Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

An Act to address the legacy of the Northern Ireland Troubles and promote reconciliation by establishing an Independent Commission for Reconciliation and Information Recovery, limiting criminal investigations, legal proceedings, inquests and police complaints, extending the prisoner release scheme in the Northern Ireland (Sentences) Act 1998, and providing for experiences to be recorded and preserved and for events to be studied and memorialised, and to provide for the validity of interim custody orders. [18th September 2023]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

THE TROUBLES

1 Meaning of "the Troubles" and other key expressions

(1) In this Act "the Troubles" means the events and conduct that related to Northern Ireland affairs and occurred during the period—
  (a) beginning with 1 January 1966, and
  (b) ending with 10 April 1998.

(2) That includes any event or conduct during that period which was connected with—
  (a) preventing,
  (b) investigating, or
  (c) otherwise dealing with the consequences of,

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any other event or conduct relating to Northern Ireland affairs.

(3) Accordingly, in this Act an event or conduct "forming part of the Troubles" is an event or conduct that falls within subsection (1) (including any of a kind described in subsection (2)).

(4) In this Act "other harmful conduct forming part of the Troubles" means any conduct forming part of the Troubles which caused a person to suffer physical or mental harm of any kind (excluding death).

(5) For the purposes of this Act—

(a) an offence is "Troubles-related" if—

(i) it is an offence under the law of Northern Ireland, England and Wales or Scotland, and

(ii) the conduct which constitutes the offence was to any extent conduct forming part of the Troubles;

(b) a Troubles-related offence is "serious" if the offence—

(i) is murder, manslaughter or culpable homicide,

(ii) is another offence that was committed by causing the death of a person, or

(iii) was committed by causing a person to suffer serious physical or mental harm;

(c) a Troubles-related offence is "connected" if the offence—

(i) relates to, or is otherwise connected with, a serious Troubles-related offence (whether it and the serious offence were committed by the same person or different persons), but

(ii) is not itself a serious Troubles-related offence;

and for this purpose, one offence is to be regarded as connected with another offence, in particular, if both offences formed part of the same event.

(6) In this Act—

"conduct" includes an act or an omission;

"Northern Ireland affairs" means—

(a) the constitutional status of Northern Ireland, or

(b) political or sectarian hostility between people in Northern Ireland;

"serious physical or mental harm" means—

(a) paraplegia;

(b) quadriplegia;

(c) severe brain injury or damage;

(d) severe psychiatric damage;

(e) total blindness;

(f) total deafness;

(g) loss of one or more limbs;

(h) severe scarring or disfigurement.

(7) For the purposes of this section it does not matter if an event or conduct occurred in Northern Ireland, in another part of the United Kingdom, or elsewhere.

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Commencement Information

I1 S. 1 in force at 18.9.2023, see **s. 63(1)(a)**

PART 2

THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

The ICRIR, the Commissioners and ICRIR officers

2 The Independent Commission for Reconciliation and Information Recovery

(1) The Independent Commission for Reconciliation and Information Recovery is established.

(2) The ICRIR is a body corporate.

(3) The ICRIR consists of—
- (a) the Chief Commissioner,
- (b) the Commissioner for Investigations, and
- (c) between one and five other Commissioners.

(4) The principal objective of the ICRIR in exercising its functions is to promote reconciliation.

(5) The functions of the ICRIR are—
- (a) to carry out reviews of deaths that were caused by conduct forming part of the Troubles (see sections 9 and 11 to 13);
- (b) to carry out reviews of other harmful conduct forming part of the Troubles (see sections 10 to 13);
- (c) to produce reports ("final reports") on the findings of each of the reviews of deaths and other harmful conduct (see sections 15 to 18);
- (d) to determine whether to grant persons immunity from prosecution for serious or connected Troubles-related offences other than Troubles-related sexual offences (see sections 19 to 21);
- (e) to refer deaths that were caused by conduct forming part of the Troubles, and other harmful conduct forming part of the Troubles, to prosecutors (see section 25);
- (f) to produce a record (the "historical record") of deaths that were caused by conduct forming part of the Troubles (see sections 28 and 29).

(6) In exercising its functions, the ICRIR must have regard to the general interests of persons affected by Troubles-related deaths and serious injuries.

(7) At least three months before the start of each financial year, the ICRIR must—
- (a) produce and publish a work plan for that year, and
- (b) give a copy of the plan to the Secretary of State.

But this duty does not apply in relation to any financial year which starts before 1 April 2025.

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(8) A work plan must deal with the following matters—
- (a) the caseload which the ICRIR is expecting;
- (b) the plans which the ICRIR has for dealing with its caseload;
- (c) the plans which the ICRIR has for engaging with persons entitled to request reviews of deaths and other harmful conduct;
- (d) policies which the ICRIR is planning to introduce, review or change;
- (e) such other matters as the ICRIR considers appropriate.

(9) No later than six months after the end of each financial year, the ICRIR must—
- (a) produce and publish an annual report in relation to that year, and
- (b) give a copy of the annual report to the Secretary of State.

(10) An annual report must deal with the following matters—
- (a) the finances of the ICRIR;
- (b) the administration of the ICRIR;
- (c) the volume of information received by the ICRIR;
- (d) the number of requests for reviews that have been made;
- (e) the number of final reports on the findings of reviews that have been provided to persons requesting them;
- (f) the number of applications for immunity from prosecution that have been made;
- (g) the number of applications for immunity from prosecution that have been decided by the immunity requests panel;
- (h) the number of persons who have been granted, and the number of persons who have been refused, immunity from prosecution;
- (i) progress made in producing the historical record;
- (j) such other matters as the ICRIR considers appropriate.

(11) The Secretary of State may make payments or provide other resources to, or in respect of, the ICRIR in connection with the exercise of the ICRIR's functions.

(12) Schedule 1 contains provision about the ICRIR, the Commissioners and the ICRIR officers.

(13) In this section "persons affected by Troubles-related deaths and serious injuries" means—
- (a) family members of persons whose deaths were caused directly by conduct forming part of the Troubles (and the reference to those deaths has the meaning given in section 9(9)),
- (b) persons who suffered serious physical or mental harm that was caused by conduct forming part of the Troubles, and
- (c) family members of persons who suffered such harm and have subsequently died.

(14) In this Act "financial year", in relation to the ICRIR, means—
- (a) the period which—
  - (i) begins with the day on which this section comes into force, and
  - (ii) ends with the following 31 March; and
- (b) each subsequent period of one year which ends with 31 March.

Commencement Information

I2 S. 2 not in force at Royal Assent, see **s. 63(4)**

I3 S. 2(1)-(3)(11)(12)(14) in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

3 ICRIR officers

(1) The ICRIR may employ persons to be officers of the ICRIR.

(2) The ICRIR may make arrangements for persons to be seconded to serve as officers of the ICRIR.

(3) In employing and seconding persons, the ICRIR must ensure that (as far as it is practicable) the officers of the ICRIR include—

(a) persons who have experience of conducting criminal investigations in Northern Ireland, and

(b) persons who do not have that experience but have experience of conducting criminal investigations outside Northern Ireland.

(4) In this Act "ICRIR officers" means—

(a) the Commissioner for Investigations,

(b) the persons employed under this section, and

(c) the persons seconded under this section.

Commencement Information

I4 S. 3 not in force at Royal Assent, see **s. 63(4)**

I5 S. 3 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(b)**

4 Actions of the ICRIR: safeguards

(1) The ICRIR must not do anything which—

(a) would risk prejudicing, or would prejudice, the national security interests of the United Kingdom,

(b) would risk putting, or would put, the life or safety of any person at risk, or

(c) would risk having, or would have, a prejudicial effect on any actual or prospective criminal proceedings in any part of the United Kingdom.

(2) In relation to something done by the ICRIR, criminal proceedings are "prospective" if, in the view of the ICRIR, the proceedings are likely to be brought within a reasonable period after that thing is done.

(3) Subsection (1)(c) does not apply to grants of immunity from prosecution by the ICRIR under section 19 (but see paragraph 3 of Schedule 5).

(4) For provision about the way in which subsection (1) operates in relation to disclosures of information, see section 30(2) to (9).

Commencement Information

I6 S. 4 not in force at Royal Assent, see **s. 63(4)**

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I7 S. 4(1)(2) in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(c)**

VALID FROM 01/05/2024

5 Full disclosure to the ICRIR

(1) A relevant authority must make available to the ICRIR such—
- (a) information,
- (b) documents, and
- (c) other material,

as the Commissioner for Investigations may reasonably require for the purposes of, or in connection with, the exercise of the review function or the immunity function.

(2) A relevant authority may also make available to the ICRIR any—
- (a) information,
- (b) documents, and
- (c) other material,

which, in the view of that authority, may be needed for the purposes of, or in connection with, the exercise of the review function or the immunity function.

(3) It is for the relevant authority and the Commissioner for Investigations to agree the manner in which information, a document or other material is to be made available under this section (unless the Commissioner for Investigations imposes a requirement under subsection (4)).

(4) Information which the Commissioner for Investigations requires to be made available under subsection (1) is to be made available in such manner as that Commissioner may reasonably require.

(5) An agreement under subsection (3) may provide, and a requirement under subsection (4) may require, (in particular) that the relevant authority is to—
- (a) give the information, document or other material to the Commissioner for Investigations;
- (b) give a copy of the information, document or other material to the Commissioner for Investigations;
- (c) allow the ICRIR to access the information, document or other material while it is held by the relevant authority.

(6) A requirement under subsection (4) (including anything required by virtue of subsection (5)) must be consistent with regulations under section 34(1).

(7) The Commissioner for Investigations may require any of the following persons to give the ICRIR such assistance as is reasonable for the purposes of, or in connection with, the effective use of information, documents and other material made available by that person under this section—
- (a) the Chief Constable of the PSNI;
- (b) the chief officer of a police force in Great Britain;
- (c) the Police Ombudsman for Northern Ireland;
- (d) the Director General of the Independent Office for Police Conduct;
- (e) the Police Investigations and Review Commissioner.

(8) It is not a breach of—

(a) any obligation of confidence owed by a relevant authority, or

(b) any other restriction on the disclosure of information (however imposed),

for a relevant authority to make information, documents and other material available under this section.

(9) In this section "copy" includes a photograph or similar representation.

Commencement Information

I8 S. 5 not in force at Royal Assent, see **s. 63(4)**

6 Operational powers of ICRIR officers

(1) The Commissioner for Investigations is (by virtue of this section) designated as a person having the powers and privileges of a constable.

(2) The Commissioner for Investigations may designate any other ICRIR officer as a person having the powers and privileges of a constable, if that Commissioner is satisfied that that ICRIR officer—

(a) is capable of effectively exercising those powers and privileges;

(b) has received adequate training in respect of the exercise of those powers and privileges; and

(c) is otherwise a suitable person to exercise those powers and privileges.

(3) The powers and privileges of a constable which the Commissioner for Investigations, or any other ICRIR officer, has by virtue of a designation under this section may be exercised for the purposes of, or in connection with, any function of the ICRIR except the function of producing the historical record.

(4) Schedule 2 contains further provision about the operational powers of ICRIR officers.

Commencement Information

I9 S. 6 not in force at Royal Assent, see **s. 63(4)**

I10 S. 6(4) in force at 1.12.2023 for specified purposes by S.I. 2023/1293, **reg. 2(i)**

VALID FROM 01/05/2024

Admissibility of information provided to the ICRIR

7 Admissibility of material in criminal proceedings

(1) This section applies in relation to criminal proceedings brought against a person (D).

(2) Compelled material obtained from D may not be used in evidence against D.

(3) If D has made an application for immunity from prosecution, the following material may not be used in evidence against D—

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(a) material provided by D to the ICRIR (including the immunity requests panel) in connection with the application;

(b) material obtained (directly or indirectly) as a result of material provided as mentioned in paragraph (a).

(4) Subsection (2) does not apply in relation to proceedings against D for an offence under paragraph 8(1)(a) of Schedule 4 (distortion of evidence); and subsections (2) and (3) do not apply in relation to proceedings against D for an offence under section 27 (false statements).

(5) Any other material provided by, or obtained from, D for the purposes of, or in connection with, the exercise of any of the ICRIR's functions may not be used in evidence against D unless exception 1 or 2 applies in relation to the material.

(6) *Exception 1:* the material was provided to, or obtained by, an ICRIR officer designated under section 6(1) or (2).

(7) *Exception 2:* the proceedings brought against D relate to—

(a) the exercise by the ICRIR of any function,

(b) any other conduct of the ICRIR,

(c) the conduct of any current or former Commissioner, ICRIR officer or ICRIR contractor,

(d) a person being appointed, or holding office, as a Commissioner, or

(e) a person being employed or seconded as, or being, an ICRIR officer.

(8) Where subsection (4) or exception 1 or 2 applies in relation to the material, this section does not affect the application to that material of any other legislation or rule of law relating to admissibility.

(9) No evidence relating to any material inadmissible against D may be adduced, and no question relating to any material inadmissible against D may be asked by or on behalf of the prosecution, unless evidence relating to that material is adduced, or a question relating to that material is asked, in the proceedings by or on behalf of D.

(10) This section applies in relation to material, and evidence or questions relating to material—

(a) whether the material is in the form in which it was provided or obtained, or in some other form;

(b) whether the material (in whatever form) is in the possession of the ICRIR or another person (whether obtained directly or indirectly from the ICRIR).

(11) In this section—

"compelled material" means anything that has been obtained by the ICRIR from a person through the exercise of the ICRIR's powers under section 14;

"material inadmissible against D", in relation to criminal proceedings brought against D, means material that, by virtue of subsections (2) to (7), may not be used in evidence against D;

"other material" means any material other than—

(a) compelled material obtained from D, and

(b) material provided by D as mentioned in subsection (3)(a).

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Commencement Information

I11 S. 7 not in force at Royal Assent, see **s. 63(4)**

PROSPECTIVE

8 Admissibility of material in civil proceedings

(1) No protected material, or evidence relating to protected material, is admissible in any—

(a) civil proceedings,

(b) proceedings before a coroner, or

(c) inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2).

(2) This section does not apply to proceedings which relate to—

(a) the exercise by the ICRIR of any function,

(b) any other conduct of the ICRIR,

(c) the conduct of any current or former Commissioner, ICRIR officer or ICRIR contractor,

(d) a person being appointed, or holding office, as a Commissioner,

(e) a person being employed or seconded as, or being, an ICRIR officer, or

(f) judicial review proceedings or, in Scotland, proceedings on an application to the supervisory jurisdiction of the Court of Session, which relate to the exercise of functions by, or other conduct of, a person other than the ICRIR.

(3) This section applies in relation to material, and evidence or questions relating to material—

(a) whether the material is in the form in which it was provided or obtained, or in some other form;

(b) whether the material (in whatever form) is in the possession of the ICRIR or another person (whether obtained directly or indirectly from the ICRIR).

(4) This section does not apply to any protected material which has been obtained by the ICRIR from a relevant authority under section 5.

(5) In this section—

"civil proceedings" does not include—

(a) family proceedings within the meaning of Article 12 of the Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6));

(b) family proceedings within the meaning of section 75(3) of the Courts Act 2003;

(c) family proceedings within the meaning of section 135 of the Courts Reform (Scotland) Act 2014 (asp 18) or proceedings under the Children (Scotland) Act 1995 or the Children's Hearings (Scotland) Act 2011 (asp 1);

"protected material" means material provided to, or obtained by, the ICRIR for the purposes of, or in connection with, the exercise of any of its functions.

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Commencement Information

I12 S. 8 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Reviews of deaths and other harmful conduct

9 Requests for reviews of deaths

(1) A close family member of the deceased may request a review of a death that was caused directly by conduct forming part of the Troubles.

(2) If there are no close family members of the deceased, any member of the family of the deceased may instead exercise the right to make a request under subsection (1), but only if it is appropriate for that family member to make that request.

(3) The Secretary of State may request a review of a death that was caused by conduct forming part of the Troubles (whether or not it was caused directly by the conduct).

(4) The Attorney General for Northern Ireland may request a review of a death that was caused directly by conduct forming part of the Troubles.

(5) The Advocate General for Northern Ireland may request a review of a death that was caused directly by conduct forming part of the Troubles if section 14(3) of the Coroners Act (Northern Ireland) 1959 applies to the death (inquest on orders of Advocate General if national security involved).

(6) A request for a review of a death that was caused directly by conduct forming part of the Troubles may be made by any of the following persons—

(a) the coroner in Northern Ireland who was responsible for an inquest into that death which has been closed in accordance with section 16A(3) of the Coroners Act (Northern Ireland) 1959;

(b) the senior coroner in England and Wales who was responsible for conducting an investigation into that death which has been discontinued in accordance with paragraph 1(3) of Schedule 1A to the Coroners and Justice Act 2009;

(c) the Chief Coroner of England and Wales, if the Chief Coroner is prohibited by paragraph 2(4) of Schedule 1A to the Coroners and Justice Act 2009 from directing a senior coroner to conduct an investigation into the death;

(d) the sheriff in Scotland who was responsible for conducting an inquiry into that death which has been discontinued in accordance with paragraph 1(3) of Schedule A1 to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2);

(e) the procurator fiscal in Scotland who was responsible for conducting an investigation into that death which has been discontinued in accordance with paragraph 1(4)(b) of Schedule A1 to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016;

(f) the Lord Advocate, if the Lord Advocate is prohibited by paragraph 2(a) of Schedule A1 to the Inquiries into Fatal Accidents and Sudden Deaths

etc. (Scotland) Act 2016 from exercising functions so as to cause an inquiry to be held into the death.

(7) It is for the Commissioner for Investigations to decide if it is appropriate for a family member to make a request in accordance with subsection (2).

(8) A request under this section may not be made after the end of the fifth year of the period of operation of the ICRIR.

(9) For the purposes of this section, a death was "caused directly by conduct forming part of the Troubles" if—

(a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from an act of violence or force, and

(b) the act of violence or force was conduct forming part of the Troubles.

(10) In this section—

"close family member" has the meaning given in Part 1 of Schedule 3;

"inquiry" means an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016;

"investigation" means—

(a) in relation to a senior coroner in England and Wales or the Chief Coroner of England and Wales, an investigation under Part 1 of the Coroners and Justice Act 2009;

(b) in relation to a procurator fiscal, an investigation under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

Commencement Information

I13 S. 9 not in force at Royal Assent, see **s. 63(4)**

10 Requests for reviews of other harmful conduct forming part of the Troubles

(1) A person may request a review of other harmful conduct forming part of the Troubles if that conduct caused that person to suffer serious physical or mental harm.

(2) The Secretary of State may request a review of other harmful conduct forming part of the Troubles (whether or not it caused any person to suffer serious physical or mental harm).

(3) A request under this section may not be made after the end of the fifth year of the period of operation of the ICRIR.

Commencement Information

I14 S. 10 not in force at Royal Assent, see **s. 63(4)**

11 Requests for reviews: general provision

(1) A person making a request for a review may include in the request particular questions about the death, or other harmful conduct, to which the review will relate.

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(2) The Commissioner for Investigations is to decide—

(a) the form and manner in which a request for a review is to be made;

(b) the circumstances (if any) in which a request for a review may be changed (including by changing particular questions included in the request) or withdrawn.

(3) The Commissioner for Investigations may reject a request for a review that is not made in the required form or manner.

(4) In a case where—

(a) the ICRIR is carrying out a review of a death or other harmful conduct (whether following a request under section 9 or 10 or a decision by the ICRIR under section 12), and

(b) a request (or subsequent request) is made for a review relating to that death or that other harmful conduct,

the Commissioner for Investigations is to decide how that request is to be dealt with.

(5) The Commissioner for Investigations may (in particular) decide—

(a) to reject that request (or subsequent request), or

(b) that, in a case where the ICRIR is carrying out the review following a request, the person or persons making the subsequent request are to be treated as if they had joined in the making of the earlier request.

(6) In a case where—

(a) the ICRIR has carried out a review of a death or other harmful conduct (whether following a request under section 9 or 10 or a decision by the ICRIR under section 12), and

(b) a request (or subsequent request) is made for a review relating to that death or that other harmful conduct,

the Commissioner for Investigations is to decide how that request is to be dealt with.

(7) In deciding how that request is to be dealt with, the Commissioner for Investigations—

(a) must take into account the review that has already been carried out; and

(b) in particular, must ensure that the ICRIR does not do anything which duplicates any aspect of that review unless, in the ICRIR's view, the duplication is necessary.

(8) The Commissioner for Investigations may (in particular) decide to reject that request (or subsequent request).

