

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