



An Bille um Thoirmeasc ar Airm Núicléacha, 2019
Prohibition of Nuclear Weapons Bill 2019

Meabhrán Mínitheach
Explanatory Memorandum



AN BILLE UM THOIRMEASC AR AIRM NÚICLÉACHA, 2019
PROHIBITION OF NUCLEAR WEAPONS BILL 2019

EXPLANATORY MEMORANDUM

Purpose of Bill

The purpose of the Prohibition of Nuclear Weapons Bill is to enable Ireland to become a State Party to the 2017 Treaty on the Prohibition of Nuclear Weapons.

Provisions of Bill

The provisions of the Bill may be summarised as follows:

Section 1 – (Definitions)

Section 1 provides definitions for certain terms used in the Bill.

Section 2 – (Offences)

Section 2 creates criminal offences for specified nuclear weapon activities.

Subsection (1) states that it shall be an offence for a person to develop, produce, manufacture, acquire, possess, transfer or receive the transfer a nuclear weapon or other nuclear explosive device. This subsection also makes it an offence to station, install or deploy a nuclear weapon or other nuclear explosive device, or to use or threaten to use them.

Subsection (2) provides that a person who assists, encourages or induces the commission of an offence shall also be guilty of an offence.

Subsection (3) states that a person who seeks or receives assistance to commit an offence shall be guilty of an offence.

Section 3 – (Offences outside State)

Section 3 provides for extraterritorial jurisdiction in respect of acts committed outside the State in specified circumstances. These circumstances include the commission of an offence on board an Irish ship, on board an aircraft registered in the State, or where the person is a member of the Defence Forces.

Section 4 – (Penalties)

Section 4 sets out penalties for the commission of offences under Sections 2 and 3. A person who is found guilty of an offence will be liable on conviction on indictment to a fine, imprisonment for life or such a lesser term as the court may determine, or both.

Section 5 – (Double Jeopardy)

Section 5 is a standard double jeopardy clause.

Section 6 – (Offences by body corporate)

Section 6 clarifies offences as they relate to bodies corporate.

Section 7 – (Short title and commencement)

Section 7 sets out the short title of the Bill and contains a commencement clause.

The text of the Treaty on the Prohibition of Nuclear Weapons is set out in the *Schedule* of the Bill.

*An Roinn Gnóthaí Eachtracha agus Trádála,
Iúil, 2019.*