Commencement Information

I15 S. 11 not in force at Royal Assent, see **s. 63(4)**

PROSPECTIVE

12 Reviews in connection with requests for immunity from prosecution

(1) This section applies if a person (P) makes a request under section 19 for the ICRIR to grant P immunity from prosecution.

(2) The ICRIR may carry out a review of a death caused by conduct forming part of the Troubles if it appears to the Commissioner for Investigations that any relevant conduct by P—
  (a) caused the death, or
  (b) relates to, or is otherwise connected with, other conduct (by P or another person) that caused the death.

(3) The ICRIR may carry out a review of other harmful conduct forming part of the Troubles if it appears to the Commissioner for Investigations that any relevant conduct by P—
  (a) caused the physical or mental harm concerned, or
  (b) relates to, or is otherwise connected with, other conduct (by P or another person) that caused the physical or mental harm concerned.

(4) For the purposes of this section—
  (a) "relevant conduct by P" means conduct by P forming part of the Troubles that is relevant to P's request for immunity from prosecution;
  (b) relevant conduct by P is to be regarded as connected with other conduct, in particular, if all of that conduct formed part of the same event.

Commencement Information
I16 S. 12 not in force at Royal Assent, see **s. 63(4)**

13 Conduct of reviews

(1) The Commissioner for Investigations must comply with the obligations imposed by the Human Rights Act 1998 when exercising functions under this section.

(2) The Commissioner for Investigations has operational control over the conduct of reviews by the ICRIR, whether they have been—
  (a) requested under section 9 or 10, or
  (b) decided on by the ICRIR under section 12.

(3) The following provisions of this section apply to the Commissioner for Investigations in exercising operational control over the conduct of reviews.

(4) The Commissioner for Investigations must ensure that each review is carried out (but see subsection (10)).

(5) The Commissioner for Investigations must ensure that each review, whether or not a criminal investigation forms part of the review, looks into all the circumstances of the death or other harmful conduct to which it relates, including any Troubles-related

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offences (whether serious or not) which relate to, or are otherwise connected with, that death or other harmful conduct.

(6) The Commissioner for Investigations is to decide how and when different reviews are to be carried out, including by deciding—

(a) whether different reviews should be carried out in conjunction with each other;

(b) what steps are necessary in carrying out any review.

(7) In particular, the Commissioner for Investigations is to decide whether a criminal investigation is to form part of a review.

(8) In deciding what steps are necessary, the Commissioner for Investigations—

(a) must take into account any investigation that has previously been carried out by any other person into the death or other harmful conduct to which the review relates; and

(b) in particular, must ensure that the ICRIR does not do anything which duplicates any aspect of the previous investigation unless, in the ICRIR's view, the duplication is necessary.

(9) In deciding what steps are necessary, the Commissioner for Investigations must, in particular, have regard to the following matters so far as they are relevant—

(a) any particular questions included in a request for the review (see section 11(1));

(b) whether the review will, or is likely to, lead only to the production of a final report;

(c) any request made by a person (P) to the ICRIR to grant immunity from prosecution if it appears to the Commissioner for Investigations that any relevant conduct by P—

(i) caused the death, or physical or mental harm, to which the review relates, or

(ii) relates to, or is otherwise connected with, other conduct (by P or another person) that caused that death or other harmful conduct;

(d) whether information obtained through the review will be, or is likely to be, provided to a prosecutor.

(10) A review is not to be carried out if—

(a) the Commissioner for Investigations decides, in the case of a request made by a person in accordance with section 9(2), that it is not appropriate for that person to make the request;

(b) the Commissioner for Investigations rejects the request in accordance with section 11(3), (5)(a) or (8).

(11) Subsection (1) does not limit the duty of the Commissioner for Investigations to comply with the obligations imposed by the Human Rights Act 1998 when exercising other functions.

(12) For the purposes of this section—

(a) an offence is to be regarded as connected with a death or other harmful conduct, in particular, if the offence formed part of the same event as that death or other harmful conduct;

(b) "relevant conduct by P" means conduct by P forming part of the Troubles that is relevant to P's request for immunity from prosecution.

Commencement Information

I17 S. 13 not in force at Royal Assent, see **s. 63(4)**

14 Supply of information

(1) The Commissioner for Investigations may exercise the powers conferred by subsections (2) and (3) for the purposes of, or in connection with, the exercise of the review function.

(2) The Commissioner for Investigations may by notice require a person to attend at a time and place stated in the notice—

(a) to provide information;

(b) to produce any documents in the person's custody or under the person's control;

(c) to produce any other thing in the person's custody or under the person's control for inspection, examination or testing.

(3) The Commissioner for Investigations may by notice require a person, within such period as appears to that Commissioner to be reasonable—

(a) to provide evidence in the form of a written statement;

(b) to provide any documents in the person's custody or under the person's control;

(c) to produce any other thing in the person's custody or under the person's control for inspection, examination or testing.

(4) A notice under this section must—

(a) explain the possible consequences of not complying with the notice;

(b) indicate what the recipient of the notice should do to make a claim under subsection (5).

(5) A claim by a person that—

(a) the person is unable to comply with a notice under this section, or

(b) it is not reasonable in all the circumstances to require the person to comply with such a notice,

is to be determined by the Commissioner for Investigations, who may revoke or vary the notice on that ground (or leave it unchanged).

(6) In deciding whether to revoke or vary a notice on the ground mentioned in subsection (5)(b), the Commissioner for Investigations must consider the public interest in the information in question being obtained, having regard to the likely importance of the information.

(7) A claim by a relevant authority that the ICRIR—

(a) would breach section 4(1)(a) or (b) if the person given a notice under subsection (2) or (3) was required to comply with the notice, but

(b) would not breach section 4(1)(a) or (b) if a different person nominated by the relevant authority were instead required to comply with that notice,

is to be determined by the Commissioner for Investigations, who may vary the notice, so as to require the nominated person to comply with it, or revoke the notice (or leave it unchanged).

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(8) For the purposes of this section a thing is under a person's control if it is in the person's possession or if the person has a right to possession of it.

(9) Schedule 4 makes provision about enforcement of notices under this section.

Commencement Information

I18 S. 14 not in force at Royal Assent, see **s. 63(4)**

15 Production of reports on the findings of reviews

(1) This section applies where—

(a) a review of a death that was caused by conduct forming part of the Troubles, or

(b) a review of other harmful conduct forming part of the Troubles,

has been carried out.

(2) The Chief Commissioner must produce a final report on the findings of the review in accordance with this section.

(3) If particular questions were included in the request for a review (see section 11(1)), the final report must include—

(a) the ICRIR's response to those questions, if and to the extent that it has been practicable to respond to them in carrying out the review in accordance with section 13;

(b) for each question to which it has not been practicable to respond, a statement of that outcome.

(4) The final report must include a statement of the manner in which the review was carried out.

Commencement Information

I19 S. 15 not in force at Royal Assent, see **s. 63(4)**

16 Consultation on reports

(1) In the case of a review of a death or of other harmful conduct carried out following a request made under section 9 or 10, the Chief Commissioner must, before producing the final report—

(a) give a draft of the report to the person who requested the review; and

(b) allow the person to make representations about the report during the applicable response period.

(2) In the case of a review of a death carried out following a request made under section 9 or following a decision made by the ICRIR under section 12(2), the Chief Commissioner must, before producing the final report—

(a) give a draft of the report to—

(i) any relevant family members of the person to whose death the review relates,

(ii) any relevant family members of any other persons killed in the relevant event, and

(iii) any person who suffered serious physical or mental harm in the relevant event or, where such a person has subsequently died, any relevant family members of the person, and

(b) allow those persons to make representations about the report during the applicable response period.

(3) In the case of a review of other harmful conduct carried out following a request made under section 10 or following a decision made by the ICRIR under section 12(3), the Chief Commissioner must, before producing the final report—

(a) give a draft of the report to—

(i) any relevant family members of any persons killed in the relevant event, and

(ii) any person who suffered serious physical or mental harm in the relevant event or, where such a person has subsequently died, any relevant family members of the person, and

(b) allow those persons to make representations about the report during the applicable response period.

(4) In the case of any review, if it is proposed to include in the final report material criticising an individual, the Chief Commissioner must, before producing the report—

(a) give a copy of that material to the individual; and

(b) allow the individual to make representations about that material during the applicable response period.

(5) In the case of any review, if it is proposed to include in the final report material criticising a public authority, the Chief Commissioner must, before producing the report—

(a) give a copy of that material to the public authority or to a person who, in the Chief Commissioner's view, currently has responsibility for the public authority; and

(b) allow that public authority or person to make representations about that material during the applicable response period.

(6) The Chief Commissioner must not produce the final report until after—

(a) any applicable response period has ended, or

(b) all of the applicable response periods have ended (where two or more persons are consulted and those periods end on different days).

(7) If the Chief Commissioner considers that it would not be in the public interest for material included in a draft of the report to appear in the final report, the Chief Commissioner may exclude that material from the final report.

(8) The Chief Commissioner must take account of any representations made by a person in accordance with the consultation provisions when the Chief Commissioner is deciding under subsection (7) whether to exclude any material.

(9) If the Chief Commissioner has consulted a person, this section does not require the Chief Commissioner to give that person a draft of any revised version of the final report or any material included in it.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(10) If this section requires the Chief Commissioner to give a draft of the final report to two or more persons, this section does not require the Chief Commissioner to give the same draft to all of those persons.

(11) In this section—

"applicable response period", in relation to a person who is consulted, means—

(a) the period of 30 days beginning with the day on which the draft is given to the person, or

(b) if the Chief Commissioner is satisfied that there is good reason to extend the period, such longer period as the Chief Commissioner determines;

"consultation provisions" means subsections (1) to (5);

"consulted" means given a draft of a report or other material, and allowed to make representations, in accordance with the consultation provisions;

"material criticising a public authority" means material which, in the Chief Commissioner's view, constitutes significant criticism of a public authority (and that material may consist of or include criticism of one or more individuals, whether living or not);

"relevant family member" has the meaning given in Part 2 of Schedule 3;

"material criticising an individual" means material which, in the Chief Commissioner's view, constitutes significant criticism of a living individual who was involved in the conduct forming part of the Troubles, or other harmful conduct forming part of the Troubles, to which a review relates;

"relevant event", in relation to the final report on the findings of a review of a death or other harmful conduct, means the event in which that death, or other harmful conduct, occurred.

Commencement Information

I20 S. 16 not in force at Royal Assent, see **s. 63(4)**

17 Issuing and publication of reports

(1) This section applies where the Chief Commissioner produces the final report on the findings of a review in accordance with section 15.

(2) If the review was carried out following a request made under section 9 or 10, the Chief Commissioner must—

(a) give the final report to the person who requested the review, and

(b) publish the final report.

(3) If the review was carried out following a decision by the ICRIR under section 12, the Chief Commissioner may publish the final report.

(4) When deciding whether to publish the final report in such a case, the ICRIR must (in particular) take into account the views of—

(a) any relevant family members of any person killed in the relevant event, and

(b) any person who suffered serious physical or mental harm in the relevant event or, where such a person has subsequently died, any relevant family members of the person.

(5) The ICRIR must take such steps as it considers reasonable to identify, and obtain the views of, the persons referred to in subsection (4)(a) and (b).

(6) If a final report is not published in such a case, the Chief Commissioner must publish the statement of the manner in which the review was carried out that is included in the final report in accordance with section 15(3).

(7) It is for the Chief Commissioner to decide the manner in which a final report, or statement of the manner in which a review was carried out, is published.

(8) The Chief Commissioner may give the designated persons under Part 4 summaries of any final reports which are not published.

(9) In this section—

"relevant event", in relation to the final report on the findings of a review of a death or other harmful conduct, means the event in which that death, or other harmful conduct, occurred;

"relevant family member" has the meaning given in Part 2 of Schedule 3.

Commencement Information

I21 S. 17 not in force at Royal Assent, see **s. 63(4)**

18 Reports: general provision

(1) The Chief Commissioner must comply with sections 15 to 17 as soon as is practicable after the review has been carried out.

(2) But subsection (1) does not apply to—

(a) producing under section 15, and giving and publishing under section 17(2) and (3), the final report on the findings of an excepted review, or

(b) publishing under section 17(6) the statement of the manner in which an excepted review was carried out.

(3) For that purpose an "excepted review" is—

(a) a review of a death that was caused by conduct forming part of the Troubles, or

(b) a review of other harmful conduct forming part of the Troubles,

if the Commissioner for Investigations refers any of that conduct to a prosecutor under section 25 (the "relevant conduct").

(4) Instead, in such a case, the final report is not to be produced and published, or the statement is not to be published, unless and until—

(a) the prosecutor has made a decision not to prosecute P for any relevant offence, or

(b) if the prosecutor has made a decision to prosecute P for any relevant offence or offences, the public prosecution or prosecutions are no longer continuing.

(5) Section 16 or 17 and this section do not require the Chief Commissioner—

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(a) to give a copy of a draft of a final report, material which it is proposed to include in a final report, or a final report, to any person, or

(b) to publish a final report or statement of the manner in which a review was carried out,

unless (and until) the Chief Commissioner can do so in accordance with sections 4(1) and 30(2).

(6) Paragraph 8 of Schedule 6 makes provision about—

(a) other material that must be included in a final report, and

(b) circumstances in which a new final report must be produced.

(7) Paragraph 3(2)(d) and (e) of Schedule 5 (certain circumstances in which a public prosecution is, or is not, continuing) apply for the purposes of this section.

(8) In this section—

"P" means the person who carried out the relevant conduct;

"relevant offence", in relation to a referral to a prosecutor under section 25, means—

(a) a suspected offence notified to the prosecutor under section 25 in connection with the referral, and

(b) any other offence which the relevant conduct constitutes.

Commencement Information

I22 S. 18 not in force at Royal Assent, see **s. 63(4)**

Immunity from prosecution

19 Immunity from prosecution

(1) The ICRIR must grant a person (P) immunity from prosecution if conditions A to C are met.

(2) *Condition A*: P has requested the ICRIR to grant P immunity from prosecution.

(3) *Condition B*: the immunity requests panel is satisfied that the ICRIR is in possession of an account ("P's account") that—

(a) has been given by P,

(b) describes conduct by P which is, or includes, conduct forming part of the Troubles ("P's disclosed conduct"), and

(c) is true to the best of P's knowledge and belief.

(4) P's account may consist of, or include, information which has previously been given by P (whether directly to the ICRIR or otherwise) if, or to the extent that, the immunity requests panel is satisfied that the information is true to the best of P's knowledge and belief.

(5) *Condition C*: the immunity requests panel is satisfied that P's disclosed conduct would tend to expose P—

(a) to a criminal investigation of, or

(b) to prosecution for,

one or more particular serious or connected Troubles-related offences identified by the panel (the "identified possible offences").

(6) In deciding whether condition C is met, the immunity requests panel must disregard—
  (a) the effects of sections 38 to 41, and
  (b) any other law that might or would prevent a prosecution of P for an offence from being begun or continued (for example abuse of process — but see paragraph 3 of Schedule 5).

(7) Where conditions A to C are met, the immunity requests panel must decide whether P should be granted—
  (a) specific immunity from prosecution,
  (b) general immunity from prosecution, or
  (c) specific and general immunity from prosecution.

(8) "Specific immunity from prosecution" is immunity from prosecution for all of the identified possible offences.

(9) "General immunity from prosecution" is immunity from prosecution for all serious or connected Troubles-related offences which are within a description determined by the immunity requests panel.

(10) In that case, the description of offences must—
  (a) be framed by reference to P's disclosed conduct, and
  (b) consist of, or include, all of the identified possible offences.

(11) "Specific and general immunity from prosecution" is immunity from prosecution for—
  (a) all of the identified possible offences, and
  (b) all serious or connected Troubles-related offences which are within a description determined by the immunity requests panel.

(12) In that case, the description of offences must be framed by reference to P's disclosed conduct.

(13) The ICRIR—
  (a) must give P written notice of the outcome of P's request for immunity from prosecution; and
  (b) must (where the outcome is that P is to be granted immunity) grant P—
    (i) specific immunity from prosecution,
    (ii) general immunity from prosecution, or
    (iii) specific and general immunity from prosecution,
  as decided by the immunity requests panel.

(14) Immunity from prosecution may not be revoked, except by a court under section 26.

(15) A reference in any other provision of this Act to an offence for which a person (P) has been granted immunity from prosecution is a reference to an offence which is within the scope of—
  (a) specific immunity from prosecution,
  (b) general immunity from prosecution, or
  (c) specific and general immunity from prosecution,
  that has been granted to P in accordance with this section.

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(16) Section 39 sets out the effects of a grant of immunity from prosecution.

(17) This section is subject to Schedule 5.

Commencement Information

I23 S. 19 not in force at Royal Assent, see **s. 63(4)**

I24 S. 19(17) in force at 1.12.2023 for specified purposes by S.I. 2023/1293, **reg. 2(j)**

PROSPECTIVE

20 Requests for immunity: procedural matters

(1) A request by a person (P) for a grant of immunity that is made after the end of the fifth year of the period of operation of the ICRIR is not valid unless, when the request is made, the ICRIR is carrying out a review that relates to—

(a) relevant conduct by P, or

(b) other conduct which relates to, or is otherwise connected to, relevant conduct by P (including where the other conduct forms part of the same event as relevant conduct by P).

(2) The Secretary of State may make rules about the procedures for—

(a) making requests for grants of immunity from prosecution;

(b) dealing with requests for grants of immunity from prosecution.

(3) Subject to any rules, the Chief Commissioner is to determine the procedures for—

(a) making requests for grants of immunity from prosecution;

(b) dealing with requests for grants of immunity from prosecution.

(4) A request for a grant of immunity is not valid if it is not made in accordance with any applicable procedure that—

(a) is in rules, or

(b) has been determined by the Chief Commissioner.

(5) It is for the Chief Commissioner to decide whether a request that has been made is valid.

(6) Rules under this section are to be made by statutory instrument; and a statutory instrument containing the rules is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) If the Chief Commissioner is unable to exercise some or all of the immunity functions, generally or in particular circumstances, the Chief Commissioner may nominate another person—

(a) to temporarily exercise the immunity functions so far as the Chief Commissioner is unable to exercise them, and

(b) to be a temporary member of, and to temporarily chair, the immunity requests panel so far as those functions are panel functions.

(8) But the Secretary of State may nominate a person under subsection (7) if the Chief Commissioner is unable to make a nomination.

(9) A person may not be nominated under subsection (7) if the person—

(a) would be disqualified from appointment as a Commissioner by paragraph 8(3) of Schedule 1 (imprisonment, insolvency or disqualification from being a company director), or

(b) does not hold, and has not held, high judicial office (within the meaning of paragraph 8 of Schedule 1).

(10) This Act is to apply to the exercise of immunity functions by a person appointed under subsection (7) as if the functions were being exercised by the Chief Commissioner.

(11) In this section—

"immunity functions" means—

(a) the function conferred by subsection (5), and

(b) panel functions;

"panel functions" means functions of the Chief Commissioner as a member or the chair of the immunity requests panel.

(12) For the purposes of this section "relevant conduct by P" is conduct by P forming part of the Troubles that is relevant to P's request for immunity from prosecution.

Commencement Information

I25 S. 20 not in force at Royal Assent, see **s. 63(4)**

PROSPECTIVE

21 Determining a request for immunity

(1) This section applies if a person (P) makes a request under section 19 for the ICRIR to grant P immunity from prosecution.

(2) The ICRIR must take reasonable steps to obtain any information which the Commissioner for Investigations knows or believes is relevant to the question of the truth of P's account.

(3) In forming a view on the truth of P's account, the immunity requests panel must take into account any information obtained under subsection (2) and any other information in the possession of the ICRIR that is relevant (including information which P has previously given to a person other than the ICRIR).

(4) That includes information obtained through—

(a) any review carried out under section 13, or

(b) any investigation that has previously been carried out by any other person.

(5) Where—

(a) it would have been possible for the ICRIR to carry out a review under section 12 in consequence of P's request for immunity from prosecution, and

(b) the ICRIR did not decide to carry out the review,

that does not prevent the immunity requests panel from forming a view on the truth of an account given by P.

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(6) The Chief Commissioner must give guidance about when conditions B and C set out in section 19(3) to (5) are met.

(7) The Chief Commissioner may, in particular, give guidance about ascertaining—
- (a) whether an account of a person's conduct is true to the best of a person's knowledge and belief;
- (b) whether conduct is possible criminal conduct;
- (c) whether information is an account of possible criminal conduct.

