

**EXPLANATORY MEMORANDUM TO
THE NORTHERN IRELAND (SENTENCES) ACT 1998 (SPECIFIED
ORGANISATIONS) ORDER 2008**

2008 No. Draft

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 adds the Óglaigh na hEireann (ONH) to the list of organisations specified under section 3 of the Northern Ireland (Sentences) Act 1998 ('the 1998 Act') and removes the Ulster Volunteer Force (UVF) and the Red Hand Commando from the list.

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

3.1 None.

4. Legislative Background

4.1 Under section 3 of the 1998 Act the Secretary of State must specify an organisation if he believes that it is concerned in terrorism connected with the affairs of Northern Ireland, or in promoting or encouraging it, and that it has not established or is not maintaining a complete and unequivocal ceasefire. The Secretary of State is obliged to review the list of specified organisations from time to time and to make a new order if he considers that the conditions recited in the preamble to this Order no longer apply to an organisation which is specified, or that those conditions apply to an organisation which is not specified.

4.2 The effect of specification is that a prisoner who is, or who would be likely to become, a supporter of such an organisation, is ineligible for release under the 1998 Act or, if released, is liable to recall to prison.

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

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

6.2 In my view the provisions of the Northern Ireland (Sentences) Act 1998 (Specified Organisations) Order 2008 are compatible with the Convention rights.

7. Policy background

- 7.1 This is the first time that ONH has been specified. This step was taken because the Secretary of State judged that they were concerned in terrorism connected with the affairs of Northern Ireland and were not maintaining a complete and unequivocal ceasefire. The recent 18th Report of the Independent Monitoring Commission (published on 1 May 2008) confirmed their involvement in one murder in County Donegal.
- 7.2 The UVF and Red Hand Commando no longer meet the test for specification. The Secretary of State is satisfied that their decision to renounce violence and transform from a military to civilian organisation is being followed through. The 18th IMC report notes the organisations' commitment to progressing down a path of democratic and peaceful means.
- 7.2 The other specified organisations (the Continuity IRA; the Loyalist Volunteer Force; the Orange Volunteers; the Real IRA; and the Red Hand Defenders) will remain specified.

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

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