

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 26th 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 [26 February 2003]¹.

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,

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.

- 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