(8) The Chief Commissioner must give guidance about—
- (a) the making of decisions in accordance with section 19(7) whether P should be granted—
  - (i) specific immunity from prosecution,
  - (ii) general immunity from prosecution, or
  - (iii) specific and general immunity from prosecution;
- (b) the determination of descriptions of offences for the purposes of—
  - (i) a grant of general immunity from prosecution (see section 19(9)), or
  - (ii) a grant of specific and general immunity from prosecution (see section 19(11)).

(9) The immunity requests panel must take account of guidance given under subsection (6) or (8) when exercising functions to which it relates.

(10) In this section—

"P's account" has the same meaning as in section 19;

"possible criminal conduct" means conduct that would tend to expose a person—
- (a) to a criminal investigation of, or
- (b) to prosecution for,

a Troubles-related offence.

Commencement Information

I26 S. 21 not in force at Royal Assent, see **s. 63(4)**

PROSPECTIVE

22 The immunity requests panel

(1) The immunity requests panel is to consist of—
- (a) the Chief Commissioner, and
- (b) two ICRIR officers nominated by the Chief Commissioner.

(2) The immunity requests panel is to be chaired by the Chief Commissioner.

(3) The Chief Commissioner—
- (a) may remove an ICRIR officer from the panel;

(b) may nominate a different ICRIR officer to be a temporary member of the panel if an ICRIR officer who is a member of the panel is unable to act (and is not removed from the panel).

(4) For provision about the nomination of a person to act temporarily instead of the Chief Commissioner, see section 20(7).

(5) An ICRIR officer may not become or remain a member of the panel (under subsection (1) or (3)) unless the officer—

(a) is a member of the Bar of Northern Ireland, or a solicitor of the Court of Judicature of Northern Ireland, of at least ten years' standing,

(b) satisfies the judicial-appointment eligibility condition on a ten-year basis (see Part 2 of the Tribunals, Courts and Enforcement Act 2007), or

(c) is an advocate or solicitor in Scotland of at least ten years' standing.

(6) In employing and seconding persons to be ICRIR officers, the ICRIR must ensure that the ICRIR officers include at least two persons who are qualified to serve on the panel in accordance with subsection (5).

(7) The functions conferred on the immunity requests panel (whether by this Act or otherwise) are to be treated as functions of the ICRIR exercisable by the immunity requests panel on behalf of, and in the name of, the ICRIR.

Commencement Information

I27 S. 22 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

23 Personal statements by persons affected by deaths etc

(1) This section applies in relation to—

(a) each review of a death which the ICRIR carries out following a request made under section 9;

(b) each review of other harmful conduct which the ICRIR carries out following a request made under section 10;

(c) each request for immunity from prosecution that is made under section 19 (whether or not the ICRIR carries out a review following a decision made under section 12(2) or (3), and whether or not the ICRIR has made such a decision).

(2) The Chief Commissioner must give an eligible person an opportunity to provide a personal statement to the ICRIR.

(3) If an eligible person provides a personal statement, the Chief Commissioner must give that person an opportunity to supplement the statement.

(4) In this section "personal statement" means a statement by an eligible person about the way in which, and degree to which, the Troubles-related events have affected and continue to affect—

(a) that person, and

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(b) other relevant persons (if, and to the extent that, the person providing the statement is aware of, and wishes the statement to deal with, the effect on those persons).

(5) The definitions in subsection (6) are to be used for the purposes of this section in cases where this section applies—

(a) in relation to a review of a death which the ICRIR carries out following a request made under section 9, or

(b) in relation to a request for immunity from prosecution that is made under section 19—

(i) where the ICRIR carries out a review of a death following a decision made under section 12(2), or

(ii) where, if the ICRIR were to carry out a review in connection with the request for immunity, it would be a review of a death following a decision made under section 12(2).

(6) In any of those cases—

"eligible person" means—

(a) each known close family member of the deceased (and Part 1 of Schedule 3 is to apply for the purpose of determining who is a close family member), or

(b) if there are no known close family members, each other known family member of the deceased to whom the Chief Commissioner considers it is appropriate to give an opportunity to provide a personal statement;

and here "known" means known to the ICRIR by virtue of any of its other functions;

"other relevant person" means—

(a) a member of the family of the person to whose death the review relates;

(b) a member of the family of any other person killed in the relevant event;

(c) a person who suffered serious physical or mental harm in the relevant event and has subsequently died;

(d) members of the family of a person falling within paragraph (c);

"Troubles-related events" means—

(a) the death to which the review relates, and

(b) the relevant event (which has the same meaning as in section 16(2)).

(7) The definitions in subsection (8) are to be used for the purposes of this section in cases where this section applies—

(a) in relation to a review of other harmful conduct which the ICRIR carries out following a request made under section 10, or

(b) in relation to a request for immunity from prosecution that is made under section 19—

(i) where the ICRIR carries out a review of other harmful conduct following a decision made under section 12(3), or

(ii) where, if the ICRIR were to carry out a review in connection with the request for immunity, it would be a review of other harmful conduct following a decision made under section 12(3).

(8) In any of those cases—

"eligible person" means—

(a) each known close family member of the injured person (and Part 1 of Schedule 3 is to apply for the purpose of determining who is a close family member), or

(b) if there are no known close family members, each other known family member of the injured person to whom the Chief Commissioner considers it is appropriate to give an opportunity to provide a personal statement;

and here "injured person" means the person who was caused the physical or mental harm by the other harmful conduct concerned; and "known" means known to the ICRIR by virtue of any of its other functions;

"other relevant person" means—

(a) a member of the family of any person killed in the relevant event;

(b) a person who suffered serious physical or mental harm in the relevant event and has subsequently died;

(c) members of the family of a person falling within paragraph (b);

"Troubles-related events" means—

(a) the other harmful conduct to which the review relates, and

(b) the relevant event (which has the same meaning as in section 16(3)).

Commencement Information

I28 S. 23 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

24 Publication of personal statements

(1) This section applies where—

(a) an eligible person provides a personal statement in accordance with section 23, and

(b) the person notifies the Chief Commissioner that the person wishes the personal statement to be published by the Chief Commissioner.

(2) The Chief Commissioner must publish the personal statement.

(3) But that duty does not apply if publication of the personal statement—

(a) would breach section 4(1) or 30(2), or

(b) would, in the Chief Commissioner's view, be contrary to the public interest.

(4) If it is possible to do so, the Chief Commissioner must instead produce an edited version of the personal statement which can be published without—

(a) breaching section 4(1) or 30(2), or

(b) being, in the Chief Commissioner's view, contrary to the public interest.

(5) But the Chief Commissioner must not publish an edited version unless the person who provided the personal statement agrees to the publication of that version.

(6) The Chief Commissioner does not breach the duties imposed by subsections (2) and (4) if the Chief Commissioner—

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(a) wishes to publish an edited version in accordance with subsection (4),

(b) is not able to obtain the agreement to publication of an edited version from the person who provided the personal statement, and

(c) accordingly does not publish the personal statement or any edited version.

(7) The duties imposed by subsections (2) and (4) do not apply if, and for as long as, section 18(2) to (4) has the effect of suspending the duty to publish any final report that is related to the personal statement.

(8) If the Chief Commissioner—

(a) intends to publish an edited version of the personal statement in accordance with subsection (4), or

(b) intends to publish neither—

(i) the personal statement because subsection (3) applies, nor

(ii) any edited version of the personal statement because it is not possible to do so in accordance with subsection (4),

the Chief Commissioner must give to the person who provided the personal statement the reasons for taking that course of action.

(9) A reference in this section—

(a) to a personal statement includes anything which supplements a personal statement;

(b) to an edited version of a personal statement includes a version of the statement which has been redacted.

(10) For the purposes of this section a final report is "related to" a personal statement if—

(a) the statement is provided in a case where section 23 applies in relation to—

(i) a review which the ICRIR carries out following a request made under section 9 or 10, or

(ii) a request for immunity from prosecution where the ICRIR carries out a review following a decision made under section 12(2) or (3), and

(b) the final report is the final report of the findings of that review.

Commencement Information

I29 S. 24 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Information for prosecutors

25 Information for prosecutors

(1) This section applies where—

(a) a review of a death that was caused by conduct forming part of the Troubles, or

(b) a review of other harmful conduct forming part of the Troubles,

has been carried out.

(2) If the Commissioner for Investigations considers there is evidence that relevant conduct constitutes an offence under the law of Northern Ireland by an individual whose identity is known to the Commissioner, the Commissioner—
  (a) may refer the conduct to the Director of Public Prosecutions for Northern Ireland, and
  (b) if the conduct is referred, must notify that prosecutor of the offence concerned.

(3) If the Commissioner for Investigations considers there is evidence that relevant conduct constitutes an offence under the law of England and Wales by an individual whose identity is known to the Commissioner, the Commissioner—
  (a) may refer the conduct to the Director of Public Prosecutions (for England and Wales), and
  (b) if the conduct is referred, must notify that prosecutor of the offence concerned.

(4) If the Commissioner for Investigations considers there is evidence that relevant conduct constitutes an offence under the law of Scotland by an individual whose identity is known to the Commissioner, the Commissioner may—
  (a) refer the conduct to the Lord Advocate, and
  (b) notify that prosecutor of the offence concerned.

(5) The Lord Advocate may direct the Commissioner for Investigations to exercise the power of referral and notification in accordance with subsection (4); and the Commissioner must comply with any direction that is given unless the person concerned has been granted immunity from prosecution under section 19 for the offence concerned.

(6) In any case where the Commissioner for Investigations refers conduct to a prosecutor under this section, the Commissioner—
  (a) must give the prosecutor such information and material relating to the relevant conduct as the Commissioner considers appropriate; and
  (b) must, if requested to do so by the prosecutor—
    (i) obtain such information or material relating to the relevant conduct as it is practicable to obtain, and
    (ii) give the information or material obtained to the prosecutor.

(7) In this section—

"prosecutor" means—
  (a) the Director of Public Prosecutions for Northern Ireland,
  (b) the Director of Public Prosecutions (for England and Wales), or
  (c) the Lord Advocate;

"relevant conduct" means—
  (a) the conduct which caused the death, or the other harmful conduct, to which the review relates (the "main conduct"), and
  (b) any other conduct that relates to, or is otherwise connected with, the main conduct;

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and for this purpose other conduct is to be regarded as connected with the main conduct, in particular, if all of that conduct formed part of the same event.

Commencement Information

I30 S. 25 not in force at Royal Assent, see **s. 63(4)**

PROSPECTIVE

Grants of immunity: revocation and false statements

26 Subsequent convictions: revocation of immunity

(1) If—

(a) a person is convicted of an offence under section 27,

(b) that offence was committed in the course of requesting the ICRIR to grant the person immunity from prosecution under section 19, and

(c) the person was granted the immunity from prosecution,

the court which sentences the person for the offence must revoke that grant of immunity from prosecution.

(2) If—

(a) a person is convicted of a terrorist offence or an offence with a terrorist connection, and

(b) the person had been granted immunity from prosecution under section 19 before the offence was committed,

the court which sentences the person for that offence must revoke every grant of immunity from prosecution under section 19 given to the person before the offence was committed.

(3) For the purposes of subsection (2) a person is convicted of "a terrorist offence or an offence with a terrorist connection" if—

(a) the person is convicted of an offence by a court in Northern Ireland and either—

(i) the offence is listed in Schedule 1A to the Counter-Terrorism Act 2008, or

(ii) the court determines under section 30(2) of that Act that the offence has a terrorist connection;

(b) the person is convicted of an offence by a court in England and Wales and either—

(i) the offence is listed in Schedule A1 to the Sentencing Code, or

(ii) the court determines under section 69 of the Sentencing Code that the offence has a terrorist connection;

(c) the person is convicted of an offence by a court in Scotland and either—

(i) the offence is listed in Schedule 1A to the Counter-Terrorism Act 2008, or

(ii) section 31 of that Act applies to the offence (offences with a terrorist connection in Scotland).

(4) Where—

(a) an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, and

(b) a grant of immunity from prosecution is given at any time during that period,

that grant of immunity from prosecution is to be regarded for the purposes of subsection (2) as having been given before the offence was committed.

(5) A revocation of immunity under this section—

(a) has immediate effect;

(b) does not prevent a person making a further request for immunity under section 19 (but see Part 2 of Schedule 5 for provision about requests that overlap with revoked immunities).

Commencement Information

I31 S. 26 not in force at Royal Assent, see **s. 63(4)**

27 False statements: offence

(1) A person commits an offence by making a false statement to the ICRIR in connection with any of its functions under sections 19 to 22.

(2) For the purposes of this section—

(a) a person makes a false statement by—

(i) making a statement which the person knows to be false in a material respect, or

(ii) recklessly making a statement which is false in a material respect;

(b) "making a statement" includes giving an account in connection with a request for immunity under section 19.

(3) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(c) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine or both;

(d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both.

(4) Proceedings for an offence under this section may be instituted—

(a) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland;

(b) in England and Wales, only by or with the consent of the Director of Public Prosecutions.

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Commencement Information

I32 S. 27 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

The historical record of deaths

28 Production of the historical record

(1) The historical record is to consist of a single document which gives an account of the circumstances in which each of the relevant deaths occurred.

(2) The ICRIR must take all reasonable steps—

(a) to identify all deaths that were caused by conduct forming part of the Troubles, and

(b) to identify and obtain—

(i) the information about the relevant deaths that is publicly available, and

(ii) other information about the relevant deaths which the ICRIR considers is likely to be of use in producing the historical record.

(3) The ICRIR may request a person to provide information in connection with the production of the historical record.

(4) But the ICRIR may not request information that relates to the relevant death, or to the relevant event, to be provided by—

(a) a member of the family of the deceased person,

(b) a person who suffered physical or mental harm as a result of the relevant event, or

(c) a member of the family of a person—

(i) whose death was caused by conduct forming part of the relevant event, or

(ii) who was caused physical or mental harm by conduct forming part of the relevant event.

(5) That does not prevent the ICRIR from making a request to a person in their capacity as the holder of an employment, office or other position.

(6) A person may provide information if requested to do so by the ICRIR, but only if the provision of the information would not breach—

(a) any obligation of confidence owed by the person, or

(b) any other restriction on the disclosure of information (however imposed).

(7) When deciding whether it is reasonable to take a particular step for the purposes of subsection (2)(a) or (b), the ICRIR may, in particular, take into account whether that step would, in the ICRIR's view, involve disproportionate effort or cost.

(8) In this section—

"relevant deaths" means those deaths which the ICRIR identifies, after taking all reasonable steps in accordance with subsection (2)(a), as deaths that were caused by conduct forming part of the Troubles, except those deaths for which reviews are carried out under section 13;

"relevant event" means an event in which a relevant death occurred.

Commencement Information

I33 S. 28 not in force at Royal Assent, see **s. 63(4)**

29 Publication of the historical record

(1) The ICRIR must publish the historical record.

(2) It is for the ICRIR to decide the manner in which the historical record is to be published.

(3) This section does not require the ICRIR to publish the historical record unless (and until) it can do so in accordance with sections 4(1) and 30(2).

Commencement Information

I34 S. 29 not in force at Royal Assent, see **s. 63(4)**

Information

VALID FROM 01/05/2024

30 Disclosure of information: general power and prohibitions

(1) The ICRIR may disclose any information held by the ICRIR to any other person.

(2) A disclosure of information by the ICRIR (under this section or any other power or duty) must not be made if any of prohibitions A to F applies to the disclosure or information concerned.

(3) But prohibitions A to D do not apply to a disclosure of information if it is permitted by Schedule 6.

(4) *Prohibition A*: the Commissioner for Investigations has identified the information as sensitive information (see paragraph 1 of Schedule 8).

(5) *Prohibition B*: a relevant authority has notified the Commissioner for Investigations that the information has been identified as sensitive information (see paragraph 2 or 3 of Schedule 8).

(6) *Prohibition C*: the Secretary of State has notified the Commissioner for Investigations that the information has been identified as protected international information (see paragraph 5 of Schedule 8).

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(7) *Prohibition D*: the ICRIR would otherwise contravene the duty imposed by section 4(1) by making the disclosure.

(8) *Prohibition E*: the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the power or duty which authorises or requires the disclosure).

Here "the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).

(9) *Prohibition F*: the disclosure is prohibited by Parts 1 to 7, and Chapter 1 of Part 9, of the Investigatory Powers Act 2016.

(10) Schedule 6 sets out which disclosures are permitted for the purposes of this section and makes provision about decisions to prohibit disclosures of sensitive information in final reports by the ICRIR.

(11) Schedule 7 sets out offences relating to disclosure of information.

Commencement Information

I35 S. 30 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

31 The ICRIR's use of information obtained by it

(1) Information that has been obtained by the ICRIR—
  (a) under section 5, or
  (b) through the exercise of police powers,
may be used by the ICRIR for the purposes of, or in connection with, the exercise of any function of the ICRIR except the function of producing the historical record.

(2) Information that has been obtained by the ICRIR under section 14 may be used by the ICRIR only for the purposes of, or in connection with, the exercise of the review function.

(3) Subsections (1) and (2) do not authorise the ICRIR to disclose information to any other person.

(4) Subsections (1) and (2) do not apply to any information once it has been—
  (a) contained in a final report produced in accordance with section 15, or
  (b) published by the ICRIR (otherwise than in a final report) in accordance with the provisions of this Act.

(5) This section does not limit the application of section 4.

(6) In this section "police powers" means powers and privileges of a constable which the Commissioner for Investigations, or any other ICRIR officer, has by virtue of a designation under section 6.

Commencement Information

I36 S. 31 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

32 Identifying information that is subject to additional safeguards

Schedule 8 makes provision about the identification of sensitive, prejudicial or protected international information.

Commencement Information

I37 S. 32 not in force at Royal Assent, see **s. 63(4)**

33 Guidance and protocols relating to information

(1) The Secretary of State may give guidance about the identification of sensitive information to—
- (a) the ICRIR;
- (b) the Chief Constable of the PSNI;
- (c) chief officers of police forces in Great Britain;
- (d) the Police Ombudsman for Northern Ireland;
- (e) the Director General of the Independent Office for Police Conduct;
- (f) the Police Investigations and Review Commissioner;
- (g) Northern Ireland departments;
- (h) the Scottish Ministers.

(2) If a person is given guidance under subsection (1), the person must have regard to it in identifying information as sensitive information in accordance with Schedule 8.

(3) The Secretary of State may give guidance to the ICRIR about the exercise of its functions in accordance with section 4(1)(a).

(4) The ICRIR must have regard to any guidance given under subsection (3) in exercising the functions to which the guidance relates.

(5) An information disclosure protocol may be agreed between—
- (a) the Commissioner for Investigations, and
- (b) one or more of—
  - (i) the relevant authorities, and
  - (ii) the persons listed in paragraph 3(2) of Schedule 6.

(6) An "information disclosure protocol" is a document dealing with a framework for the disclosure of information by, or to, the ICRIR.

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Commencement Information

I38 S. 33 not in force at Royal Assent, see **s. 63(4)**

I39 S. 33(1)(3)(5)(6) in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(d)**

34 Regulations about the holding and handling of information

(1) The Secretary of State may, by regulations, make provision about the holding and handling of information by the ICRIR.

(2) The regulations may (in particular)—

(a) make provision about notifications to be given by the ICRIR in respect of information held by the ICRIR;

(b) make provision about measures for holding and handling information securely (including physical, electronic, organisational or systemic measures);

(c) in relation to information which is to cease to be held by the ICRIR, make provision about the destruction or transfer of the information;

(d) make provision about guidance or consultation;

(e) confer functions on the Secretary of State or any other person (as well as on the ICRIR);

(f) create criminal offences.

(3) The information about which the regulations may make provision includes information which (in accordance with Schedule 8)—

(a) the Commissioner for Investigations has identified as prejudicial information or sensitive information,

(b) a relevant authority has identified as, and notified the Commissioner for Investigations as being, prejudicial information or sensitive information, or

(c) the Secretary of State has identified as, and notified the Commissioner for Investigations as being, protected international information.

(4) A criminal offence created under subsection (2)(f)—

(a) may only apply to the conduct of a person who is or has been—

(i) a Commissioner,

(ii) an ICRIR officer, or

(iii) an ICRIR contractor;

(b) may not impose a penalty that is greater than a penalty that may be imposed for an offence under Schedule 7.

(5) Regulations under this section are subject to negative procedure.

