliance by the person with any conditions imposed by the Commission.

(2) The Commission may, on grounds of public safety, prohibit the movement of specified arms or specified types of arms.

(3) Without prejudice to the generality of paragraph (1), conditions which the Commission may impose may relate to -

- (a) the location to which arms may be moved,
- (b) the quantity of arms which may be moved at any one time,
- (c) the method of transportation to be used, and
- (d) the condition in which arms may be moved,

and may include a condition that firearms are unloaded and explosives and explosive substances are unprimed when being moved and that arms are not moved by means of public transport.

(4) Where the Commission has agreed arrangements under which the movement of arms may take place, it may give a person moving arms in accordance with the arrangements a document showing that the arms described in the document are, for the purpose of decommissioning them, being moved by the person under arrangements made by the Commission.

(5) The Commission shall keep a record of any conditions imposed in accordance with paragraph (1) and a copy of any document issued in accordance with paragraph (4).

(6) A person moving arms in accordance with this Regulation shall inform the Commission of the arrival of the arms at the location designated in accordance with Regulation 9 unless the Commission has taken part in the movement of the arms in question or is already at the location when the arms arrive there.

#### **Recording of information before destruction of arms**

11. (1) Before the destruction by the Commission or subject to its supervision of any particular arms in connection with their decommissioning in accordance with Regulation 4, the Commission shall make, or arrange for the making and delivery to it of, a record containing the following information:

(a) in the case of firearms, the number and type or types and, if known or ascertainable, the make or makes of the firearms,

- (b) in the case of ammunition, explosives or explosive substances, the quantity and, if known, the make or makes of the ammunition, explosives or explosive substances and, in the case of ammunition, the calibre or calibres of the ammunition,
- (c) the name of the organisation by whom the arms are being decommissioned, and
- (d) such particulars of the decommissioning process (including the date, time and location of relevant events or processes) as the Commission considers necessary to ensure a complete record of the decommissioning process.

(2) Before the destruction of any particular arms by a person other than the Commission, and without the supervision of the Commission, for the purpose of decommissioning them in accordance with these Regulations, the person shall make a record containing the information specified in subparagraphs (a), (b) and (c) of paragraph (1) and shall transmit it, or a copy of it, to the Commission.

(3) Where necessary and to the extent possible, the Commission shall verify the information in a record made under paragraph (2) by examining any residue resulting from the destruction of the arms concerned.

**Collection and destruction of arms decommissioned in accordance with Regulation 4(a) and disposal of residue**

12. Where arms fall to be decommissioned in accordance with Regulation 4(a) -

- (a) the Commission shall carry out, or arrange to have carried out, an evaluation of the arms involved to determine their stability and whether it is safe to move or destroy them,
- (b) the Commission shall, if appropriate, collect or supervise the collection of the arms and their movement to another location for destruction, and
- (c) the Commission shall destroy, or supervise the destruction of, the arms and dispose, or supervise the disposal, of any resulting residue.

**Destruction of arms decommissioned in accordance with Regulation 4(b) and disposal of residue**

13. Where arms fall to be decommissioned in accordance with Regulation 4(b) -

- (a) the person or persons concerned shall destroy the arms in accordance with arrangements made with the Commission, and
- (b) the Commission shall dispose, or supervise the disposal, of any resulting residue.

### Presence of persons at decommissioning events

14. (1) Where arms fall to be decommissioned in accordance with Regulation 4(a), the Commission may allow the person or persons decommissioning the arms or an intermediary of the person or persons to be present at the collection and destruction of the arms and the disposal of any resulting residue subject to compliance by the person or persons with any conditions imposed by the Commission.

(2) Where arms fall to be decommissioned in accordance with Regulation 4(b), the Commission may allow the person or persons decommissioning the arms or an intermediary of the person or persons to be present at the disposal of any resulting residue subject to compliance by the person or persons with any conditions imposed by the Commission.

