



**AN BILLE CHUN NA hACHTANNA UM CHIONTAÍ IN
AGHAIDH AN STÁIT (1939 GO 1998) A AISGHAIRM 2004
OFFENCES AGAINST THE STATE ACTS (1939 TO 1998)
REPEAL BILL 2004**

EXPLANATORY MEMORANDUM

Purpose of Bill

The purpose of the Bill is to repeal the emergency legislation collectively known as the Offences Against the State Acts 1939 to 1998.

Its enactment will give full effect to the Good Friday Agreement commitment under Strand Three to dispense with this legislation as circumstances permit. As such it constitutes an “act of completion” under the terms of the Good Friday Agreement, and represents tangible progress in the peace process.

This action is taken in recognition of the corrosive effect the operation of emergency legislation has had on human rights, civil liberties, and democratic life in the state — particularly during the protracted periods of its non-emergency operation over more than six decades. In particular, the continuing operation of emergency legislation is neither appropriate nor justifiable under the present changed circumstances resulting from the peace process now in its tenth year, the conclusion of the Good Friday Agreement six years ago, and the seven year continuous maintenance of the Irish Republican Army cessation.

Finally, this action is taken as recognition that repressive legislation is inconsistent with international human rights obligations, does not generally enhance either democracy or the security of the people, and should not be allowed to become part of the ordinary law of the state.

Provisions of the Bill

Section 1 is a standard provision relating to the short title and commencement of the Bill.

Section 2 repeals the Offences Against the State Acts 1939 to 1998 inclusive, which enactments are set out in the *Schedule* to the Bill.

*Na Teachtaí Aengus Ó Snodaigh, Caoimhghín Ó Caoláin, Seán Mac Conradhá, Máirtín Ó Fearáosa, Art Ó Muireagáin.
Meitheamh, 2004.*