Commencement Information

I40 S. 34 not in force at Royal Assent, see **s. 63(4)**

I41 S. 34 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(e)**

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Biometric material

35 Biometric material

(1) The Secretary of State may by regulations—

(a) designate a collection of biometric material, or part of such a collection, for the purposes of this section;

(b) provide for biometric material in designated collections not to be destroyed if destruction of the material would otherwise be required by any of the destruction provisions;

(c) provide for preserved material to be retained;

(d) provide for preserved material to be used for the purposes of, or in connection with, the exercise of any ICRIR function except the function of producing the historical record;

(e) provide for preserved material to be destroyed.

(2) If regulations provide for the retention of preserved material, the Secretary of State must, by regulations, require—

(a) that periodic reviews of the need to retain the material are carried out by the ICRIR;

(b) that the material is destroyed by no later than the end of a reasonable period after the conclusion of the ICRIR's work (see section 31(1)) in connection with functions other than producing the historical record.

(3) Regulations made under this section are subject to negative procedure.

(4) In this section—

"biometric material" means a record of—

(a) a DNA profile based on a DNA sample taken before 31 October 2013, or

(b) fingerprints taken before 31 October 2013;

"destruction provisions" means—

(a) Article 63B of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),

(b) Article 64 of the Police and Criminal Evidence (Northern Ireland) Order 1989,

(c) any provision of Part 1 of Schedule 8 to the Terrorism Act 2000 which requires the destruction of biometric material,

(d) paragraph 8 of Schedule 4 to the International Criminal Court Act 2001,

(e) any provision of sections 18 to 18E of the Counter-Terrorism Act 2008 which requires the destruction of biometric material,

(f) any provision of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 which requires the destruction of biometric material,

(g) section 18G of the Criminal Procedure (Scotland) Act 1995, and

(h) section 18(3) to (5) of the Criminal Procedure (Scotland) Act 1995 as applied by paragraph 7 of Schedule 4 to the International Criminal Court (Scotland) Act 2001 (asp 21);

"preserved material" means biometric material in a designated collection which, by virtue of regulations made under subsection (1)(b), has not been

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destroyed (as would otherwise have been required by any of the destruction provisions).

Commencement Information

I42 S. 35 not in force at Royal Assent, see **s. 63(4)**

I43 S. 35 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(f)**

VALID FROM 01/05/2024

Supplementary

36 Review of the performance of the ICRIR's functions

(1) The Secretary of State must carry out a review of the performance by the ICRIR of the functions conferred by section 2(5).

(2) The Secretary of State must carry out the review by the end of the third year of the period of operation of the ICRIR.

(3) The Secretary of State must lay a copy of the review before Parliament.

Commencement Information

I44 S. 36 not in force at Royal Assent, see **s. 63(4)**

37 Conclusion of the work of the ICRIR

(1) The Secretary of State may, by regulations, make provision for winding up the ICRIR if the Secretary of State is satisfied that the need for the ICRIR to exercise the functions conferred by section 2(5) has ceased.

(2) Regulations under subsection (1) may, in particular, make provision for the transfer of property, rights and liabilities (whether or not otherwise capable of being transferred), including any acquired or arising after the regulations are made.

(3) Regulations under subsection (1) may, in particular, repeal or otherwise amend any provision of this Part other than—

(a) this section;

(b) Schedule 7 and the following provisions (which relate to the offence in paragraph 1 of that Schedule)—

(i) section 4(1)(a) and (b);

(ii) section 30(2) to (7), (10) and (11);

(iii) Schedule 6.

(4) The consequential provision that may (by virtue of section 59(9)(b)) be made by regulations under subsection (1) includes consequential amendments of—

(a) Part 4 or 5 of this Act, or

(b) any legislation other than this Act (whenever passed or made).

(5) The Secretary of State must consult the required consultees, and take into account the annual reports produced by the ICRIR (see section 2(10)) and the Secretary of State's review of the ICRIR's functions (see section 36)—

(a) when deciding whether to exercise the power to make regulations conferred by this section; and

(b) before making regulations under this section.

(6) Regulations under this section are subject to affirmative procedure.

(7) If a draft of an instrument containing regulations under this section would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

(8) In this section "required consultees" means—

(a) the ICRIR, and

(b) any other person the Secretary of State considers it appropriate to consult.

Commencement Information

I45 S. 37 not in force at Royal Assent, see **s. 63(4)**

PART 3

INVESTIGATIONS, LEGAL PROCEEDINGS ETC AND RELEASE OF PRISONERS

VALID FROM 01/05/2024

Criminal investigations and proceedings

38 No criminal investigations except through ICRIR reviews

(1) On and after the day on which this section comes into force, no criminal investigation of any Troubles-related offence may be continued or begun.

(2) But that does not prevent the ICRIR from carrying out any of its functions .

(3) The Chief Constable of the PSNI and the chief officer of each police force in Great Britain must notify the Secretary of State of any criminal investigations of Troubles-related offences which, on the day before this section comes into force, their police force is carrying out.

(4) This section has effect subject to section 42(3) (criminal investigations relating to pre-commencement prosecutions).

Commencement Information

I46 S. 38 in force at 1.5.2024, see **s. 63(3)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

39 Grant of immunity: prohibition of criminal enforcement action

(1) This section applies in relation to a serious or connected Troubles-related offence if a person (P) has been granted immunity from prosecution for the offence under section 19.

(2) No criminal enforcement action may be taken against P in respect of the offence.

Commencement Information

I47 S. 39 in force at 1.5.2024, see **s. 63(3)**

40 No grant of immunity: restrictions on criminal enforcement action

(1) This section applies in relation to a serious or connected Troubles-related offence by a person (P) unless P has been granted immunity from prosecution for the offence under section 19.

(2) Criminal enforcement action may be taken against P in respect of the offence by P if—

(a) the Commissioner for Investigations has referred conduct by P to a prosecutor under section 25 (the "relevant conduct"),

(b) the offence by P is—

(i) the suspected offence, or one of the suspected offences, notified to the prosecutor under section 25, or

(ii) another offence which the relevant conduct constitutes, and

(c) the criminal enforcement action is taken in connection with that referral (including any prosecution or conviction which follows from that referral).

(3) An ICRIR officer, or another person acting in connection with the exercise of the ICRIR's functions, may arrest or otherwise detain P in connection with the offence by P.

(4) An ICRIR officer, or another person acting in connection with the exercise of the ICRIR's functions, may charge P with the offence by P; and a prosecutor may conduct criminal proceedings arising from any such charge.

(5) If subsection (2) becomes applicable to the offence by P, criminal enforcement action against P in respect of the offence may no longer be taken in accordance with subsection (3) or (4).

(6) But that does not limit the criminal enforcement action that may be taken in accordance with subsection (2) after it becomes applicable (and, in particular, action previously taken in accordance with subsection (3) or (4) may be continued in accordance with subsection (2)).

(7) Subsections (2), (3) and (4) only authorise a person to take criminal enforcement action by the exercise of powers which that person has otherwise than by virtue of this section.

(8) This section has effect subject to section 42(4) (pre-commencement criminal enforcement action).

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Commencement Information
I48 S. 40 in force at 1.5.2024, see **s. 63(3)**

41 Other Troubles-related offences: prohibition of criminal enforcement action

(1) This section applies in relation to a Troubles-related offence unless it is a serious or connected Troubles-related offence.

(2) No criminal enforcement action may be taken against any person in respect of the offence.

(3) This section has effect subject to section 42(4) (pre-commencement criminal enforcement action).

Commencement Information
I49 S. 41 in force at 1.5.2024, see **s. 63(3)**

42 General provision and saving for ongoing pre-commencement action

(1) Any legislation or other law is of no effect insofar as it authorises or requires a person to do anything that is prohibited by any of sections 38 to 41.

(2) For the purposes of sections 39 to 41, criminal enforcement action is taken against a person (P) in respect of an offence if—
  (a) P is prosecuted for the offence,
  (b) criminal proceedings relating to the offence are brought or continued against P, or
  (c) P is arrested or otherwise detained in connection with the offence.

(3) Section 38 does not prevent a criminal investigation of a Troubles-related offence being carried out by a person other than the ICRIR if—
  (a) a public prosecution of a person for the offence had been begun before the day on which that section comes into force, and
  (b) the criminal investigation is carried out for the purposes of that prosecution.

(4) Section 40 or 41 does not prevent criminal enforcement action from being taken against a person (P) in respect of an offence if—
  (a) a public prosecution of a person for the offence had been begun before the day on which that section comes into force (whether or not the prosecution was continuing on the day before that section comes into force), and
  (b) the criminal enforcement action is taken against P in connection with the prosecution (including any conviction of P arising from that prosecution, whether given before or after that section comes into force).

(5) Subsections (3) and (4) do not prevent provision being made under section 63(5) in connection with the coming into force of section 38, 40 or 41.

(6) In this section—

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(a) "public prosecution" means any prosecution other than a private prosecution;

(b) a public prosecution of P for an offence is "begun" when a prosecutor makes the decision to prosecute P for that offence.

Commencement Information

I50 S. 42 in force at 1.5.2024, see **s. 63(3)**

Civil proceedings, inquests and police complaints

43 Tort, delict and fatal accident actions

(1) A relevant Troubles-related civil action that was brought on or after the day of the First Reading in the House of Commons of the Bill for this Act may not be continued on and after the day on which this section comes into force.

(2) A relevant Troubles-related civil action may not be brought on or after the day on which this section comes into force.

(3) For the purposes of this section an action is a "relevant Troubles-related civil action" if conditions A, B and C are met.

(4) *Condition A*: the action is to determine a claim arising out of conduct forming part of the Troubles.

(5) *Condition B*: the action is founded on—

(a) tort or delict,

(b) a cause of action arising under fatal accidents legislation, or

(c) a cause of action arising under the law of any other jurisdiction that corresponds to—

(i) tort or delict, or

(ii) a cause of action arising under fatal accidents legislation.

(6) *Condition C*: the time limit for bringing the action was, or would be (in the absence of this section), given in—

(a) the Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11)),

(b) the Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5)),

(c) the Limitation Act 1980,

(d) the Foreign Limitation Periods Act 1984,

(e) the Prescription and Limitation (Scotland) Act 1973, or

(f) section 190 of the Merchant Shipping Act 1995;

(including where a court has permitted the action to be brought outside such a time limit).

(7) Subsection (1) does not stop a relevant Troubles-related civil action from being continued on and after the day on which this section comes into force, if the court of first instance has given a final judgment on, or otherwise finally determined, the

matter in dispute before that day (including by a default judgment or a consent order or, in Scotland, by a decree in absence, decree by default or summary decree).

(8) Where subsection (1) or (2) stops an action from being continued, or brought, on or after the day on which this section comes into force, that subsection—

(a) does not stop costs proceedings from being continued or begun on or after that day; but

(b) otherwise stops the proceedings in the action, and any other related proceedings, from being continued or begun on or after that day.

(9) This section does not apply to a relevant Troubles-related civil action if, or to the extent that, section 47(1) applies to the action (prohibition of civil claims alleging invalidity of interim custody orders).

(10) In this section—

"costs proceedings", in relation to a relevant Troubles-related civil action, means proceedings to determine or recover costs (in Northern Ireland or England and Wales) or expenses (in Scotland) of the action;

"fatal accidents legislation" means—

(a) the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18)),

(b) the Fatal Accidents Act 1976, or

(c) section 4 of the Damages (Scotland) Act 2011 (asp 7);

"matter in dispute", in relation to a relevant Troubles-related civil action, means the claim (referred to in subsection (4)) which arises out of conduct forming part of the Troubles and which the action is to determine;

"other jurisdiction", in relation to a relevant Troubles-related civil action, means a jurisdiction (whether within or outside the United Kingdom) other than the jurisdiction in which that action is, or would be, brought;

"other related proceedings", in relation to a relevant Troubles-related civil action, means proceedings which relate to, or arise out of the action (including any enforcement action and any appeal), except for costs proceedings;

"2008 Mediation Directive" means Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

(11) Schedule 9 makes provision for courts to determine whether the prohibitions in this section apply to a civil action.

(12) Schedule 10 makes provision about bringing and continuing relevant Troubles-related civil actions if the 2008 Mediation Directive applies to the matter in dispute by virtue of the EU withdrawal agreement.

Commencement Information

I51 S. 43 in force at 18.11.2023, see **s. 63(2)(a)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

VALID FROM 01/05/2024

44 Inquests, investigations and inquiries

(1) After section 16 of the Coroners Act (Northern Ireland) 1959 insert—

"**16A Death resulting directly from the Troubles: closure of existing inquest**

(1) This section applies to an inquest into a death that resulted directly from the Troubles that was initiated before 1 May 2024 unless, on that day, the only part of the inquest that remains to be carried out is the coroner or any jury making or giving the final determination, verdict or findings, or something subsequent to that.

(2) On and after that day, a coroner must not progress the conduct of the inquest.

(3) As soon as practicable on or after that day, the coroner responsible for the inquest must close the inquest (including by discharging any jury that has been summoned).

(4) The provision in section 14(1) requiring a coroner to conduct an inquest is subject to this section.

16B Death resulting directly from the Troubles: prohibition of new inquest

On and after the day on which section 44 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force—

(a) a coroner must not decide to hold an inquest into any death that resulted directly from the Troubles, and

(b) the Attorney General or Advocate General for Northern Ireland must not give a direction under section 14 for the conduct of an inquest into any death that resulted directly from the Troubles.

16C Interpretation

(1) This section applies for the purposes of sections 16A and 16B and this section.

(2) A death "resulted directly from the Troubles" if—

(a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from an act of violence or force, and

(b) the act of violence or force was conduct forming part of the Troubles.

(3) "Conduct forming part of the Troubles" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).

(4) An inquest is "initiated"—

(a) by a coroner deciding to hold the inquest, or

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(b) by a direction under section 14 being given for the conduct of the inquest."

(2) Schedule 11 makes provision about investigations and inquests in England and Wales and inquiries and investigations in Scotland.

Commencement Information

I52 S. 44 in force at 1.5.2024, see **s. 63(3)**

VALID FROM 01/05/2024

45 Police complaints

(1) After section 50 of the Police (Northern Ireland) Act 1998 insert—

"**50A Complaints relating to conduct forming part of the Troubles**

(1) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, this Part—
(a) ceases to apply to a complaint (if made before that day), or
(b) does not apply to a complaint (if made on or after that day),
insofar as the complaint relates to conduct forming part of the Troubles.

(2) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, the Chief Constable, the Board, the Director or the Department of Justice is to cease to deal with any complaint referred before that day under section 52(6) insofar as the complaint relates to conduct forming part of the Troubles.

(3) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, the Ombudsman—
(a) is not to begin any formal investigation of a matter, and
(b) is to cease any formal investigation of a matter begun before that day,
insofar as the matter relates to conduct forming part of the Troubles.

(4) This section does not prevent the Ombudsman from carrying out a criminal investigation of a Troubles-related offence if—
(a) a public prosecution of a person for the offence had been begun before the day on which section 38 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, and
(b) the criminal investigation is carried out for the purposes of that prosecution.

(5) For the purposes of subsection (4)—
(a) "public prosecution" means any prosecution other than a private prosecution;

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(b) a public prosecution of a person for an offence is "begun" when a prosecutor makes the decision to prosecute that person for that offence.

(6) In this section—

"conduct forming part of the Troubles" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act);

"formal investigation" means an investigation under section 56 (whether resulting from a referral to the Ombudsman, or a decision by the Ombudsman, under section 55)."

(2) In section 28A of the Police Reform Act 2002 (application of complaints and misconduct provisions to matters occurring before 1 April 2004), after subsection (6) insert—

"(6A) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, this section—

(a) ceases to apply to a pre-commencement matter or a matter to which subsection (5) applies (if the direction under subsection (1) or (4) relating to the matter was given before that day), or

(b) does not apply to a pre-commencement matter or matter to which subsection (5) applies (if the direction under subsection (1) or (4) relating to the matter is given on or after that day),

insofar as the matter relates to conduct forming part of the Troubles.

(6B) In subsection (6A) "conduct forming part of the Troubles" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act)."

(3) After section 47 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 insert—

"**47A Complaint or investigation relating to Northern Ireland Troubles**

(1) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, this Part—

(a) ceases to apply to a complaint or investigation (if the complaint was made, or investigation was begun, before that day), or

(b) does not apply to a complaint or investigation (if the complaint is made, or investigation is to begin, on or after that day),

insofar as the complaint or investigation relates to conduct forming part of the Troubles.

(2) In this section "conduct forming part of the Troubles" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act)."

Commencement Information

I53 S. 45 in force at 1.5.2024, see **s. 63(3)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Interim custody orders

46 Interim custody orders: validity

(1) This section applies in relation to the functions conferred by—

(a) Article 4(1) of the 1972 Order, and

(b) paragraph 11(1) of Schedule 1 to the 1973 Act,

(which enabled interim custody orders to be made, and which are referred to in this section as the "order-making functions").

(2) The order-making functions are to be treated as having always been exercisable by authorised Ministers of the Crown (as well as by the Secretary of State).

(3) An interim custody order is not to be regarded as having ever been unlawful just because an authorised Minister of the Crown exercised any of the order-making functions in relation to the order.

(4) The detention of a person under the authority of an interim custody order is not to be regarded as having ever been unlawful just because an authorised Minister of the Crown exercised any of the order-making functions in relation to the order.

(5) Subsections (3) and (4) do not limit the effect of subsection (2).

(6) This section and section 47 apply only in relation to an exercise of any of the order-making functions which was conduct forming part of the Troubles (see, in particular, section 1(2)); and for this purpose any exercise of any of the order-making functions must be assumed to have been conduct forming part of the Troubles unless the contrary is shown.

(7) In this section and section 47—

"1972 Order" means the Detention of Terrorists (Northern Ireland) Order 1972 (S.I. 1972/1632 (N.I. 15));

"1973 Act" means the Northern Ireland (Emergency Provisions) Act 1973;

"authorised Minister of the Crown" means a Minister of the Crown authorised to sign interim custody orders—

(a) by Article 4(2) of the 1972 Order (in the case of such orders under that Article), or

(b) by paragraph 11(2) of Schedule 1 to the 1973 Act (in the case of such orders under that paragraph);

"interim custody order" means an interim custody order under—

(a) Article 4 of the 1972 Order, or

(b) paragraph 11 of Schedule 1 to the 1973 Act;

"order-making functions" has the meaning given in subsection (1).

Commencement Information

I54 S. 46 in force at 18.11.2023, see **s. 63(2)(a)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

47 Interim custody orders: prohibition of proceedings and compensation

(1) On or after the commencement day, a civil action may not be continued or brought if, or to the extent that, the claim that is to be determined in the action involves an allegation that—

(a) the person bringing the action, or another person, was detained under the authority of an interim custody order, and

(b) that interim custody order was unlawful because an authorised Minister of the Crown exercised any of the order-making functions in relation to the order.

(2) On or after the commencement day, criminal proceedings relating to the quashing of a conviction may not be continued or brought if, or to the extent that, the grounds for seeking to have the conviction quashed involve an allegation that—

(a) the person bringing the proceedings, or another person, was detained under the authority of an interim custody order, and

(b) that interim custody order was unlawful because an authorised Minister of the Crown exercised any of the order-making functions in relation to the order.

(3) If criminal proceedings relating to the quashing of a conviction are pre-commencement proceedings—

(a) subsection (2) does not apply to the criminal proceedings;

(b) section 46 does not prevent the court from quashing the conviction on the ground that an interim custody order was unlawful because an authorised Minister of the Crown exercised any of the order-making functions.

(4) On or after the commencement day, no compensation for a miscarriage of justice is to be paid in respect of a conviction that has been reversed solely on the ground that an interim custody order was unlawful because an authorised Minister of the Crown exercised any of the order-making functions.

(5) Regulations under section 58(2) which make provision that is consequential on section 46 or this section—

(a) may amend this Act (including this section);

(b) (whether or not they make such amendments) are subject to made affirmative procedure, unless they are instead made in accordance with section 58(5) (the affirmative procedure) or 58(6) (the negative procedure).

(6) In this section—

"commencement day" means the day on which this section comes into force;

"compensation for a miscarriage of justice" means compensation under section 133 of the Criminal Justice Act 1988;

"pre-commencement proceedings" means proceedings—

(a) for which leave was given before the commencement day, or

(b) which follow from a referral made by the Criminal Cases Review Commission before the commencement day.

