EXPLANATORY MEMORANDUM TO

THE NORTHERN IRELAND ARMS DECOMMISSIONING ACT 1997 (AMNESTY PERIOD) ORDER 2006

2006 No. 480

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 23 February 2007 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 can 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.

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. The 1997 Act, which came into force on 27 February 1997, originally limited the period during which that amnesty could be extended to five years. The Northern Ireland Arms Decommissioning (Amendment) Act 2002 ("the 2002 Act") amended the 1997 Act to extend the period during which an amnesty could be provided for in a decommissioning scheme. The 2002 Act itself extended the amnesty period up to the end of 26 February 2003, subject to further extensions by Order up to and including 26 February 2007.

5. Extent

5.1 This instrument applies to Northern Ireland.

6. European Convention on Human Rights

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

> In my view the provisions of the Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2006 are compatible with the Convention rights.

7. Policy background

7.1 This is the fourth Order extending the amnesty period made under the 1997 Act as amended. Its purpose is to extend, for one further year, 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.

8. Impact

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

9. Contact

Ian Kerr at the Northern Ireland Office Tel: 028 9052 7033 or e-mail: ian.kerr@nio.x.gsi.gov.uk can answer any queries regarding the instrument.