

STATUTORY INSTRUMENTS

S.I. No. 400 of 1997

DECOMMISSIONING ACT, 1997 (INDEPENDENT INTERNATIONAL
COMMISSION ON DECOMMISSIONING) REGULATIONS, 1997

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DECOMMISSIONING ACT, 1997 (INDEPENDENT INTERNATIONAL
COMMISSION ON DECOMMISSIONING) REGULATIONS, 1997

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;

AND WHEREAS it is enacted by section 4(1) of the Decommissioning Act, 1997 (No. 3 of 1997), that regulations may make provision in relation to the Commission so established;

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, 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.

1. These Regulations may be cited as the Decommissioning Act, 1997 (Independent International Commission on Decommissioning) Regulations, 1997.
2. These Regulations shall come into operation on the 24th day of September, 1997.
3. In these Regulations:

"the Act" means the Decommissioning Act, 1997 (No. 3 of 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;

"the Minister" means the Minister for Justice, Equality and Law Reform;

"the two Governments" means the Government and the Government of the United Kingdom.

Membership of Commission

4. (1) The Commission shall consist of not less than two members.

(2) The two Governments may jointly appoint a member of the Commission to be the Chairperson of the Commission.

5. The members of the Commission shall be appointed jointly by the two Governments from time to time and shall hold office upon such terms and conditions as may be determined jointly by the Minister, with the consent of the Minister for Finance, and the Secretary of State.

Staff of Commission

6. The Commission shall have the assistance of a staff consisting of such number of members as may be determined from time to time jointly by the Minister, with the consent of the Minister for Finance, and the Secretary of State. The members shall be such persons as may be so determined as aforesaid from time to time.

7. The terms and conditions of service of the members of the staff of the Commission shall be determined jointly by the Minister, with the consent of the Minister for Finance, and the Secretary of State.

Advances to Commission

8. The Minister may, in each financial year, with the consent of the Minister for Finance, advance to the Commission, out of moneys provided by the Oireachtas, a grant or grants of such amount or amounts as the Minister, after consultation with the Commission and the Secretary of State, may determine for the purposes of expenditure by the Commission in the performance of its functions.

Accounts

9. (a) The Commission shall keep all proper and usual accounts of all moneys received or expended by it.
- (b) The Commission shall, at the joint request of the Minister and the Secretary of State, appoint auditors who shall audit the accounts of the Commission. The reports of the auditors shall be submitted, as soon as may be, to the two Governments.

Seal of Commission

10. The Commission shall provide itself with a seal.

11. The seal of the Commission shall be authenticated by the Chairperson of the Commission or some other member of the Commission authorised by the Commission in that behalf.

12. Judicial notice shall be taken of the seal of the Commission and every document purporting to be an instrument made by the Commission and to be sealed with the seal (purporting to be authenticated in accordance with Regulation 11 of these Regulations) of the Commission shall be received in evidence and be deemed to be such instrument without proof, unless the contrary is shown.

13. Any contract or instrument which, if entered into or executed by a person other than a body corporate, would not require to be under seal may be entered into or executed on behalf of the Commission by any person generally or specially authorised by the Commission in that behalf.

Prohibition of Disclosure of Information

14. Members of the Commission, members of the staff of the Commission and any persons providing a service to the Commission, including persons performing functions assigned to them by the Commission, and agents of the Commission, shall not 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.

Role and Functions of Commission

15. (1) The objective of the Commission shall be to facilitate the decommissioning of arms.

(2) In particular, but without prejudice to the generality of paragraph (1) of this Regulation, the Commission shall -

- (a) consult with the participants in political negotiations in Northern Ireland, including the two Governments, and other persons whom it deems 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 the scheme or each scheme,

- (b) present to the two Governments proposals for such schemes having due regard to the views expressed by those it has consulted pursuant to paragraph (a) of this Regulation,
- (c) undertake, in accordance with regulations or arrangements and with any decommissioning scheme (within the meaning of the corresponding law), such tasks that may be required of it to facilitate the decommissioning of arms, including observing, monitoring and verifying such decommissioning and receiving and auditing arms, and
- (d) report periodically to the two Governments and, through whatever mechanism they may establish for that purpose, to the other participants in political negotiations in Northern Ireland.

GIVEN under my Official Seal,

this 24th day of September, 1997

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.)

The Government and the Government of the United Kingdom formally established the Independent International Commission on Decommissioning on 24 September, 1997. By this order the Minister for Justice, Equality and Law Reform makes provision in relation to the Commission in accordance with section 4 of the Decommissioning Act, 1997.