Commencement Information

I55 S. 47(1)-(4)(6) in force at 18.11.2023, see s. 63(2)(a)

I56 S. 47(5) in force at 18.9.2023, see **s. 63(1)(b)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

VALID FROM 01/05/2024

Release of prisoners

48 Prisoner release

Schedule 12 makes provision about prisoner release under the Northern Ireland (Sentences) Act 1998.

Commencement Information
I57 S. 48 in force at 1.5.2024, see **s. 63(3)**

PART 4

MEMORIALISING THE TROUBLES

VALID FROM 01/05/2024

49 Oral history

(1) The designated persons must secure that—
- (a) within the initial period—
  - (i) a study is carried out of Troubles-related oral history records contained in current collections in Northern Ireland, and
  - (ii) the current collections are analysed to identify groups and communities in Northern Ireland that are under-represented in the current collections;
- (b) Troubles-related oral history records are created, and are collected and preserved in Northern Ireland, especially oral history records which recount the personal experience of persons in groups and communities in Northern Ireland that are under-represented in current collections;
- (c) public engagement with Troubles-related oral history records in Northern Ireland is encouraged and facilitated, including by such records becoming more publicly accessible;
- (d) a catalogue of publicly accessible Troubles-related oral history records is—
  - (i) produced and kept up to date, and
  - (ii) made available on a website which the public can use without charge.

(2) In complying with subsection (1)(b), the designated persons must, in particular, secure that appropriate assistance (including training and resources) is provided to persons with an interest in creating, collecting or preserving Troubles-related oral history records.

(3) In complying with subsection (1)(c), the designated persons must, in particular, secure that events and services intended to encourage and facilitate public

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engagement with Troubles-related oral history records in Northern Ireland are arranged.

(4) The designated persons may exercise the functions under subsection (1) in relation to oral history records about events and conduct before or after the period of the Troubles; and, if and to the extent that they do so, this section applies to such records as it applies to Troubles-related oral history records.

(5) For the purposes of this section a group or community in Northern Ireland is under-represented in current collections if the oral history records in current collections do not appropriately reflect the prevalence of that group or community in Northern Ireland society during the period of the Troubles.

(6) In this section—

"current collection" means a collection existing immediately before the specified day;

"oral history record about events and conduct before or after the period of the Troubles" means a record (in any form) which—

(a) recounts personal experience relating to any of the events and conduct before or after the period of the Troubles, (including any effect which it has had on a person, whenever the effect occurred), and

(b) is of lasting historical significance;

"period of the Troubles" means the period—

(a) beginning with 1 January 1966, and

(b) ending with 10 April 1998;

"publicly accessible" means accessible by the public or by a section of the public (including where the access is available by arrangement, on the basis of a subscription or membership, or on payment);

"Troubles-related oral history record" means a record (in any form) which—

(a) recounts personal experience relating to the Troubles, (including any effect which the Troubles have had on a person, whenever the effect occurred), and

(b) is of lasting historical significance,

whether the personal experience (or effect) relates to the Troubles generally or to any aspect or aspects of the Troubles.

(7) For the purposes of this section it does not matter whether an oral history record is made by, or received from, a person in the United Kingdom, Ireland or elsewhere.

Commencement Information

I58 S. 49 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

50 The memorialisation strategy

(1) The designated persons must secure that—

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(a) a study of relevant memorialisation activities that are being carried out immediately before the specified day ("current memorialisation activities") is undertaken;

(b) recommendations about the initiation and carrying out of relevant memorialisation activities ("new memorialisation activities") are made;

(c) a report (a "memorialisation strategy") which sets out—

(i) the findings of the study, and

(ii) the recommendations,

is produced and published within the initial period;

(d) a copy of the memorialisation strategy is given to the Secretary of State as soon as practicable after it is produced.

(2) A "relevant memorialisation activity" is an activity that is carried out in Northern Ireland for the purpose of marking, commemorating, or providing information or education about—

(a) events and conduct that formed part of the Troubles and occurred in Northern Ireland, or

(b) events and conduct before or after the Troubles that occurred in Northern Ireland,

(whether or not it also relates to any other events and conduct that formed part of the Troubles or any other events and conduct before or after the Troubles).

(3) It is for the designated persons to decide whether, and to what extent, the study and recommendations should cover relevant memorialisation activities that relate to events and conduct before or after the Troubles.

(4) The process by which the study is carried out and the recommendations are made must provide for consideration to be given to the following matters—

(a) how relevant memorialisation activities currently, or will in the future, promote reconciliation in Northern Ireland;

(b) how relevant memorialisation activities currently are, or will in the future be, relevant to people living in Northern Ireland;

(c) appropriate non-UK memorialisation activities.

(5) In particular, consideration must be given to whether the establishment of a new museum, memorial or similar project should be recommended.

(6) The process by which the study is carried out and the recommendations are made must enable the public and other interested persons to contribute to the process.

(7) In particular, the process must include opportunities for the public and other interested persons—

(a) to suggest current memorialisation activities that should form part of the study;

(b) to comment on current memorialisation activities;

(c) to suggest new memorialisation activities.

(8) In this section "appropriate non-UK memorialisation activity" means an activity—

(a) which is undertaken outside the United Kingdom to mark, commemorate, or provide information or education about past events or conduct, and

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(b) which appears to the designated persons to be appropriate to consider in carrying out the study and making the recommendations.

Commencement Information

I59 S. 50 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

51 Response to the memorialisation strategy

(1) The Secretary of State must—

(a) consider, and decide a response to, each of the recommendations made in the memorialisation strategy;

(b) produce and publish a document which sets out the response to each of the recommendations, including (as appropriate)—

(i) the action the Secretary of State proposes to take in response, or

(ii) the Secretary of State's reasons for not taking any action in response.

(2) The Secretary of State must—

(a) comply with that requirement before the end of the period of one year beginning with the day on which the copy of the strategy is given in accordance with section 50(1)(d),

(b) consult relevant organisations in the course of considering each recommendation, and

(c) consult such Northern Ireland departments as the Secretary of State considers appropriate on the proposed action, or reasons for not taking action, before deciding a response to each recommendation.

(3) In this section "recommendations" means recommendations about the initiation and carrying out of new memorialisation activities.

Commencement Information

I60 S. 51 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

52 Academic research

(1) The designated persons must secure that—

(a) terms of reference are set for academic research into the Troubles;

(b) academic research is carried out in accordance with those terms of reference;

(c) the terms of reference are set within the initial period;

(d) the researchers produce a report on the outcome of the academic research (the "academic report");

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(e) the academic report is published and a copy of it is given to the Secretary of State before the end of the seventh year of the period of operation of the ICRIR.

(2) The designated persons must use their best endeavours to make arrangements under which one of the UKRI's Councils is to undertake, or participate in, activities which enable, or assist, the designated persons to comply with the duties imposed by subsection (1)(a) to (d).

(3) The researchers must carry out their work—

(a) independently of the influence of any other persons, and

(b) otherwise in such ways as will secure the confidence of the people of Northern Ireland in them and their work.

(4) The terms of reference may—

(a) provide for academic research to be carried out into events and conduct before or after the Troubles, and

(b) make provision about criteria for identifying the kinds of events and conduct before or after the Troubles into which the academic research is to be carried out.

(5) The terms of reference must require the researchers to take account of ICRIR reports in carrying out the academic research.

(6) The terms of reference—

(a) must require the academic research to include the production of an analysis of patterns and themes emerging from the relevant events and conduct into which the academic research is carried out, including (in particular) an analysis of women's and girls' experience of those events, and

(b) may include provision about criteria for identifying the kinds of relevant events and conduct that the researchers are to take into account for the purposes of producing that analysis.

(7) The terms of reference must require the researchers to carry out a statistical analysis of—

(a) all ICRIR reports relating to a death, and

(b) the historical record.

(8) That analysis must, in particular, set out, to the extent possible from the ICRIR reports and historical record—

(a) the number of deaths (resulting from conduct forming part of the Troubles) recorded in those reports and that record,

(b) an overview of the biographical attributes of the deceased (including by age range and community background), and

(c) an overview of the circumstances of the deaths (including when and where they occurred, and the involvement of any body or proscribed organisation).

(9) In this section—

"ICRIR reports" means—

(a) the final reports published in accordance with section 17, and

(b) any final reports of which summaries are given in accordance with section 17;

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"proscribed organisation" means an organisation that has been proscribed at any time under terrorism legislation in the United Kingdom;

"relevant events and conduct" means—

(a) events and conduct forming part of the Troubles, and

(b) events and conduct before or after the Troubles;

"researchers" means the persons carrying out the academic research into the Troubles and producing the report;

"UKRI's Council" means any of the Councils of United Kingdom Research and Innovation provided for by or under section 92 of the Higher Education and Research Act 2017.

Commencement Information

I61 S. 52 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

53 Annual reports

(1) The designated persons must—

(a) produce, for each reporting period, a report on the progress made in carrying out the Troubles-related work programme during the reporting period concerned (an "annual report");

(b) publish each annual report as soon as practicable after it is produced;

(c) give a copy of each annual report to the Secretary of State at least two weeks before the report is published.

(2) In this section "reporting period" means—

(a) the initial period, and

(b) each subsequent period of one year beginning immediately after the end of a reporting period.

Commencement Information

I62 S. 53 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

54 Carrying out the Troubles-related work programme

(1) When carrying out the Troubles-related work programme, the designated persons must have regard to the need to ensure that—

(a) there is support from different communities in Northern Ireland for the way in which that programme is carried out,

(b) a variety of views of the Troubles is taken into account in carrying out that programme, and

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(c) that programme is carried out in a way that promotes—
(i) reconciliation,
(ii) anti-sectarianism, and
(iii) non-recurrence of political and sectarian hostility between people in Northern Ireland.

(2) When carrying out the Troubles-related work programme, the designated persons must have regard to the views given to them by any advisory forum (see section 55) in accordance with the arrangements under which it is established.

(3) The designated persons may make arrangements about the way in which each of them will exercise its functions to secure that the Troubles-related work programme is carried out ("operational arrangements").

(4) The designated persons must publish any current operational arrangements as soon as practicable after they are made or amended (or after the specified day, in the case of any operational arrangements made before that day and not already published).

Commencement Information

I63 S. 54 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

55 The advisory forum

(1) The designated persons must use their best endeavours to establish an advisory forum consisting of other persons.

(2) In establishing an advisory forum, the designated persons must have regard to—
(a) the need to ensure that the membership of the advisory forum includes persons who represent the views of victims and survivors of events and conduct forming part of the Troubles (whether or not they also represent the views of other persons);
(b) the need to ensure that the membership of the advisory forum is balanced as respects those members who are associated with the different communities in Northern Ireland.

(3) The duties imposed on the designated persons by subsections (1) and (2) do not apply if—
(a) those persons have taken the actions required by those duties before the specified day, and
(b) an advisory forum established by those persons in compliance with those duties is in existence immediately before the specified day.

(4) The designated persons must publish any current arrangements under which any advisory forum is established (including publishing the membership of the forum) as soon as practicable after the arrangements are made or amended (or after the specified day, in the case of any arrangements made before that day and not already published).

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Commencement Information

I64 S. 55 not in force at Royal Assent, see **s. 63(4)**

56 Designated persons and funding

(1) The Secretary of State may, by regulations, designate a person for the purposes of this Part if the Secretary of State is satisfied that the person would make a significant contribution to the performance of the functions which are imposed by sections 49, 50 and 52.

(2) When deciding whether to designate a person, the Secretary of State must—

(a) have regard to whether the person is supported by different communities in Northern Ireland and will act independently of the influence of any other persons; and

(b) consult relevant organisations about the proposed designation.

(3) Regulations under this section may provide—

(a) that a power of direction is not to be exercised to give a designated person, a member or officer of that person, or any staff assisting that person, a direction relating to functions under this Part;

(b) for the staff assisting a designated person to assist in the exercise of the person's functions under this Part;

(c) that a designated person is required to perform only a particular function or an aspect of a function.

(4) Regulations under this section are subject to negative procedure.

(5) The Secretary of State may make payments or provide other resources to, or in respect of, the designated persons in connection with the exercise of functions under this Part.

Commencement Information

I65 S. 56 not in force at Royal Assent, see **s. 63(4)**

I66 S. 56 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(g)**

57 Interpretation of this Part

(1) In this Part—

"designated persons" means the persons designated by the Secretary of State in regulations made under section 56;

"different communities in Northern Ireland" means communities in Northern Ireland—

(a) which had or have differing views on the constitutional status of Northern Ireland, or

(b) between which there was or is political or sectarian hostility;

"events and conduct before or after the Troubles" has the meaning given in subsections (2) to (4);

"initial period" means the period of one year beginning with the specified day;

"relevant organisation" means an organisation that the Secretary of State considers to have expertise in carrying out, promoting or otherwise facilitating activities that are intended to encourage reconciliation or anti-sectarianism;

"specified day" means the day specified in regulations made by the Secretary of State for the purposes of commencing the Troubles-related work programme;

"Troubles-related work programme" means the functions which are imposed on the designated persons by sections 49, 50 and 52.

(2) "Events and conduct before or after the Troubles" means the events and conduct that related to Northern Ireland affairs and occurred—

(a) before 1 January 1966, or

(b) after 10 April 1998.

(3) That includes events and conduct at those times which were connected with—

(a) preventing,

(b) investigating, or

(c) otherwise dealing with the consequences of,

other events and conduct relating to Northern Ireland affairs.

(4) For the purposes of this section it does not matter if an event or conduct occurred in Northern Ireland, in another part of the United Kingdom, or elsewhere.

(5) Section 1 includes provision about the meaning of "conduct" and "Northern Ireland affairs".

(6) Where this Part requires one or more persons to publish a document, it is for the person or persons to decide the manner in which the document is to be published.

Commencement Information

I67 S. 57 not in force at Royal Assent, see **s. 63(4)**

I68 S. 57(1)-(5) in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(h)**

PART 5

FINAL PROVISIONS

58 Consequential provision

(1) Schedule 13 amends existing legislation.

(2) A national authority may by regulations make provision that is consequential on this Act.

(3) In this Act "national authority" means—

(a) the Secretary of State,

(b) the Department of Justice in Northern Ireland, or

(c) the Scottish Ministers.

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(4) Regulations under subsection (2) may, in particular, amend legislation (whenever passed or made).

(5) Regulations made under subsection (2) are subject to affirmative procedure if they contain any amendment of primary legislation.

(6) Any other regulations made under subsection (2) are subject to negative procedure.

(7) The power of the Department of Justice in Northern Ireland or the Scottish Ministers to make regulations under subsection (2) is subject to section 59(10) or (11).

(8) The Secretary of State may by regulations—

(a) replace a reference in provision made by this Act to the commencement of a provision of this Act with a reference to the actual date on which the provision comes into force;

(b) replace a reference in provision made by this Act to a date determined by reference to the commencement of a provision of this Act with a reference to the actual date so determined;

(c) replace a reference in provision made by this Act to the day of the First Reading in the House of Commons of the Bill for this Act with a reference to the actual date of the First Reading;

(d) in Part 4—

(i) replace a reference to the specified day with a reference to the actual date of the specified day and repeal the definition of "specified day", or

(ii) amend the definition of "specified day" so that it sets out the actual date of the specified day.

Commencement Information

I69 S. 58(1) in force at 18.11.2023 for specified purposes, see s. 63(1)(a)

I70 S. 58(1) in force at 1.12.2023 for specified purposes by S.I. 2023/1293, **reg. 2(k)**

I71 S. 58(2)-(8) in force at 18.9.2023, see **s. 63(2)(b)**

59 Regulations

(1) Regulations made under this Act by the Secretary of State are to be made by statutory instrument.

(2) Regulations made under this Act by the Department of Justice in Northern Ireland are to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(3) Where regulations under this Act are "subject to affirmative procedure" they are to be made in accordance with the procedure set out in this table that is applicable (which depends on who makes the regulations)—

Person(s) making the regulations	*Procedure applicable*
The Secretary of State	The regulations may not be made unless a draft of the statutory instrument containing them has been laid

Person(s) making the regulations	*Procedure applicable*
	before, and approved by a resolution of, each House of Parliament
The Department of Justice in Northern Ireland	The regulations may not be made unless a draft of them has been laid before, and approved by a resolution of, the Northern Ireland Assembly
The Scottish Ministers	The regulations are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10))

(4) Where regulations under this Act are "subject to negative procedure" they are to be made in accordance with the procedure set out in this table that is applicable (which depends on who makes the regulations)—

Person(s) making the regulations	*Procedure applicable*
The Secretary of State	The statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of either House of Parliament
The Department of Justice in Northern Ireland	The regulations are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954)
The Scottish Ministers	The regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010

(5) Where regulations under this Act are subject to made affirmative procedure, the statutory instrument containing them must be laid before Parliament after being made.

(6) Regulations contained in a statutory instrument laid before Parliament under subsection (5) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.

(7) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which—
- (a) Parliament is dissolved or prorogued, or
- (b) either House of Parliament is adjourned for more than four days.

(8) If regulations cease to have effect as a result of subsection (6), that does not—
- (a) affect the validity of anything previously done under the regulations, or
- (b) prevent the making of new regulations.

(9) Regulations under this Act may make—
- (a) different provision for different purposes or cases;
- (b) incidental, supplementary or consequential provision;
- (c) transitional or transitory provision or savings.

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(10) Regulations made by the Department of Justice in Northern Ireland under this Act may only make—
  (a) transferred provision, or
  (b) reserved provision;

and the regulations may not make reserved provision without the consent of the Secretary of State.

(11) Regulations made by the Scottish Ministers under this Act may only make provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of the Scottish Parliament.

Commencement Information
I72 S. 59 in force at 18.9.2023, see **s. 63(1)(a)**

60 Interpretation

(1) In this Act, each expression set out in an entry in the first column of the following table is to be read in accordance with the corresponding entry in the second column—

Expression	*Interpretation*
Chief Commissioner	The Commissioner appointed under section 2(3)(a).
chief officer	This means— the chief constable of a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London); the Commissioner of Police of the Metropolis; the Commissioner of Police for the City of London; the chief constable of the Police Service of Scotland; the chief constable of the Ministry of Defence Police; the chief constable of the British Transport Police.
Commissioner for Investigations	The Commissioner appointed under section 2(3)(b).
Commissioners	The members of the ICRIR appointed under section 2(3)(a), (b) and (c).
conduct	This has the meaning given in section 1.
conduct forming part of the Troubles	This has the meaning given in section 1.
connected Troubles-related offence	This has the meaning given in section 1.