### Destruction of arms

15. The destruction of arms pursuant to Regulation 12 or 13 shall be effected -

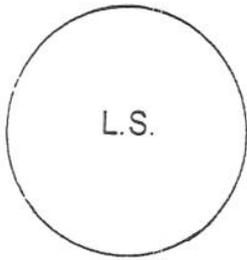
- (a) in the case of firearms, by their being rendered unusable as weapons by methods such as cutting, bending, chipping, stamping and grinding and by the disposal of the residue, and
- (b) in the case of ammunition, explosives and explosive substances, by their being burned, fired, discharged, detonated or disposed of by other means.

Confidentiality

16. (1) Subject to paragraph (2), the Commission shall ensure that all information received by it in relation to the decommissioning process is kept confidential and that any records maintained by the Commission are kept secure.

(2) The Commission may disclose information received by it where such disclosure is necessary -

- (a) for reasons of public safety,
- (b) to confirm the legitimate participation in the decommissioning process by those eligible to so participate, or
- (c) to discharge the duty of the Commission to report to the Government and the Government of the United Kingdom.



GIVEN under my Official Seal,

this 29th day of June, 1998

John O'Donoghue

MINISTER FOR JUSTICE,

EQUALITY AND LAW REFORM

## EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal interpretation).*

These regulations make provision for the decommissioning of arms and for the functions of the Independent International Commission in relation to such decommissioning in accordance with sections 2 and 4(2)(g) of the Decommissioning Act, 1997.

# **Decommissioning Scheme based on Section 3(1) of the Northern Ireland Arms Decommissioning Act 1997**

## **Introduction**

1. This is a decommissioning scheme within the meaning of section 1 of the Northern Ireland Arms Decommissioning Act 1997 ("the 1997 Act") made by the Secretary of State to facilitate the decommissioning of firearms, ammunition and explosives ("arms") in Northern Ireland. It supplements the scheme made by the Secretary of State on 29 June 1998 and it comes into force on 3 August 2001.
2. The scheme makes provision for the decommissioning of arms in accordance with section 3 of the 1997 Act by making them permanently inaccessible or permanently unusable.
3. The period during which arms may be dealt with in accordance with the scheme ends with [24 February 2005].
4. Unless the contrary intention appears, expressions used in the scheme have the same meaning as in the 1997 Act, and-
  - (a) "the Commission" means the independent International Commission established by agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Ireland made on 27 August 1997 and includes any person authorised by the Commission to perform functions on its behalf;
  - (b) "proscribed organisation" means an organisation specified in Schedule 2 to the Terrorism Act 2000;
  - (c) "contact person" means a person who has given notice to the Commission on behalf of a proscribed organisation of a proposal to make arms permanently inaccessible or permanently unusable.

## **Provision of information by the Commission**

5. The Commission may provide to a person who seeks it such information in relation to the making of arms permanently inaccessible or permanently unusable in accordance with this scheme as it considers appropriate.

### **Notice of intention to decommission arms**

- 6.(1) Notice of a proposal to make arms permanently inaccessible or permanently unusable must be given to the Commission by a contact person in accordance with arrangements determined by the Commission before any other act leading to decommissioning is undertaken.
- (2) Decommissioning under this scheme may only begin if the Commission is satisfied that the notice-
  - (a) is given on behalf of a proscribed organisation, and
  - (b) contains sufficient information to indicate a clear intention to make specified arms permanently inaccessible and permanently unusable.

### **Information provided to the Commission**

- 7.(1) A contact person must provide the Commission with such information as it may require in relation to a proposal to make arms permanently inaccessible and permanently unusable.
- (2) A person who provides information to the Commission under paragraph (1) must not-
  - (a) intentionally disclose any of it, without the Commission's consent, to a person who is not acting with him;
  - (b) subject to paragraph (3), do anything which affects its accuracy.
- (3) The Commission must be informed as soon as possible of any matter which may affect the accuracy of information provided under paragraph (1).
- (4) The Commission must keep a record of information provided under paragraph (1).

