

**EXPLANATORY MEMORANDUM TO THE
NORTHERN IRELAND (SENTENCES) ACT 1998 (SPECIFIED ORGANISATIONS)
ORDER 2005**

2005 No. 2558

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

- 2.1 This order adds the Ulster Volunteer Force (UVF) and the Red Hand Commando to the list of organisations specified under section 3 of the Northern Ireland (Sentences) Act 1998 ('the 1998 Act').

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

- 3.1 The Order was made under the urgency procedure, as provided for by section 19(3) of the 1998 Act. The Order was made on 13th September 2005 and came into force on 14th September 2005 and it was laid on 14th September 2005. The notification and explanation required by the proviso to section 4(1) of the Statutory Instruments Act 1946 were sent to the Speaker and Lord Chancellor on 14th September 2005.

- 3.2 The urgency procedure was necessary because of the serious nature of the activities of the two organisations. The Secretary of State judged that specification could not wait until Parliament returned from recess.

4. Legislative Background

- 4.1 The test for specification is set out in section 3(8) of the 1998 Act. The Secretary of State shall 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 must also keep the list of organisations specified under review from time to time.

- 4.2 The effect of specifying an organisation 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. Extent

- 5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

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

In my view the provisions of the Northern Ireland (Sentences) Act 1998 (Specified Organisations) Order 2005 are compatible with the Convention rights.

7. Policy background

7.1 This is the first time the UVF and Red Hand Commando have 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 UVF has been involved in a feud with another paramilitary organisation: the Loyalist Volunteer Force (LVF), which is already specified. The feud has involved serious violence on both sides and it has resulted in four deaths to date. Most recently they have been involved in serious attacks, including live fire, directed against the security forces. The Red Hand Commando is closely linked to the UVF.

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

Elaine Wilkinson at the Northern Ireland Office Tel: 028 9052 7028 or e-mail: elaine.wilkinson@nio.x.gsi.gov.uk can answer any queries regarding the instrument.