Expression	*Interpretation*
event forming part of the Troubles	This has the meaning given in section 1.
excepted matter	This has the meaning given by section 4(1) ofthe Northern Ireland Act 1998.
final report	A report under section 15 on the findings of a review of a death or a review of other harmful conduct forming part of the Troubles.
financial year	This has the meaning given in section 2(14).
GCHQ	This has the same meaning as in the Intelligence Services Act 1994.
His Majesty's forces	This has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).
historical record	This has the meaning given in section 2(5)(f).
the ICRIR	The Independent Commission for Reconciliation and Information Recovery.
ICRIR contractor	A person providing, or being employed in the provision of, goods or services for the purposes of the ICRIR.
ICRIR officers	This has the meaning given in section 3(4).
immunity function	The function of determining whether to grant persons immunity from prosecution conferred by section 2(5)(d).
immunity requests panel	The panel formed in accordance with section 22.
inspector of constabulary for Northern Ireland	An inspector of constabulary for NorthernIreland (appointed under section 41 of thePolice (Northern Ireland) Act 1998).
legislation	Primary legislation and subordinate legislation.
national authority	This means has the meaning given in section 58(3)
Northern Ireland affairs	This has the meaning given in section 1.
other harmful conduct forming part of the Troubles	This has the meaning given in section 1.
period of operation of the ICRIR	The period beginning with the day on which section 2(5) comes into force.
police force in Great Britain	This means— a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London); the metropolitan police force; the City of London police force; the Police Service of Scotland; the Ministry of Defence Police;

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Expression	*Interpretation*
	the British Transport Police.
prejudicial information	Information which, if disclosed generally, would risk putting, or would put, the life or safety of any person at risk.
primary legislation	This means— Northern Ireland legislation (which has the meaning given in section 24(5) of the Interpretation Act 1978); an Act of Parliament; an Act of the Scottish Parliament; a Measure or Act of Senedd Cymru.
protected international information	Information which— (a) was supplied to any person by, or by an agency of, the government of a country or territory outside the United Kingdom, and (b) if disclosed generally might, in the opinion of the Secretary of State, damage international relations.
PSNI	The Police Service of Northern Ireland.
relevant authority	This means— the Chief Constable of the PSNI; the chief officer of a police force in Great Britain; the Police Ombudsman for Northern Ireland; the Director General of the Independent Office for Police Conduct; the Police Investigations and Review Commissioner; any Minister of the Crown (which has the same meaning as in the Ministers of the Crown Act 1975 — see section 8 of that Act); the Security Service; the Secret Intelligence Service; GCHQ; any other department of the United Kingdom government (including a non-ministerial department); a Northern Ireland department; the Scottish Ministers; any of His Majesty's forces.
request for a review	A request for a review under section 9 or 10.
reserved matter	This has the meaning given by section 4(1) ofthe Northern Ireland Act 1998.
reserved provision	Provision which (if contained in a Bill for an Act of the Northern Ireland Assembly) would result in the

Expression	*Interpretation*
	Bill requiring the consent of the Secretary of State under section 8(b) of the Northern Ireland Act 1998.
review function	The function of carrying out reviews conferred by section 2(5)(a) and (b).
sensitive information	This means information of the following kinds. Information which, if disclosed generally, would risk prejudicing, or would prejudice, the national security interests of the United Kingdom. Information which has been supplied (whether to the person currently holding the information or to some other person) by— (a) the Security Service, (b) the Secret Intelligence Service, (c) GCHQ, or (d) any part of the following bodies which engages in intelligence activities— (i) His Majesty's forces; (ii) the Ministry of Defence; (iii) the PSNI; (iv) a police force in Great Britain.
serious physical or mental harm	This has the meaning given in section 1.
serious Troubles-related offence	This has the meaning given in section 1.
subject to affirmative procedure	This has the meaning given in section 59(3).
subject to negative procedure	This has the meaning given in section 59(4).
subordinate legislation	An instrument made under primary legislation
transferred matter	This has the meaning given by section 4(1) of the Northern Ireland Act 1998.
transferred provision	This means provision which— (a) would be within the legislative competence of the Assembly if it were contained in an Act of the Northern Ireland Assembly, and (b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted matter or reserved matter. Here— (i) "ancillary" has the meaning given insection 6(3) of the Northern Ireland Act 1998; (ii) a reference to provision dealingwith a matter is to be read in accordance withsection 98(2) of the Northern Ireland Act 1998.

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Expression	*Interpretation*
the Troubles	This has the meaning given in section 1.
Troubles-related offence	This has the meaning given in section 1.

(2) A reference in this Act to the day on which a provision of this Act comes into force is, in a case where that provision comes into force at different times for different purposes, a reference to the day on which that provision comes into force for all purposes.

Commencement Information
I73 S. 60 in force at 18.9.2023, see **s. 63(1)(a)**

61 Application to the Crown

This Act binds the Crown.

Commencement Information
I74 S. 61 in force at 18.9.2023, see **s. 63(1)(a)**

62 Extent

(1) This Act extends to Northern Ireland, England and Wales, and Scotland.

(2) But that is subject to subsections (3) to (6).

(3) An amendment or repeal has the same extent as the provision amended or repealed.

(4) Sections 46 and 47 extend to Northern Ireland only.

(5) Paragraph 2(2) of Schedule 11 extends to England and Wales only.

(6) Part 4 extends to Northern Ireland only.

Commencement Information
I75 S. 62 in force at 18.9.2023, see **s. 63(1)(a)**

63 Commencement

(1) The following provisions come into force on the day on which this Act is passed—
- (a) Part 1;
- (b) section 47(5);
- (c) this Part, except section 58(1) and Schedule 13.

(2) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
- (a) sections 43, 46 and 47 (except for subsection (5))
- (b) Part 2 of Schedule 13, and section 58(1) so far as it relates to that Part of that Schedule.

(3) Part 3, except for sections 43, 46 and 47, comes into force on 1 May 2024.

(4) Otherwise, this Act comes into force on such day or days as the Secretary of State may by regulations appoint.

(5) A national authority may by regulations make transitory, transitional or saving provision in connection with the coming into force of any provision of this Act.

Commencement Information

I76 S. 63 in force at 18.9.2023, see **s. 63(1)(a)**

64 Short title

This Act may be cited as the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

Commencement Information

I77 S. 64 in force at 18.9.2023, see **s. 63(1)(a)**

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 2

THE ICRIR, THE COMMISSIONERS AND ICRIR OFFICERS

PART 1

THE ICRIR

Status

1 The ICRIR is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Commencement Information
I78 Sch. 1 para. 1 not in force at Royal Assent, see **s. 63(4)**
I79 Sch. 1 para. 1 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Powers

2 (1) The ICRIR may do anything that it thinks necessary or expedient in connection with the exercise of its functions.

(2) In particular, the ICRIR may—
(a) enter into contracts and other agreements (whether legally binding or not), and
(b) acquire and dispose of property (including land).

(3) But the ICRIR may not borrow money.

(4) The ICRIR may make payments of, or payments towards the provision of, any remuneration, pensions, allowances, gratuities or compensation payable to, or in respect of—
(a) the Commissioners, and
(b) the ICRIR officers.

Commencement Information
I80 Sch. 1 para. 2 not in force at Royal Assent, see **s. 63(4)**
I81 Sch. 1 para. 2 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

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Regulation and validity of proceedings

3 (1) The ICRIR may regulate its own proceedings (including quorum).

(2) The validity of any proceedings of the ICRIR is not affected by—
(a) any vacancy in the membership of the ICRIR;
(b) any defect in the appointment of any Commissioner.

Commencement Information
I82 Sch. 1 para. 3 not in force at Royal Assent, see **s. 63(4)**
I83 Sch. 1 para. 3 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Delegation of functions and their exercise by the Commissioners

4 (1) Any function of the ICRIR may be exercised on behalf of, and in the name of, the ICRIR by—
(a) a Commissioner, or
(b) an ICRIR officer,
who has been authorised (whether generally or specifically) by the ICRIR for that purpose.

(2) Any functions conferred on a Commissioner (whether by this Act or otherwise) are to be treated as functions of the ICRIR exercisable by the Commissioner on behalf of, and in the name of, the ICRIR.

(3) A function conferred on a Commissioner is to be exercisable by the ICRIR if—
(a) there is a vacancy in the office of that Commissioner, or
(b) that Commissioner is unable to exercise the function.

(4) But that does not apply to function of the Chief Commissioner as a member of the immunity requests panel (including any function as chair of the panel).

(5) If a function is exercisable by the ICRIR in accordance with sub-paragraph (3), the ICRIR may make arrangements under sub-paragraph (1) relating to the exercise of the function.

Commencement Information
I84 Sch. 1 para. 4 not in force at Royal Assent, see **s. 63(4)**
I85 Sch. 1 para. 4 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Seal and proof of documents

5 (1) The ICRIR may have a seal.

(2) The application of the ICRIR's seal must be authenticated by the signature of at least one of the Commissioners

(3) This paragraph does not prevent the ICRIR from acting otherwise than by a document under seal.

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(4) A document purporting to be duly executed under the seal of the ICRIR must be received in evidence and treated as so executed unless the contrary is shown.

(5) A document purporting to be signed on behalf of the ICRIR by—

(a) at least one of the Commissioners, or

(b) any person who is authorised (generally or specially) for that purpose,

must be received in evidence and treated as so signed unless the contrary is shown.

Commencement Information

I86 Sch. 1 para. 5 not in force at Royal Assent, see **s. 63(4)**

I87 Sch. 1 para. 5 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Accounts and audit

6 (1) The ICRIR must—

(a) keep proper accounts and proper records in relation to them, and

(b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts must be prepared in accordance with any directions that are given by the Treasury.

(3) The ICRIR must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General as soon as practicable after the end of the financial year to which the statement relates.

(4) The Comptroller and Auditor General must—

(a) examine, certify and report on each statement of accounts,

(b) send a copy of each report and certified statement to the Secretary of State, and

(c) lay before Parliament a copy of each such report and certified statement.

Commencement Information

I88 Sch. 1 para. 6 not in force at Royal Assent, see **s. 63(4)**

I89 Sch. 1 para. 6 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

PART 2

THE COMMISSIONERS

Number of Commissioners

7 The Secretary of State is to determine from time to time how many other Commissioners there are to be under section 2(3)(c) (which allows for there to be between one and five of them).

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Commencement Information

I90 Sch. 1 para. 7 not in force at Royal Assent, see **s. 63(4)**

I91 Sch. 1 para. 7 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Appointment

8 (1) The Commissioners are to be appointed by the Secretary of State.

(2) In exercising the power to appoint Commissioners, the Secretary of State must ensure that (as far as it is practicable) the Commissioners include one or more persons who have experience gained outside the United Kingdom that is relevant to the work of the ICRIR.

(3) A person may not be appointed as a Commissioner if—

(a) the person has been sentenced to a term of imprisonment, or given a sentence of detention, of three months or more;

(b) the person is insolvent; or

(c) the person is disqualified from being a company director.

(4) A person may not be appointed as the Chief Commissioner unless—

(a) the person holds or has held high judicial office, and

(b) the Secretary of State has consulted—

(i) the relevant senior judge, and

(ii) such other persons as the Secretary of State considers appropriate.

(5) A person's current or previous appointment as a Commissioner does not prevent the person from being appointed again as a Commissioner.

(6) But a person who has been removed from office in accordance with paragraph 12(2) and (3) may not be appointed as a Commissioner.

(7) A reference in this paragraph to a person being insolvent, or to being disqualified from being a company director, has the same meaning as in paragraph 12 (see paragraph 12(4) or (5)).

(8) The following Orders apply to the Commissioners as they apply to constables—

(a) the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (S.R. 1979/195);

(b) the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (S.I. 1975/1023);

(c) the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (S.S.I. 2013/50).

(9) For the purposes of this paragraph—

"high judicial office" means office as a judge of a kind listed in an entry in the first column of this table;

"relevant senior judge", in relation to a person who holds or has held an office listed in such an entry, means the person listed in the corresponding entry in the second column of this table; and, in the case of a person who has previously held two or more different kinds of high judicial office (but no longer holds any kind of high judicial office), the relevant senior judge

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is to be identified by reference to the kind of high judicial office which the person ceased to hold most recently—

high judicial office	*relevant senior judge*
Judge of the Supreme Court of the United Kingdom or Lord of Appeal in Ordinary	President of the Supreme Court of the United Kingdom
Judge of the Court of Appeal in Northern Ireland	The Lord Chief Justice of Northern Ireland
Judge of the High Court in Northern Ireland	The Lord Chief Justice of Northern Ireland
Judge of the Court of Appeal in England and Wales	The Lord Chief Justice of England and Wales
Judge of the High Court in England and Wales	The Lord Chief Justice of England and Wales
Judge of the Court of Session	The Lord President of the Court of Session

Commencement Information

I92 Sch. 1 para. 8 not in force at Royal Assent, see **s. 63(4)**

I93 Sch. 1 para. 8 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Person holding public elected position not to be a Commissioner

9 (1) A person who holds a relevant office may not be appointed as a Commissioner.

(2) A person ceases to be a Commissioner if the person begins to hold a relevant office.

(3) A reference in this Schedule to a person who holds a relevant office is a reference to a person who is—

(a) a member of the Northern Ireland Assembly;

(b) a councillor (within the meaning of the Local Government Act (Northern Ireland) 2014 — see section 126(1) of that Act);

(c) a Member of Parliament;

(d) a member of a council established under—

(i) section 2 of the Local Government Act 1972 (councils in England outside London), or

(ii) paragraph 1(2) of Schedule 2 to that Act (London borough councils);

(e) a member of the Common Council of the City of London;

(f) a member of a council established under section 21 of the Local Government Act 1972 (councils in Wales);

(g) a member of the Scottish Parliament;

(h) a councillor of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(i) a member of the Dáil Éireann (House of Representatives of Ireland);

(j) a member of the Seanad Éireann (Senate of Ireland);

(k) a member of a city council, county council or city and county council in Ireland;

(l) a member of the European Parliament from any member State.

Commencement Information

I94 Sch. 1 para. 9 not in force at Royal Assent, see **s. 63(4)**

I95 Sch. 1 para. 9 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Terms of appointment of Commissioners

10 (1) The appointment of a person as a Commissioner is for a term which—

(a) is of a duration, not exceeding five years, determined by the Secretary of State,

(b) begins with the day determined by the Secretary of State, and

(c) continues until its end, unless the person resigns before its end in accordance with paragraph 12(1) or (3).

(2) The other terms of a person's appointment as a Commissioner are to be determined by the Secretary of State.

(3) The Secretary of State may pay a person compensation on ceasing to be a Commissioner if it appears to the Secretary of State that there are special circumstances which make it right for the person to receive the compensation.

Commencement Information

I96 Sch. 1 para. 10 not in force at Royal Assent, see **s. 63(4)**

I97 Sch. 1 para. 10 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Conflicts of interest

11 (1) The Secretary of State may require—

(a) a Commissioner, or

(b) a person who is being considered for appointment as a Commissioner,

to provide the Secretary of State with information about any relevant matter.

(2) In this paragraph "relevant matter" means any matter which might reasonably be expected to—

(a) give rise to a conflict of interest in respect of a person's work as a Commissioner, or

(b) otherwise affect a person's ability to carry out the work as a Commissioner fairly and impartially.

Commencement Information

I98 Sch. 1 para. 11 not in force at Royal Assent, see **s. 63(4)**

I99 Sch. 1 para. 11 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Resignation and removal of Commissioners

12 (1) A person ceases to be a Commissioner if the person gives the Secretary of State written notice of resignation.

(2) The Secretary of State may call on a Commissioner to resign—
- (a) if the Commissioner is convicted of an offence and sentenced to a term of imprisonment;
- (b) if the Commissioner is insolvent; or
- (c) if the Commissioner is disqualified from being a company director.

(3) If the Secretary of State calls on a Commissioner to resign, the Commissioner must resign—
- (a) on the date specified by the Secretary of State, or
- (b) on any earlier date which the Commissioner agrees with the Secretary of State.

(4) For the purposes of this paragraph a person is "insolvent" if—
- (a) the person has become bankrupt or is an undischarged bankrupt;
- (b) the person has become the subject of a bankruptcy restrictions order;
- (c) a debt relief order or a debt relief restrictions order has been made in respect of the person;
- (d) the person has made a composition or arrangement with his or her creditors, or granted a trust deed for his or her creditors;
- (e) under the law of Scotland, the person's estate has been sequestrated and the person has not been discharged.

(5) For the purposes of this paragraph a person is "disqualified from being a company director" if the person is subject to—
- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)),
- (b) any order, undertaking or other provision under the law of England and Wales or Scotland that has a corresponding effect,
- (c) an order under Article 86(1) of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)), or
- (d) any order, undertaking or other provision under the law of England and Wales or Scotland that has a corresponding effect.

Commencement Information

I100 Sch. 1 para. 12 not in force at Royal Assent, see **s. 63(4)**

I101 Sch. 1 para. 12 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

PART 3

THE CHIEF COMMISSIONER

Delegation of functions

13 (1) The Chief Commissioner may authorise—
(a) any other Commissioner, or
(b) any ICRIR officer,
to do any act which the Chief Commissioner may do.

(2) But that does not apply to any act to be done by the Chief Commissioner as a member of the immunity requests panel (including any to be done as chair of the panel).

(3) An authorisation under this paragraph may be given generally or specially.

Commencement Information
I102 Sch. 1 para. 13 not in force at Royal Assent, see **s. 63(4)**
I103 Sch. 1 para. 13 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

PART 4

THE COMMISSIONER FOR INVESTIGATIONS

Delegation of functions

14 (1) The Commissioner for Investigations may authorise—
(a) any other Commissioner, or
(b) any ICRIR officer,
to do any act which the Commissioner for Investigations may do.

(2) But no authorisation under sub-paragraph (1) may be given in relation to any function of the Commissioner for Investigations under section 6(2).

(3) An authorisation under this paragraph may be given generally or specially.

Commencement Information
I104 Sch. 1 para. 14 not in force at Royal Assent, see **s. 63(4)**
I105 Sch. 1 para. 14 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

No limitation on trade union activity

15 The Commissioner for Investigations is not to be regarded as in police service for the purposes of—
(a) Article 145 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (S.I. 1995/1980 (N.I. 12));
(b) Article 243 of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16));

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(c) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992; or

(d) section 200 of the Employment Rights Act 1996.

Commencement Information

I106 Sch. 1 para. 15 not in force at Royal Assent, see **s. 63(4)**

I107 Sch. 1 para. 15 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

PART 5

ICRIR OFFICERS

Employed ICRIR officers

16 The ICRIR is to determine—

(a) the number of employed ICRIR officers; and

(b) the terms of their employment.

Commencement Information

I108 Sch. 1 para. 16 not in force at Royal Assent, see **s. 63(4)**

I109 Sch. 1 para. 16 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Seconded ICRIR officers

17 (1) Seconded ICRIR officers are under the direction and control of the ICRIR in the same way as employed ICRIR officers.

(2) In the case of the secondment of a member of a police force to be a seconded ICRIR officer—

(a) arrangements for the secondment are to be made with the chief officer of that police force; and

(b) the arrangements must provide for the ICRIR to pay the policing body responsible for that police force the amount that is specified in, or determined in accordance with, the arrangements.

(3) If a seconded ICRIR officer is a constable in any police force, the powers and privileges which that person has by virtue of being a constable are not exercisable in Northern Ireland—

(a) from the time when the person becomes an ICRIR officer;

(b) but are revived if the person—

(i) ceases to be an ICRIR officer, and

(ii) returns to service as a constable.

(4) Sub-paragraph (3) ceases to apply to a person who resigns from, or otherwise ceases to hold, the office of constable.

(5) Service as a seconded ICRIR officer is—

(a) relevant service for the purposes of section 27 of the Police (Northern Ireland) Act 1998 (members of the PSNI engaged on other police service), if the person seconded is a member of the PSNI,

(b) relevant service for the purposes of section 97 of the Police Act 1996 (police officers engaged on service outside their force), if the person seconded is a member of a police force as defined in section 101 of that Act), and

(c) temporary service outwith the Police Service of Scotland under section 15(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8), if the person seconded is a constable in the Police Service of Scotland.

(6) If a member of the PSNI is a seconded ICRIR officer, the application of—

(a) section 35 of the Police (Northern Ireland) Act 1998, or

(b) any provision under the law of England and Wales or Scotland that has a corresponding effect,

to the person does not affect the person's ability, as an ICRIR officer, to be a member of any trade union or association.

(7) In this paragraph—

"chief officer" means—

(a) the Chief Constable of the PSNI, in the case of the secondment of a member of the PSNI, or

(b) the chief officer of a police force in Great Britain, in the case of the secondment of a member of the force;

"police force" means—

(a) the PSNI, or

(b) a police force in Great Britain;

"policing body responsible for" a police force means—

(a) in the case of the PSNI, the Northern Ireland Policing Board;

(b) in the case of a police force maintained under section 2 of the Police Act 1996, the Police and Crime Commissioner for the police area for which that force is maintained;

(c) in the case of the metropolitan police force, the Mayor's Office for Policing and Crime;

(d) in the case of the City of London police force, the Common Council of the City of London as police authority for the City of London police area;

(e) in the case of the Police Service of Scotland, the Scottish Police Authority;

(f) in the case of the Ministry of Defence Police, the Secretary of State;

(g) in the case of the British Transport Police, the British Transport Police Authority.

Commencement Information

I110 Sch. 1 para. 17 not in force at Royal Assent, see **s. 63(4)**

I111 Sch. 1 para. 17 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Persons holding public elected positions not to be ICRIR officers

18 (1) A person who holds a relevant office may not become an ICRIR officer.

(2) A person ceases to be an ICRIR officer if the person begins to hold a relevant office.

(3) For the meaning of references in this paragraph to holding a relevant office, see paragraph 9(3).

(4) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 9).

Commencement Information

I112 Sch. 1 para. 18 not in force at Royal Assent, see **s. 63(4)**

I113 Sch. 1 para. 18 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Rehabilitation of offenders

19 (1) The following Orders apply to ICRIR officers as they apply to constables—

(a) the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (S.R. 1979/195);

(b) the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (S.I. 1975/1023);

(c) the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (S.S.I. 2013/50).

(2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 8(8)).