### **Arrangements for decommissioning**

- 8.(1) The Commission may make such arrangements with a contact person or a person acting with him as it considers appropriate to facilitate the making of arms permanently inaccessible or permanently unusable.
- (2) The arrangements referred to in paragraph (1) may include conditions considered necessary on grounds of public safety.
- (3) A person acting to make arms permanently inaccessible or permanently unusable in accordance with this scheme must comply with the arrangements and conditions referred to in paragraphs (1) and (2).

## **Locations at which decommissioning of arms may take place**

9. The locations at which the making of arms permanently inaccessible or permanently unusable may take place are to be determined in accordance with arrangements made by the Commission with the contact person or a person acting with him.

## **Movement of arms**

- 10.(1) Where arms are moved for the purpose of making them permanently inaccessible or permanently unusable to a location determined by a person other than the Commission, such movement must be in accordance with arrangements made by the Commission and subject to any conditions considered necessary on grounds of public safety.
- (2) The conditions referred to in paragraph (1) may include conditions about-
  - (a) the location to which arms may be moved,
  - (b) the quantity of arms which may be moved at a time,
  - (c) the method of transportation, and
  - (d) the condition in which arms may be moved, including conditions that arms must be unloaded, explosives must be unprimed and that public transport must not be used.
- (3) Where arms are moved in accordance with arrangements made under paragraph (1), the Commission may give to any person moving them a document showing that they are moved for the purpose of making them permanently inaccessible or permanently unusable in accordance with this scheme.
- (4) The Commission must keep a record of any arrangements made under paragraph (1), any conditions imposed on grounds of public safety and any document issued under paragraph (3).
- (5) The Commission must be informed of the arrival of any arms moved under paragraph (1).

## **Records of decommissioned arms**

- 11.(1) Where arms are made permanently inaccessible or permanently unusable in accordance with this scheme, the Commission must-
  - (a) make a record of the arms containing such information as it considers necessary, or

- (b) arrange for the contact person or a person acting with him to provide it with such a record.
- (2) The Commission must take such steps as are necessary to verify the information contained in a record provided under paragraph 1(b).

**Method of making permanently inaccessible or permanently unusable**

- 12. The method by which arms are to be made permanently inaccessible or permanently unusable, so that they are completely beyond use, is to be determined by the Commission after consultation with the contact person or a person acting with him.

# John Reid

Secretary of State for Northern Ireland  
2 August 2001

**DECOMMISSIONING ACT, 1997 (DECOMMISSIONING) (SUPPLEMENTARY)  
REGULATIONS, 2001**

WHEREAS the Government and the Government of the United Kingdom, by an agreement between them done on the 26th day of August, 1997, established the Independent International Commission on Decommissioning ("the Commission");

AND WHEREAS it is enacted by section 2(1) of the Decommissioning Act, 1997 (No. 3 of 1997) that regulations may provide for the decommissioning of arms;

AND WHEREAS it is provided by section 4(2)(g) and (h) of the said Act that regulations may provide for the functions of the Commission and its role generally in relation to the decommissioning of arms or any particular method or manner of such decommissioning, and for any other matters that the Minister for Justice, Equality and Law Reform considers necessary for the purposes of the Act;

AND WHEREAS regulations (the Decommissioning Act, 1997 (Decommissioning) Regulations, 1998 to 2001) have been made under the said provisions of the said Act providing for methods and manners of decommissioning of arms, and the role of the Commission in relation to these;

AND WHEREAS the Government have consulted with the Commission on making supplementary provision for the decommissioning of arms to facilitate the process of decommissioning;

AND WHEREAS as a consequence the Minister for Justice, Equality and Law Reform proposes to make the following Regulations;

NOW I, John O'Donoghue, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 7(1) of the Decommissioning Act, 1997 (No. 3 of 1997), and the Justice (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 298 of 1997), make the following Regulations:

Preliminary

1. These Regulations may be cited as the Decommissioning Act, 1997 (Decommissioning) (Supplementary) Regulations, 2001.

2. These Regulations shall come into operation on the 3<sup>rd</sup> day of August 2001, and shall expire on the 27th day of February, 2002.

