

Draft of

REGULATIONS

entitled

**Decommissioning Act, 1997 (Decommissioning) Regulations, 1998**

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To be made by the Minister for  
Justice, Equality and Law Reform

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, \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 1998, and shall expire on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*extension provision*

### 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.  
*Supervisor by Commission*

**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. *type of info — v. open*

**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  
*— or others new orgs with arms*

- (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

*Sanction for non-compliance*

(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 and to the other participants in the political negotiations in Northern Ireland.

Given under my Official Seal,

this \_\_\_\_\_ day of \_\_\_\_\_, 1998

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Minister for Justice, Equality and Law Reform