Commencement Information

I114 Sch. 1 para. 19 not in force at Royal Assent, see **s. 63(4)**

I115 Sch. 1 para. 19 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Liability for unlawful conduct

20 (1) The ICRIR may, in such cases and to such extent as appear to the ICRIR to be appropriate, pay—

(a) any damages, or any costs or, in Scotland, expenses, awarded against an ICRIR officer in proceedings for any unlawful conduct of that ICRIR officer;

(b) any costs or, in Scotland, expenses incurred and not recovered by an ICRIR officer in such proceedings; and

(c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(2) The ICRIR may make arrangements for the legal representation of any ICRIR officer in any proceedings mentioned in sub-paragraph (1).

(3) The Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (S.I. 1972/963 (N.I. 6)), and any provision under the law of England and Wales or Scotland that has a corresponding effect, does not require insurance to be effected by the ICRIR.

(4) The ICRIR is liable for the unlawful conduct of a person which occurs when the person is acting, or purporting to act, as a seconded ICRIR officer in the same manner as an employer is liable in respect of unlawful conduct of employees in the course of their employment.

(5) If the unlawful conduct is a tort, the ICRIR is accordingly to be treated as a joint tortfeasor.

Commencement Information

I116 Sch. 1 para. 20 not in force at Royal Assent, see **s. 63(4)**

I117 Sch. 1 para. 20 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

No limitation on trade union activity

21 (1) An ICRIR officer is not to be regarded as in police service for the purposes of—

(a) Article 145 of the Trade Union and Labour Relations (Northern Ireland) Order 1995;

(b) Article 243 of the Employment Rights (Northern Ireland) Order 1996;

(c) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992; or

(d) section 200 of the Employment Rights Act 1996.

(2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 15).

Commencement Information

I118 Sch. 1 para. 21 not in force at Royal Assent, see **s. 63(4)**

I119 Sch. 1 para. 21 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Meaning of "employed" and "seconded" ICRIR officer

22 In this Part—

"employed ICRIR officer" means a person employed as an ICRIR officer under section 3(1);

"seconded ICRIR officer" means a person seconded as an ICRIR officer under section 3(2).

Commencement Information

I120 Sch. 1 para. 22 not in force at Royal Assent, see **s. 63(4)**

I121 Sch. 1 para. 22 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

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SCHEDULE 2

Section 6

OPERATIONAL POWERS OF ICRIR OFFICERS

Designations and designated ICRIR officers

1 In this Schedule—

"designated" means designated under section 6(1) or (2) (and "designation" is to be read accordingly);

"designated ICRIR officer" means an ICRIR officer who is designated;

"operational powers" means the powers and privileges which a designated ICRIR officer has by virtue of a designation;

"powers and privileges of an English and Welsh constable" means the powers and privileges of a constable if, and to the extent that, they are exercisable in England and Wales or the adjacent United Kingdom waters;

"powers and privileges of a Northern Ireland constable" means the powers and privileges of a constable if, and to the extent that, they are exercisable in Northern Ireland or the adjacent United Kingdom waters;

"powers and privileges of a Scottish constable" means the powers and privileges of a constable if, and to the extent that, they are exercisable in Scotland or the adjacent United Kingdom waters;

"United Kingdom waters" means the sea and other waters within the seaward limits of the territorial sea.

Commencement Information

I122 Sch. 2 para. 1 not in force at Royal Assent, see **s. 63(4)**

I123 Sch. 2 para. 1 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(i)**

VALID FROM 01/05/2024

Effect of designation

2 (1) A designated ICRIR officer has—

(a) in Northern Ireland and the adjacent United Kingdom waters, all the powers and privileges of a Northern Ireland constable;

(b) in England and Wales and the adjacent United Kingdom waters, all the powers and privileges of an English and Welsh constable;

(c) in Scotland and the adjacent United Kingdom waters, all the powers and privileges of a Scottish constable.

(2) But that is subject to—

(a) section 6(3), and

(b) paragraphs 3 and 4.

Commencement Information

I124 Sch. 2 para. 2 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

VALID FROM 01/05/2024

Exercise of the powers and privileges of a Scottish constable

3 (1) A designated ICRIR officer may only exercise the powers and privileges of a Scottish constable in one or other of the following cases.

(2) The first case is where—
(a) a Scottish general authorisation is in force, and
(b) the powers and privileges are exercised in accordance with that authorisation.

(3) The second case is where—
(a) a Scottish operational authorisation is in force in relation to a particular operation, and
(b) the powers and privileges are exercised—
(i) in connection with that operation, and
(ii) in accordance with that authorisation.

(4) In this paragraph—
"Scottish general authorisation" means an agreement between—
(a) the Commissioner for Investigations, and
(b) the Scottish Ministers,
about the exercise of the powers and privileges of Scottish constables by designated ICRIR officers;
"Scottish operational authorisation" means an agreement between—
(a) the Commissioner for Investigations, and
(b) an officer in the Police Service of Scotland who is at or above the rank of Assistant Chief Constable,
about the exercise of the powers and privileges of Scottish constables by designated ICRIR officers in connection with a particular operation.

Commencement Information
I125 Sch. 2 para. 3 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Limitations

4 (1) A designation may be made subject to any limitations specified in the designation.

(2) In particular, a designation may include—
(a) limitations on which operational powers the designated ICRIR officer has;
(b) limitations on the purposes for which the designated ICRIR officer may exercise operational powers which that person has.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(3) This paragraph does not apply to the designation of the Commissioner for Investigations under section 6(1).

Commencement Information
I126 Sch. 2 para. 4 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Duration of designation

5 (1) A designation has effect without limitation of time, unless the designation specifies a period for which it is to have effect.

(2) But that is subject to any modification or withdrawal of the designation.

(3) This paragraph does not apply to the designation of the Commissioner for Investigations under section 6(1).

Commencement Information
I127 Sch. 2 para. 5 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Evidence of designation

6 (1) A designated ICRIR officer must produce evidence of the designation if—

(a) that ICRIR officer exercises, or purports to exercise, any operational power in relation to another person in reliance on the designation, and

(b) the other person requests that ICRIR officer to produce such evidence.

(2) If the designated ICRIR officer fails to produce such evidence, that failure does not make the exercise of the operational power invalid.

Commencement Information
I128 Sch. 2 para. 6 not in force at Royal Assent, see **s. 63(4)**

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

VALID FROM 01/05/2024

Territorial restrictions

7 Any power or privilege of a constable is, when exercisable by a designated ICRIR officer, subject to any territorial restrictions on its exercise to which it is subject when exercisable by a constable.

Commencement Information

I129 Sch. 2 para. 7 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Powers exercisable under warrant

8 (1) This paragraph applies to legislation if it provides for the issuing of warrants which authorise a constable to exercise any power or privilege of a constable.

(2) For the purpose of enabling a designated ICRIR officer to exercise that power or privilege, the legislation has effect as if the designated ICRIR officer were a constable.

Commencement Information

I130 Sch. 2 para. 8 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Direction and control of ICRIR officers exercising powers in Scotland

9 The ICRIR must ensure that any instruction given by the Lord Advocate or procurator fiscal in relation to the investigation of offences is complied with when designated ICRIR officers are exercising the powers and privileges of Scottish constables.

Commencement Information

I131 Sch. 2 para. 9 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

VALID FROM 01/05/2024

Modification of references

10 If a power or privilege of a constable is exercisable by any ICRIR officer, a reference to a constable in any legislation which relates to that power or privilege is to be taken to be, or to include, a reference to any ICRIR officer by whom that power or privilege is exercisable.

Commencement Information

I132 Sch. 2 para. 10 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Assaulting a designated ICRIR officer

11 (1) Any person who assaults—

(a) a designated ICRIR officer in the execution of that ICRIR officer's duty, or

(b) a person assisting a designated ICRIR officer in the execution of that ICRIR officer's duty,

is guilty of an offence.

(2) Sub-paragraph (1)(a) does not apply to an assault on a designated ICRIR officer under the law of England and Wales (instead see section 1 of the Emergency Workers (Offences) Act 2018).

(3) A person guilty of an offence under this paragraph is liable—

(a) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 2 years or to a fine, or to both;

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;

(c) on summary conviction in England and Wales, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both;

(d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both.

(4) In this paragraph, the references to the execution of the duty of a designated ICRIR officer are references to—

(a) the exercise of a power or privilege conferred by the designation of the ICRIR officer;

(b) the performance of a duty imposed by the designation of the ICRIR officer.

Commencement Information

I133 Sch. 2 para. 11 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Resisting, obstructing or impeding a designated ICRIR officer

12 (1) Any person who resists, obstructs or impedes—

(a) a designated ICRIR officer in the execution of that ICRIR officer's duty, or

(b) a person assisting a designated ICRIR officer in the execution of that ICRIR officer's duty,

is guilty of an offence.

(2) A person guilty of an offence under this paragraph is liable—

(a) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 2 years or to a fine, or to both;

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;

(c) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 3 on the standard scale, or to both;

(d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both.

(3) In this paragraph, the references to the execution of the duty of a designated ICRIR officer are references to—

(a) the exercise of a power or privilege conferred by the designation of the ICRIR officer;

(b) the performance of a duty imposed by the designation of the ICRIR officer.

(4) In relation to an offence committed before the commencement of section 280(2) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), the reference in sub-paragraph (2)(c) to 51 weeks is to be read as a reference to one month.

Commencement Information

I134 Sch. 2 para. 12 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Impersonating a designated ICRIR officer

13 (1) Any person (P) who, with intent to deceive—

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(a) impersonates a designated ICRIR officer,
(b) makes any statement or does any act calculated falsely to suggest that P is a designated ICRIR officer, or
(c) makes any statement or does any act calculated falsely to suggest that P has powers as a designated ICRIR officer that exceed the powers that P actually has,

is guilty of an offence.

(2) A person guilty of an offence under this paragraph is liable—
(a) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both;
(c) on summary conviction in England and Wales, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both;
(d) on summary conviction in Scotland, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 4 on the standard scale.

Commencement Information
I135 Sch. 2 para. 13 not in force at Royal Assent, see **s. 63(4)**

Regulations

14 (1) The power of a national authority under section 58(2) to make consequential provision includes power to make such provision as the appropriate authority considers appropriate in consequence of—
(a) designated ICRIR officers, or
(b) a description of designated ICRIR officers,

having the powers and privileges of constables in accordance with this Schedule.

(2) That provision may (in particular)—
(a) provide for designated ICRIR officers to benefit from exemptions or other protection in respect of the exercise of operational powers;
(b) provide for the disclosure of information to, or the doing of other things in relation to, designated ICRIR officers;
(c) confer functions on ICRIR officers or any other person;
(d) provide for a class of ICRIR officers (whether identified by reference to a grade or pay scale or otherwise) to be treated as the equivalent of one or more ranks of the PSNI;
(e) apply (with or without modifications) any legislation or description of legislation.

Commencement Information
I136 Sch. 2 para. 14 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

I137 Sch. 2 para. 14 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(i)**

VALID FROM 01/05/2024

SCHEDULE 3

Section 9

FAMILY MEMBERS

PART 1

CLOSE FAMILY MEMBERS

Meaning of "close family member"

1 (1) This Part of this Schedule applies for the purposes of—
(a) section 9, and
(b) Part 2 of this Schedule,
to determine whether one person (F) is a close family member of another person (D).

(2) F is a close family member of D if F—
(a) was the spouse, civil partner or co-habitee of D on the day of D's death,
(b) is a child of D,
(c) is a parent of D,
(d) is a brother or sister of D,
(e) is a step-child of D,
(f) was a step-parent of D on the day of D's death or is a step-parent of D on the day on which the request for the relevant review is made,
(g) is a half-brother or half-sister of D, or
(h) is a step-brother or step-sister of D.

(3) Paragraphs 2 to 5 set out the meanings of "co-habitee", "step-child", "step-parent", "step-brother" and "step-sister" for the purposes of this paragraph.

(4) In this paragraph "relevant review" means—
(a) the review for which a request is made (where this Part of this Schedule applies for the purposes of section 9), or
(b) the review to which the final report relates (where this Part of this Schedule applies for the purposes of Part 2 of this Schedule).

Commencement Information
I138 Sch. 3 para. 1 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Co-habitee

2 F was the "co-habitee" of D on the day of D's death if—

(a) on that day F was living in the same household as D in a relationship with D corresponding to marriage or to civil partnership, and

(b) F had been doing so for a period of at least two years ending with that day.

Commencement Information

I139 Sch. 3 para. 2 not in force at Royal Assent, see **s. 63(4)**

Step-child

3 F is a "step-child" of D if F is a child of a person—

(a) who was the spouse, civil partner or co-habitee of D on the day of D's death, or

(b) who had ceased to be the spouse, civil partner or co-habitee of D on any day within the period of two years ending with the day of D's death.

Commencement Information

I140 Sch. 3 para. 3 not in force at Royal Assent, see **s. 63(4)**

Step-parent

4 F was, or is, a "step-parent" of D on a particular day if F—

(a) was, or is, the spouse, civil partner or co-habitee of a parent of D on that day, or

(b) had ceased to be the spouse, civil partner or co-habitee of a parent of D on any day within the period of two years ending with that day.

Commencement Information

I141 Sch. 3 para. 4 not in force at Royal Assent, see **s. 63(4)**

Step-brother or step-sister

5 F is the "step-brother" or "step-sister" of D if F is a child of a person—

(a) who was the spouse, civil partner or co-habitee of a parent of D on day of D's death, or

(b) who had ceased to be the spouse, partner or co-habitee of a parent of D on any day within the period of two years ending with the day of D's death.

Commencement Information

I142 Sch. 3 para. 5 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Interpretation

6 For the purposes of paragraph 3, 4 or 5, one person (A) is, or was, the co-habitee of another person (B) at a particular time if—

(a) at that time A is, or was, living in the same household as B in a relationship with B corresponding to marriage or to civil partnership, and

(b) A has been, or had been, doing so for a period of at least two years ending with that day.

Commencement Information

I143 Sch. 3 para. 6 not in force at Royal Assent, see **s. 63(4)**

PART 2

RELEVANT FAMILY MEMBERS

Meaning of "relevant family member"

7 (1) This Part of this Schedule applies for the purposes of section 15 or 17 to determine whether one person (F) is a relevant family member of another person (D) who is—

(a) in the case of a review of a death—

(i) the person to whose death the review relates,

(ii) another person killed in the relevant event, or

(iii) a person who suffered serious physical or mental harm in the relevant event and who has subsequently died; or

(b) in the case of a review of other harmful conduct—

(i) a person killed in the relevant event, or

(ii) a person who suffered serious physical or mental harm in the relevant event and who has subsequently died.

(2) F is a relevant family member of D if—

(a) F is a close family member of D whom the ICRIR has identified after taking such steps as the ICRIR considers reasonable, or

(b) in a case where no close family members have been identified after taking such steps, F is another member of the family of D whom the ICRIR—

(i) has identified after taking such steps as the ICRIR considers reasonable, and

(ii) considers it appropriate to be given the opportunity to make representations under section 16(2) or (3) or section 17(4).

(3) In this paragraph "relevant event" has the same meaning as in section 15 or 17.

Commencement Information

I144 Sch. 3 para. 7 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

VALID FROM 01/05/2024

SCHEDULE 4

Section 14

SUPPLY OF INFORMATION: ENFORCEMENT

PART 1

FAILURE TO COMPLY WITH A NOTICE

Penalty for failure to comply

1 (1) The ICRIR may require a person to pay a penalty if the ICRIR is satisfied, on a balance of probabilities, that the person—
(a) has failed to do anything that the person is required to do by a notice under section 14, and
(b) does not have a reasonable excuse for the failure.

(2) A penalty—
(a) may not exceed £5,000;
(b) is payable to the ICRIR on demand.

Commencement Information
I145 Sch. 4 para. 1 not in force at Royal Assent, see **s. 63(4)**

Notification of penalty decision

2 (1) If the ICRIR decides to require a person to pay a penalty under this Part of this Schedule, the ICRIR must give the person a penalty notice.

(2) A penalty notice must—
(a) be in writing,
(b) state the ICRIR's reasons for deciding to require the person to pay a penalty,
(c) state the amount of the penalty,
(d) specify the date on which it is given,
(e) specify the date, at least 28 days after the date specified in the notice as the date on which it is given, before which the penalty must be paid,
(f) specify how a penalty must be paid,
(g) include an explanation of the steps that the person may take if the person objects to the penalty (including specifying the manner and form in which any notice of objection must be given to the ICRIR), and
(h) include an explanation of the steps the ICRIR may take to recover any unpaid penalty.

Commencement Information

I146 Sch. 4 para. 2 not in force at Royal Assent, see **s. 63(4)**

Objection to penalty decision

3 (1) The recipient of a penalty notice (the "recipient") may object to the penalty notice by giving a notice of objection to the ICRIR.

(2) A notice of objection must—

(a) be in writing,

(b) give the reasons for the objection,

(c) be given to the ICRIR in the manner and form specified in the penalty notice, and

(d) be given before the end of the period of 28 days beginning with the date specified in the penalty notice as the date on which it is given.

(3) Where the ICRIR receives a notice of objection, the ICRIR must consider it and—

(a) cancel the penalty,

(b) reduce the penalty,

(c) increase the penalty, or

(d) determine not to alter the penalty.

(4) After deciding how to proceed under sub-paragraph (3), the ICRIR must notify the recipient of the decision in writing.

(5) A notification under sub-paragraph (4) must be given before the end of the period of 70 days beginning with the date specified in the penalty notice as the date on which it is given, or such longer period as the ICRIR may agree with the recipient.

(6) A notification under sub-paragraph (4), other than one notifying the recipient that the ICRIR has decided to cancel the penalty, must—

(a) state the amount of the penalty following the ICRIR's consideration of the notice of objection,

(b) state the ICRIR's reasons for the decision under sub-paragraph (3),

(c) specify the date, at least 28 days after the date on which the notification is given, before which the penalty must be paid,

(d) specify how the penalty must be paid,

(e) include an explanation of the recipient's rights of appeal, and

(f) include an explanation of the steps the ICRIR may take to recover any unpaid penalty.

Commencement Information

I147 Sch. 4 para. 3 not in force at Royal Assent, see **s. 63(4)**

Appeals

4 (1) A person (the "appellant") may appeal to the court against a decision to require the person to pay a penalty under this Part of this Schedule.

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(2) An appeal may be brought only if the appellant has given a notice of objection and the ICRIR has reduced, increased, or determined not to alter the penalty under paragraph 3(3).

(3) An appeal must be brought within the period of 28 days beginning with the date on which the person is notified of the ICRIR's decision on the notice of objection under paragraph 3(4).

(4) On appeal, the court may—
- (a) allow the appeal and cancel the penalty,
- (b) allow the appeal and reduce the penalty, or
- (c) dismiss the appeal.

(5) An appeal—
- (a) is to be a re-hearing of the ICRIR's decision to impose a penalty, and
- (b) may be determined having regard to matters of which the ICRIR was unaware.

(6) Sub-paragraph (5)(a) has effect despite any provision of rules of court.

(7) In this regulation, a reference to "the court" is a reference—
- (a) in Northern Ireland, to a county court,
- (b) in England and Wales, to the county court, and
- (c) in Scotland, to a sheriff.

Commencement Information

I148 Sch. 4 para. 4 not in force at Royal Assent, see **s. 63(4)**

Enforcement of penalty

5 (1) This paragraph applies where a sum is payable to the ICRIR as a penalty under this Part of this Schedule.

(2) In England and Wales, the penalty is recoverable as if it were payable under an order of the county court in England and Wales.

(3) In Scotland, the penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

(4) In Northern Ireland, the penalty is recoverable as if it were payable under an order of a county court in Northern Ireland.

(5) Where action is taken under this paragraph for the recovery of a sum payable as a penalty under this Part of this Schedule, the penalty is—
- (a) in relation to England and Wales, to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc) as if it were a judgment entered in the county court;
- (b) in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)) (register of judgments) as if it were a judgment in respect

of which an application has been accepted under Article 22 or 23(1) of that Order.

(6) The ICRIR must pay into the Consolidated Fund any penalty paid or recovered under this Part of this Schedule.

Commencement Information
I149 Sch. 4 para. 5 not in force at Royal Assent, see **s. 63(4)**

Giving of notices

6 (1) The ICRIR may give a notice to any person by—
(a) handing it to them,
(b) leaving it at their proper address, or
(c) sending it by post to that address.

(2) A person's proper address for the purposes of sub-paragraph (1) is—
(a) where that person is a body corporate, the address of its registered office or principal office;
(b) where that person is a partnership or an unincorporated association or body, the address of its principal office;
(c) in any other case, that person's last known address.