Interpretation

3. (1) In these Regulations -

"the Act" means the Decommissioning Act, 1997;

"the Commission" means the Independent International Commission on Decommissioning established by an agreement between the Government and the Government of the United Kingdom done on the 26th day of August, 1997, and, in Regulations 10 and 11, includes any person duly authorised by the Commission to perform on its behalf the functions of the Commission under those Regulations;

"contact person" means a person who has given notice to the Commission in accordance with Regulation 6(1);

"intermediary", in relation to a person, means a person authorised by the first-mentioned person to act on the person's behalf, being an authorisation notice of which has been given to the Commission;

"paramilitary organisation" means -

- (a) an unlawful organisation (within the meaning of the Offences against the State Act, 1939 (No. 13 of 1939), in respect of which a suppression order under that Act is in force, or

(b) a proscribed organisation for the purposes of the Act of the British Parliament entitled the Terrorism Act 2000.

(2) In these Regulations -

(a) a reference to a Regulation is a reference to a Regulation of these Regulations, unless it is indicated that reference to some other provision is intended, and

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

**Methods and manners by and in which the decommissioning of arms may take place**

4. Decommissioning of arms may take place by making the arms permanently inaccessible or unusable.

**Provision of information by the Commission**

5. The Commission may provide to a person who seeks information from it in relation to making arms permanently inaccessible or unusable or the application of these Regulations such information as it considers appropriate.

**Notice of intention to make arms permanently inaccessible or unusable**

6. (1) A person who proposes to make arms permanently inaccessible or unusable on behalf of a paramilitary organisation in accordance with Regulation 4, or an intermediary of that person, shall, before doing any other act leading to their being made permanently inaccessible or unusable, give notice to the Commission of the proposal in accordance with arrangements made with the Commission.

(2) The process of making any particular arms permanently inaccessible or unusable shall be deemed to commence on the receipt by the Commission of notice under this Regulation as respects which the Commission is satisfied that it -

(a) is given on behalf of a paramilitary organisation, and

(b) contains sufficient information to indicate a clear intention to make specified arms permanently inaccessible or unusable.

#### Provision of information to Commission

7. (1) A contact person shall provide the Commission with such information as it may require in relation to the proposal to make arms permanently inaccessible or unusable.

(2) A person who has provided information to the Commission in accordance with paragraph (1) -

(a) shall not intentionally disclose any of the information to a person who is not acting with him or her in relation to the proposal aforesaid without the agreement of the Commission,

(b) shall not do anything which affects the accuracy of the information provided, and

(c) if he or she becomes aware of any matter that affects the accuracy of the information provided, inform the Commission of that matter as soon as practicable.

(3) The Commission shall keep a record of information provided in accordance with paragraphs (1) and (2)(c).

Making of arrangements for the purpose of making arms permanently inaccessible or unusable and ensuring public safety

8. (1) The Commission may make such arrangements with a contact person, or an intermediary of that person, as it considers appropriate to facilitate the making of arms permanently inaccessible or unusable in accordance with the Act and these Regulations and may agree with a contact person, or an intermediary of that person, such conditions in relation to making arms permanently inaccessible or unusable as it considers necessary on grounds of public safety.

(2) Persons taking part in the process of making arms permanently inaccessible or unusable shall act in accordance with any arrangements made under these Regulations and any conditions agreed under paragraph (1).

Location at which the making of arms permanently inaccessible or unusable may take place

9. The locations at which the making of arms permanently inaccessible or unusable may take place shall be determined in accordance with arrangements made between the Commission and the contact person concerned, or an intermediary of that person.

