

RESTRICTED - POLICY


 PRIVY COUNCIL OFFICE
 WHITEHALL, LONDON SW1A 2AT

 ✓ cf EO
 JH

Prime Minister

 Persistence has its reward!
 Should help with the UUs.

 Though I have my doubts
 about a overleaf.

November 1996

Dear John,

John 15/xi

John / P. 16-11

NORTHERN IRELAND ARMS DECOMMISSIONING BILL

Your letter of 4 November to Ken Lindsay recorded that the Prime Minister had asked the Lord President to chair a meeting of the Ministers most concerned to look again at the question of whether the Northern Ireland Arms Decommissioning Bill should be extended to the whole of the UK. The Lord President chaired such a meeting yesterday evening which was attended by the Home Secretary, the Chief Secretary, Treasury, the Northern Ireland Secretary, the Minister without Portfolio, the Lord Privy Seal, the Secretary of State for Scotland, the Lord Advocate, the Solicitor General and the Comptroller of the Household. Christopher Jenkins (First Parliamentary Counsel), Daniel Greenberg (Parliamentary Counsel's Office), Bill Jeffrey (Cabinet Office), Murdo Maclean (Chief Whip's Office (Commons)) and Simon Burton (Chief Whip's Office (Lords)) were also present.

The Northern Ireland Secretary recalled that the Bill as it stood was confined to Northern Ireland in the interests of speed and simplicity. The view had been taken that this could be justified on the ground that the great majority of illegal weapons held in Northern Ireland were terrorist weapons, whereas on the mainland such weapons accounted for only a small minority of the total. The Home Secretary had expressed reservations about the extent to which a scheme attracting the immunities in the Bill would be exploited by serious criminals who had no connection with the paramilitary groups. The Unionists had been critical of this approach, and in recent weeks their pressure on this point had become more insistent. It was likely that, if the Bill were introduced in its current form, there would be a succession of amendments from the Unionist parties which might well attract support from a number of the Government's own supporters. Since the Bill was essentially an enabling measure, there was a case to be made for expressing it in terms which permitted extension to Great Britain.

The Home Secretary said that he understood the Northern Ireland Secretary's concern. Following discussions with First Parliamentary Counsel, he would be content to include in the Bill an order-making power exercisable by affirmative resolution to apply the Bill's provisions to Great Britain. He and the Secretary of State for Scotland would exercise the power if they were satisfied that it was necessary in the circumstances at the time to have a decommissioning scheme or schemes in Great Britain. His agreement to this approach was subject to there

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being no absolute commitment to use the order-making power, and he would wish to consult the Association of Chief Police Officers before the proposal was taken further.

The Scottish Secretary said that he too would be content with this approach. He attached particular importance to taking the views of Chief Police Officers in Scotland before going firm on it.

In further discussion, the following points were made:

a. for the approach to be credible to the Unionists, it would be important for the order-making power not to appear to be no more than a gesture towards their concerns. Many of the weapons which were used in terrorist incidents in Northern Ireland were imported from Great Britain. There would need to be a clear signal that the Government's intention was to decommission terrorist arms in all parts of the UK.

b. there was some reason to hope that Mr David Trimble, the Leader of the Ulster Unionist Party, would welcome an approach on the lines suggested by the Home Secretary. His main concern would be for the Bill to be published and introduced in good time;

?x/ c. as drafted, the Bill contained certain immunities which would apply in relation to the Northern Ireland decommissioning scheme, including an amnesty from prosecution for possession offences and a prohibition on forensic tests of decommissioned articles. The Home Secretary would wish the order-making power to be expressed in terms which did not require any or all of the immunities to apply in Great Britain. In particular, it might well make sense to allow forensic testing of surrendered articles. This might attract criticism for inconsistency, but was defensible. It was also possible that the House of Lords Delegated Powers Scrutiny Committee would take an interest in the power;

e. since there were separate prosecuting authorities, it would make sense for any decommissioning schemes in England and Wales, on the one hand, and Scotland on the other, to be separate;

f. other pressures of Parliamentary business were such that the Bill was unlikely to be able to receive a Second Reading before 9 December, and there seemed no chance of completing all Parliamentary stages before Christmas, as had been hoped. The Bill's handling in both Houses would benefit from discussion between the Northern Ireland Secretary and the business managers. In the Northern Ireland Secretary's mind, the important thing was for it to start its Parliamentary progress quickly, and there might be a case for publishing it as soon as it was drafted, irrespective of the date of Second Reading.

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Summing up the discussion, the Lord President said that, subject to consultations which should now take place urgently between the Home Secretary and the Scottish Secretary and the Associations of Chief Police Officers, it was agreed that the Bill should include a wide order-making power under which the Home Secretary and the Scottish Secretary would be able to apply such provisions of the Bill as they considered appropriate in the circumstances of the mainland to any decommissioning schemes they might introduce. Parliamentary Counsel should now be instructed on these lines, so that the Bill could be published and introduced as soon as possible.

I am copying this letter to the Private Secretaries to the members of NI Committee, the Secretary of State for Scotland and the Lord Advocate, and to Jan Polley (Cabinet Office) and Peter Moore (First Parliamentary Counsel's Office).

Yours,

Paul Cohen

PAUL COHEN
Principal Private Secretary

John Holmes Esq
Private Secretary to the Prime Minister