

# **NORTHERN IRELAND ARMS DECOMMISSIONING (AMENDMENT) ACT 2002**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These explanatory notes relate to the Northern Ireland Arms Decommissioning (Amendment) Act 2002 which received Royal Assent on 26 February 2002. They have been prepared by the Northern Ireland Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

### **SUMMARY AND BACKGROUND**

3. The Northern Ireland Arms Decommissioning Act 1997 (“the 1997 Act”) empowered the Secretary of State to make a decommissioning scheme which would provide an amnesty for those decommissioning weapons in accordance with it. The 1997 Act, which came into force on 27 February 1997, limited the period during which that amnesty could be provided to five years.
4. This Act extends the period during which an amnesty may be provided for in a decommissioning scheme. Initially it may be extended so as to end before 27 February 2003 and further extensions may be made by order of the Secretary of State up to and including 26 February 2007. Any such order will be subject to the same Parliamentary scrutiny and control as at present.

### **COMMENTARY**

#### *Section 1*

5. This section extends the maximum length of the amnesty period that may be provided for in a decommissioning scheme. It does so by amending section 2 of the 1997 Act.

#### **Subsection (2)**

6. This subsection amends section 2(2)(a) of the 1997 Act which originally provided that the amnesty period must end before the first anniversary of the day on which the 1997 Act was passed, unless extended by order of the Secretary of State. The amendment has the effect of extending the initial maximum period of an amnesty to end at midnight on 26 February 2003.

#### **Subsection (3)**

7. This subsection amends section 2(3)(b) of the 1997 Act. Under section 2(2)(b) of that Act the Secretary of State has the power by order to appoint from time to time a later

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date before which the amnesty period must end. Section 2(3) of the 1997 Act originally provided that such later date must be not more than (a) twelve months after the order is made, or (b) five years after that Act was passed. Subsection (3) of this Act does not affect the condition set out in (a), but it substitutes 27 February 2007 for the five-year period set out in (b). The effect of this is to extend the Secretary of State's order-making power for a further five years beyond the expiry of the period previously allowed.

#### **Subsection (4)**

8. In case section 1 did not come into force until after 26 February 2002, this subsection provides that a scheme which would at any time have been a decommissioning scheme for the purposes of the 1997 Act, but for the fact that the amnesty period had not been extended by section 1 at that time, would have been treated as having been such a scheme at that time. This means that anything done in accordance with such a scheme would, once the Act was enacted, have fallen within the amnesty provided for by section 4(1) of the 1997 Act. Since the Act came into force on 26 February 2002, it will not be necessary to rely on the provision made by this subsection.

#### **Section 2**

9. This section gives the short title of the Act.

#### **COMMENCEMENT**

10. The Act came into force on Royal Assent.

#### **HANSARD REFERENCES**

The following table sets out the dates and Hansard references for each stage of this Act's passage through Parliament.

| <b>Stage</b>                           | <b>Date</b>      | <b>Hansard reference</b>                 |
|--|------------------|--|
| House of Commons                       |                  |  |
| Introduction                           | 6 December 2001  | Vol 376 Col 465                          |
| Second Reading                         | 17 December 2001 | Vol 377 Cols 38 - 121                    |
| Committee, Report and Third Reading    | 9 January 2002   | Vol 377 Cols 549 - 643                   |
| House of Lords                         |                  |  |
| Introduction                           | 9 January 2002   | Vol 630 Col 681                          |
| Second Reading                         | 21 January 2002  | Vol 630 Cols 1349 – 1361, 1367 – 1375    |
| Committee                              | 4 February 2002  | Vol 631 Cols 461 – 479                   |
| Report                                 | 14 February 2002 | Vol 631 Cols 1195 – 1203                 |
| Third Reading                          | 25 February 2002 | Vol 631 Cols 1230 – 1243                 |
| <b>Royal Assent</b> – 26 February 2002 |                  | House of Lords Hansard Vol 631 Col 1409  |
|  |                  | House of Commons Hansard Vol 380 Col 679 |