Movement of arms prior to their being made permanently inaccessible or unusable

10. (1) The movement of any arms for the purpose of making them permanently inaccessible or unusable to a location determined pursuant to Regulation 9 by a person other than the Commission shall be in accordance with arrangements made by the Commission with that person and subject to any conditions agreed by the Commission with that person.

(2) The Commission may, on grounds of public safety, prohibit the movement of specified arms or specified types of arms.

(3) Without prejudice to the generality of paragraph (1), conditions agreed under that paragraph may relate to -

- (a) the location to which arms may be moved,
- (b) the quantity of arms which may be moved at any one time,
- (c) the method of transportation to be used, and
- (d) the condition in which arms may be moved,

and may include a condition that firearms are unloaded and explosives and explosive substances are unprimed when being moved and that arms are not moved by means of public transport.

(4) Where the Commission has agreed arrangements under which the movement of arms may take place, it may give a person moving arms in accordance with the arrangements a document showing that the arms described in the document are, for the purpose of making them permanently inaccessible or unusable, being moved by the person under arrangements made by the Commission.

(5) The Commission shall keep a record of any conditions agreed under paragraph (1) and a copy of any document issued in accordance with paragraph (4).

(6) A person moving arms in accordance with this Regulation shall inform the Commission of the arrival of the arms at the location determined in accordance with Regulation 9 unless the Commission has taken part in the movement of the arms in question or is at the location when the arms arrive there.

Recording of information before making arms permanently inaccessible or unusable

11. (1) Before the making permanently inaccessible or unusable of any particular arms in accordance with these Regulations, the Commission shall make a record containing such information as it considers necessary in relation to those arms, or where appropriate shall arrange with the contact person concerned, or an intermediary of that person, for the making and delivery to it of such a record.

(2) Where necessary and to the extent possible, the Commission shall verify the information in a record delivered to it under paragraph (1) by inspection.

Making arms permanently inaccessible or unusable

12. The making of arms permanently inaccessible or unusable and the verification of such making shall be effected by such measures to make the arms no longer accessible or to put them completely beyond use as shall be determined by the Commission after consultation with the contact person concerned, or an intermediary of that person.

Confidentiality

13. (1) Subject to paragraph (2), the Commission shall ensure that all information received by it in relation to making arms permanently inaccessible or unusable is kept confidential and that any records maintained by the Commission are kept secure.

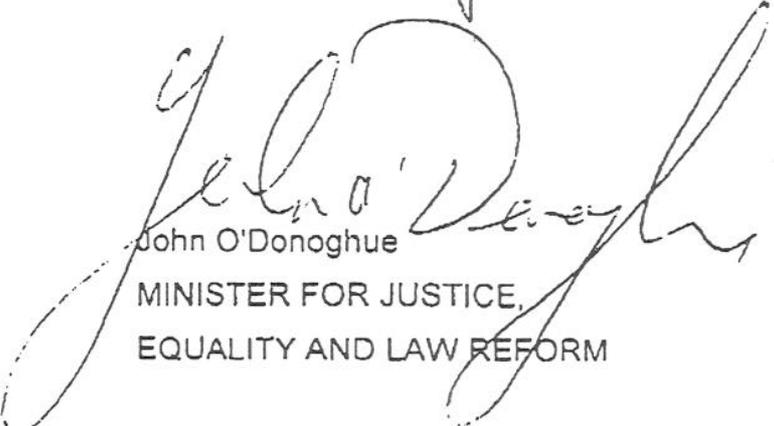
(2) The Commission may disclose information received by it where such disclosure is necessary -

(a) for reasons of public safety,

(b) to confirm the legitimate participation in the decommissioning process by those eligible to participate in it, or

- (c) to discharge the duty of the Commission to report to the Government and the Government of the United Kingdom.

GIVEN under my Official Seal,  
this 3<sup>rd</sup> day of August 2001



John O'Donoghue  
MINISTER FOR JUSTICE,  
EQUALITY AND LAW REFORM