

**EXPLANATORY MEMORANDUM TO
THE NORTHERN IRELAND ARMS DECOMMISSIONING ACT 1997 (AMNESTY
PERIOD) ORDER 2008**

2008 No. 378

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order appoints 14 February 2009 as the date before which the amnesty period identified in a non-statutory decommissioning scheme must end. The amnesty period is the time during which decommissioning may take place in accordance with the scheme. The amnesty provides immunity from prosecution for the offences which might be committed in the decommissioning process and which are set out in the Northern Ireland Arms Decommissioning Act 1997 (“1997 Act”).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The 1997 Act empowered the Secretary of State to make a decommissioning scheme to provide an amnesty for those decommissioning weapons in accordance with it. Section 2(2)(b) of the 1997 Act originally limited the period during which that amnesty could be extended to five years. The Northern Ireland Arms Decommissioning (Amendment) Act 2002 (“2002 Act”) amended the 1997 Act to extend the period, during which an amnesty could be provided for in a decommissioning scheme, up to the end of 26 February 2003, subject to further extensions by Order up to 27 February 2007. Section 21 of the Northern Ireland (Miscellaneous Provisions) Act 2006 amended the 1997 Act so as to enable further orders extending the amnesty period up to 27 February 2010, and the current amnesty is effected by the Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2007¹ which provided that 20 February 2008 is the day appointed for the purposes of section 2(2)(b) of the 1997 Act.

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland.

6. European Convention on Human Rights

¹ S.I. 2007/715.

The Secretary of State for Northern Ireland has made the following statement regarding Human Rights:

In my view the provisions of the Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2008 are compatible with the Convention rights.

7. Policy background

7.1 The purpose of the Order is to extend, for one further year to 14 February 2009, the period during which immunity from prosecution for the offences set out in the Schedule to the 1997 Act may be extended to those decommissioning weaponry in accordance with the decommissioning scheme.

As with previous extension orders no public consultation was undertaken.

However extension of the amnesty period does not represent any change in Government policy.

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Caroline Mersey at the Northern Ireland Office (tel: 028 9052 7954 or e-mail: caroline.mersey@nio.x.gsi.gov.uk) can answer any queries regarding the instrument.