Commencement Information
I150 Sch. 4 para. 6 not in force at Royal Assent, see **s. 63(4)**

Interpretation

7 In this Part of this Schedule—
"notice of objection" means a notice given under paragraph 3(1);
"penalty notice" means a notice given under paragraph 2(1).

Commencement Information
I151 Sch. 4 para. 7 not in force at Royal Assent, see **s. 63(4)**

PART 2

DISTORTION OR SUPPRESSION OF EVIDENCE ETC

Distorting evidence etc

8 (1) A person is guilty of an offence if the person does anything that is intended to have the effect of—

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(a) distorting or otherwise altering any evidence, document or other thing that is produced or provided to the Commissioner for Investigations in accordance with a notice under section 14, or

(b) preventing any evidence, document or other thing from being produced or provided to the Commissioner for Investigations in accordance with a notice under section 14.

(2) A person is guilty of an offence if the person does anything that the person knows or believes is likely to have the effect described in sub-paragraph (1)(a) or (b).

Commencement Information
I152 Sch. 4 para. 8 not in force at Royal Assent, see **s. 63(4)**

Suppression of evidence etc

9 (1) A person is guilty of an offence if the person—

(a) intentionally suppresses or conceals, or

(b) intentionally alters or destroys,

a document that is, and that the person knows or believes to be, a relevant document.

(2) For that purpose a document is a "relevant document" if it is likely that the Commissioner for Investigations would (if aware of its existence) wish to be provided with it.

Commencement Information
I153 Sch. 4 para. 9 not in force at Royal Assent, see **s. 63(4)**

Institution of proceedings

10 Proceedings for an offence under paragraph 8 or 9 may be instituted—

(a) in England and Wales, only by or with the consent of the Director of Public Prosecutions;

(b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Commencement Information
I154 Sch. 4 para. 10 not in force at Royal Assent, see **s. 63(4)**

Penalties

11 (1) A person who is guilty of an offence under this Part of this Schedule is liable on summary conviction to a fine not exceeding level three on the standard scale or to imprisonment for a term not exceeding the relevant maximum, or to both.

(2) In this Part of this Schedule "relevant maximum" means—

(a) in Northern Ireland, six months;

(b) in England and Wales, 51 weeks;

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Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(c) in Scotland, 12 months.

(3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), the reference in sub-paragraph (2)(b) to 51 weeks is to be read as a reference to six months.

Commencement Information
I155 Sch. 4 para. 11 not in force at Royal Assent, see **s. 63(4)**

SCHEDULE 5

Section 19

NO IMMUNITY IN CERTAIN CIRCUMSTANCES

PART 1

SEXUAL OFFENCE, EXISTING CONVICTION OR ONGOING PROSECUTION

PROSPECTIVE

Application of this Part

1 This Part of this Schedule applies if—

(a) a person (P) has requested the ICRIR to grant P immunity from prosecution (the "current request") under section 19 and conditions A to C are met, but

(b) this Schedule prohibits a grant of immunity for an identified possible offence (see paragraphs 2 and 3).

Commencement Information
I156 Sch. 5 para. 1 not in force at Royal Assent, see **s. 63(4)**

Prohibition of grant of immunity: sexual offences

2 (1) A grant of immunity for an identified possible offence is prohibited if it is—

(a) a sexual offence, or

(b) an inchoate offence relating to a sexual offence.

(2) For the purposes of this paragraph "sexual offence" includes—

(a) rape;

(b) any offence committed by—

(i) sexual assault,

(ii) sexual activity, or

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(iii) causing or inciting another person to engage in sexual activity;

(c) any offence relating to indecent images of children.

(3) For the purposes of this paragraph "inchoate offence relating to a sexual offence" includes an offence of—

(a) attempting to commit a sexual offence;

(b) conspiracy to commit a sexual offence;

(c) incitement to commit a sexual offence;

(d) aiding, abetting, counselling or procuring the commission of a sexual offence.

(4) The Secretary of State may, by regulations, make provision about the meaning of—

(a) "sexual offence", or

(b) "inchoate offence relating to a sexual offence";

for the purposes of this Part of this Schedule (including provision specifying offences which are to comprise, or to be included in, that definition).

(5) Regulations under this paragraph are subject to negative procedure.

Commencement Information

I157 Sch. 5 para. 2 not in force at Royal Assent, see **s. 63(4)**

I158 Sch. 5 para. 2(4)(5) in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(j)**

VALID FROM 01/05/2024

Prohibition of grant of immunity: conviction or ongoing prosecution

3 (1) A grant of immunity for an identified possible offence is prohibited if—

(a) P has a conviction for the identified possible offence,

(b) P is being prosecuted for the identified possible offence, or

(c) P is being prosecuted for any other offence (whether or not a Troubles-related offence), and the immunity requests panel is satisfied that granting P immunity from prosecution for the identified possible offence would risk having, or would have, a prejudicial effect on that prosecution.

(2) For the purposes of this paragraph—

(a) P is "being prosecuted for" an offence if a public prosecution of P for the offence has begun and is continuing;

(b) a "public prosecution" means any prosecution other than a private prosecution;

(c) a public prosecution of P for an offence "has begun" if a prosecutor has made the decision to prosecute P for that offence;

(d) the circumstances in which a public prosecution of P is to be regarded as continuing include circumstances where the trial which forms part of the prosecution ends without P being convicted or acquitted or any other verdict being given and either—

(i) the period for the prosecution to seek a retrial is continuing (without a retrial having been sought), or

(ii) the prosecution have sought a retrial;

(e) the circumstances in which a public prosecution of P is to be regarded as not continuing include—

(i) circumstances where the trial which forms part of the prosecution ends with P being convicted or acquitted or with another verdict being given, and

(ii) circumstances where the trial ends without P being convicted or acquitted or any other verdict being given and the period for the prosecution to seek a retrial ends without a retrial having been sought.

Commencement Information

I159 Sch. 5 para. 3 not in force at Royal Assent, see **s. 63(4)**

PROSPECTIVE

Grant of immunity prohibited for all identified possible offences

4 (1) If this Schedule prohibits a grant of immunity for all of the identified possible offences, the ICRIR must not grant P immunity from prosecution in relation to the current request.

(2) Accordingly, section 19(1) and (7) to (16) do not apply in relation to the current request.

Commencement Information

I160 Sch. 5 para. 4 not in force at Royal Assent, see **s. 63(4)**

PROSPECTIVE

Grant of immunity prohibited for some identified possible offences

5 (1) This paragraph applies if this Schedule prohibits a grant of immunity for some (but not all) of the identified possible offences.

(2) The immunity requests panel must not decide under section 19(7) that P should be granted immunity from prosecution for—

(a) any identified possible offence for which this Schedule prohibits a grant of immunity, or

(b) a description of offences that includes any identified possible offence for which this Schedule prohibits a grant of immunity.

(3) The ICRIR must not grant P immunity from prosecution for any identified possible offence for which this Schedule prohibits a grant of immunity.

(4) Section 19(7) to (13) have effect subject to this paragraph.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Commencement Information

I161 Sch. 5 para. 5 not in force at Royal Assent, see **s. 63(4)**

PART 2

NEW REQUEST FOR IMMUNITY AFTER REVOCATION OF PREVIOUS GRANT

PROSPECTIVE

6 (1) This paragraph applies where—

(a) under section 26, a court revokes immunity from prosecution granted to a person (P) (the "revoked immunity"),

(b) P requests the ICRIR to grant P immunity from prosecution (the "new request"),

(c) the new request—

(i) is made before the revocation and is not concluded at the time of the revocation, or

(ii) is made after the revocation, and

(d) conditions A to C in section 19 are met in relation to the new request.

(2) When dealing with the new request, the duty of the immunity requests panel to decide (under section 19(7)) what immunity should be granted to P has effect subject to sub-paragraphs (3) and (4).

(3) The panel must not decide that P should be granted immunity from prosecution for any identified possible offence which was also within the scope of the revoked immunity.

(4) When the panel is determining under section 19(9) or (11)(b) a description of offences for which P should be granted immunity from prosecution, the panel must frame the description so that it does not consist of, or include, one or more offences which were also within the scope of the revoked immunity.

(5) If the panel decides in accordance with sub-paragraphs (3) and (4) that there are no offences for which P should be granted immunity—

(a) the panel must decide that P should not be granted immunity from prosecution, and

(b) the ICRIR must not grant P immunity from prosecution (and accordingly section 19(1) does not apply).

(6) For the purposes of this paragraph the new request is "concluded" when the ICRIR gives P written notice of the outcome of the request in accordance with section 19(13)(a).

Commencement Information

I162 Sch. 5 para. 6 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

VALID FROM 01/05/2024

SCHEDULE 6

Section 30

PERMITTED DISCLOSURES OF INFORMATION

PART 1

DISCLOSURES THAT ARE "PERMITTED"

Introduction

1 Paragraphs 2 to 5 set out which disclosures of information are "permitted" for the purposes of section 30(3).

Commencement Information
I163 Sch. 6 para. 1 not in force at Royal Assent, see **s. 63(4)**

Disclosure of any information to the Secretary of State

2 A disclosure of any information by the ICRIR to the Secretary of State is permitted.

Commencement Information
I164 Sch. 6 para. 2 not in force at Royal Assent, see **s. 63(4)**

Disclosure of sensitive information to certain recipients

3 (1) A disclosure of sensitive information by the ICRIR to a person listed in sub-paragraph (2) is permitted if—
(a) the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, and
(b) the disclosure is made after the end of the relevant 10 day period.

(2) The persons to whom a disclosure is permitted under this paragraph are—
(a) the Director of Public Prosecutions for Northern Ireland;
(b) the Director of Public Prosecutions;
(c) the Lord Advocate;
(d) a member of the PSNI;
(e) a member of a police force in Great Britain;
(f) a coroner in Northern Ireland or England and Wales who is—
(i) a judge of the High Court in Northern Ireland,
(ii) a judge of the High Court in England and Wales,
(iii) a county court judge in Northern Ireland, or

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(iv) a Circuit judge in England and Wales;

(g) a sheriff in Scotland, if the disclosure is made in respect of an inquiry into a death being, or to be, held under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2).

(3) In this paragraph "relevant 10 day period" (in relation to a proposed disclosure notified to the Secretary of State) means the period of ten working days beginning with the day on which notification of the proposed disclosure is given under sub-paragraph (1).

(4) For that purpose "working day" means any day other than—

(a) a Saturday or a Sunday,

(b) Christmas Day or Good Friday, or

(c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Commencement Information

I165 Sch. 6 para. 3 not in force at Royal Assent, see **s. 63(4)**

Disclosure of sensitive information notified in advance to the Secretary of State

4 (1) A disclosure of sensitive information by the ICRIR is permitted if—

(a) the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, and

(b) the Secretary of State notifies the Commissioner for Investigations that the proposed disclosure is permitted.

(2) The Secretary of State must respond to a notification by the Commissioner for Investigations under this paragraph within the relevant decision period, by notifying that Commissioner that the proposed disclosure either—

(a) is permitted, or

(b) is prohibited.

(3) But the Secretary of State may notify the Commissioner for Investigations that the proposed disclosure is prohibited only if, in the Secretary of State's view, the disclosure of the sensitive information would risk prejudicing, or would prejudice, the national security interests of the United Kingdom.

(4) If the Secretary of State notifies the Commissioner for Investigations that the proposed disclosure is prohibited—

(a) the Secretary of State must consider whether reasons for prohibiting it can be given without disclosing information which would risk prejudicing, or would prejudice, the national security interests of the United Kingdom; and

(b) if they can be given, the Secretary of State must give those reasons to the Commissioner for Investigations.

Commencement Information

I166 Sch. 6 para. 4 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Disclosure of protected international information notified in advance to the Secretary of State

5 (1) A disclosure of protected international information by the ICRIR is permitted if—
- (a) the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, and
- (b) the Secretary of State notifies the Commissioner for Investigations that the proposed disclosure is permitted.

(2) The Secretary of State must respond to a notification by the Commissioner for Investigations under this paragraph within the relevant decision period, by notifying that Commissioner that the proposed disclosure either—
- (a) is permitted, or
- (b) is prohibited.

(3) But the Secretary of State may notify the Commissioner for Investigations that the proposed disclosure is prohibited only if, in the Secretary of State's view, the disclosure of the protected international information would, or would be likely to, damage international relations.

Commencement Information
I167 Sch. 6 para. 5 not in force at Royal Assent, see **s. 63(4)**

The "relevant decision period"

6 (1) In paragraph 4 or 5 "relevant decision period" (in relation to a proposed disclosure notified to the Secretary of State) means—
- (a) the period of 60 days beginning with the day on which the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, or
- (b) any reasonable longer period which the Secretary of State specifies, in notice given to the Commissioner for Investigations during that 60 day period, as the period which the Secretary of State wishes to take in order to make a decision whether to permit or prohibit the proposed disclosure.

(2) But if the court directs the Secretary of State to remake a decision—
- (a) on an appeal under paragraph 9, or
- (b) on any further appeal,

"relevant decision period" means the period for remaking that decision in compliance with that direction.

Commencement Information
I168 Sch. 6 para. 6 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

PART 2

DECISIONS TO PROHIBIT DISCLOSURES OF SENSITIVE INFORMATION IN FINAL REPORTS

Application of this Part

7 This Part of this Schedule applies if—

(a) it was proposed to disclose sensitive information in a final report (the "proposed disclosure"),

(b) the Commissioner for Investigations notified the Secretary of State of the proposed disclosure in accordance with paragraph 4(1)(a), and

(c) the Secretary of State decided to prohibit the proposed disclosure in the final report (the "affected report").

Commencement Information

I169 Sch. 6 para. 7 not in force at Royal Assent, see **s. 63(4)**

Affected report to include statement of Secretary of State's decision

8 (1) The affected report must include a statement that the Secretary of State decided to prohibit the proposed disclosure.

(2) The statement must also set out any reasons for prohibiting the disclosure which the Secretary of State gives in accordance with paragraph 4(4).

(3) In a case where—

(a) the affected report includes a statement relating to the proposed disclosure in accordance with this paragraph,

(b) an initial appeal is brought against the Secretary of State's decision not to permit the proposed disclosure, and

(c) the Secretary of State remakes the decision in accordance with a direction given by the court,

a new final report relating to the death or other Troubles-related circumstances must be produced in accordance with section 15.

Commencement Information

I170 Sch. 6 para. 8 not in force at Royal Assent, see **s. 63(4)**

Initial appeals

9 (1) In this Part of this Schedule "initial appeal" means an appeal to the relevant court against the Secretary of State's decision not to permit the proposed disclosure in the affected report.

(2) The function of the relevant court on an initial appeal is to review the Secretary of State's decision not to permit the proposed disclosure.

(3) In determining an initial appeal, the relevant court must apply the principles applicable on an application for judicial review or, in Scotland, an application to the supervisory jurisdiction of the Court of Session.

(4) On an initial appeal—

(a) the court has the power to quash the Secretary of State's decision;

(b) if the court quashes the decision, it must direct the Secretary of State to remake the decision within—

(i) the period of 60 days beginning with the day on which the court gives the direction, or

(ii) any reasonable longer period which the court specifies (after considering any representations made by a party to the proceedings).

(5) If the court does not exercise that power to quash the decision, it must dismiss the appeal.

Commencement Information

I171 Sch. 6 para. 9 not in force at Royal Assent, see **s. 63(4)**

Bringing an initial appeal

10 (1) An initial appeal may be brought by—

(a) the person who requested the review to which the affected report relates, or

(b) a person who would be eligible to request a review (see paragraph 13(3)).

(2) An initial appeal must be brought within the period of 28 days beginning with the day on which the affected report is published under section 17.

Commencement Information

I172 Sch. 6 para. 10 not in force at Royal Assent, see **s. 63(4)**

Further appeal against an initial appeal

11 (1) This paragraph applies if the relevant court has determined an initial appeal.

(2) The person who brought the initial appeal may bring an appeal in the appeal court against the determination of the initial appeal (a "further appeal").

(3) But that person may bring the further appeal only with the leave of—

(a) the relevant court which determined the initial appeal, or

(b) the appeal court.

(4) The court may not give such leave unless satisfied that—

(a) the further appeal would raise some important point of principle or practice, or

(b) there is some other compelling reason for the further appeal to be heard.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Commencement Information
I173 Sch. 6 para. 11 not in force at Royal Assent, see **s. 63(4)**

Application of the Justice and Security Act 2013

12 (1) Any proceedings on an initial appeal or a further appeal (including any proceedings before the Supreme Court) are to be treated as section 6 proceedings (within the meaning of the JSA 2013) for the purposes of sections 8 to 14 of the JSA 2013.

(2) Sections 8 to 14 of the JSA 2013 apply in relation to proceedings treated as section 6 proceedings by sub-paragraph (1) as if—
(a) the Secretary of State were the relevant person, and
(b) the references to the interests of national security in sections 8, 11 and 13 of the JSA 2013 were references to the interests of national security or the interests of the international relations of the United Kingdom.

(3) But sections 8 to 14 of the JSA 2013, and rules of court relating to section 6 proceedings, do not prevent an appeal under this paragraph from being considered in the presence of—
(a) the Commissioner for Investigations,
(b) another ICRIR officer nominated by the Commissioner for Investigations, or
(c) a legal representative of the ICRIR.

Commencement Information
I174 Sch. 6 para. 12 not in force at Royal Assent, see **s. 63(4)**

Interpretation

13 (1) In this Part of this Schedule—
"affected report" has the meaning given in paragraph 7(c);
"appeal court" means—
(a) the Court of Appeal in Northern Ireland,
(b) the Court of Appeal in England and Wales, or
(c) the Inner House of the Court of Session;
"further appeal" has the meaning given in paragraph 11;
"initial appeal" has the meaning given in paragraph 9;
"JSA 2013" means the Justice and Security Act 2013;
"proposed disclosure" has the meaning given in paragraph 7(a);
"relevant court" means—
(a) the High Court in Northern Ireland,
(b) the High Court in England and Wales, or
(c) the Outer House of the Court of Session.

(2) Expressions used in this Part of this Schedule and in sections 9 to 15 have the same meanings in this Part as in those sections.

(3) For the purposes of bringing an initial appeal a person "would be eligible to request a review" if, at the time of bringing the initial appeal, the person would be entitled to make a request under—

(a) section 9 for a review of the death to which the affected report relates, or

(b) section 10 for a review of the other Troubles-related circumstances to which the affected report relates;

and, in determining whether the person would be entitled to make the request, the fact that a review has already been requested must be ignored.

(4) The following provisions apply to a determination (for the purposes of sub-paragraph (3)) of whether a person would be entitled to make a request under section 9.

(5) In the case of a request under section 9(2), it is for the relevant court (rather than the Commissioner for Investigations) to decide the person's entitlement to make the request (and accordingly section 9(7) does not apply).

(6) In determining for the purposes of this Schedule whether a person is, under Schedule 3, a close family member of D, paragraph 1(2) of Schedule 3 has effect as if the following provision were substituted for paragraph (f)—

"(f) was a step-parent of D on the day of D's death or is a step-parent of D on—

(i) the day on which the request for the review is made, or

(ii) the day when the initial appeal is brought;".

Commencement Information

I175 Sch. 6 para. 13 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

SCHEDULE 7

Section 30

OFFENCES RELATING TO DISCLOSURE OF INFORMATION

Current and former Commissioners, ICRIR officers and ICRIR contractors

1 (1) A person who is, or has ceased to be, a Commissioner, ICRIR officer or ICRIR contractor commits an offence if—

(a) the person discloses information which the person obtained as a Commissioner, ICRIR officer or ICRIR contractor, and

(b) the disclosure would, if it had been made by the ICRIR, have constituted a breach of a relevant prohibition on disclosure.

(2) It does not matter whether the disclosure of information occurs within or outside the United Kingdom.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(3) This paragraph does not apply to the communication of information by a person to another person in that other person's capacity as a Commissioner, ICRIR officer, or ICRIR contractor.

(4) It is a defence for a person charged with an offence under this paragraph to prove that at the time of the alleged offence the person did not know, and had no reasonable cause to believe, that the disclosure would, if it had been made by the ICRIR, have constituted a breach of a relevant prohibition on disclosure.

Commencement Information
I176 Sch. 7 para. 1 not in force at Royal Assent, see **s. 63(4)**

Penalties

2 A person guilty of an offence under this Schedule is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(c) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine or both;

(d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both.

Commencement Information
I177 Sch. 7 para. 2 not in force at Royal Assent, see **s. 63(4)**

Interpretation

3 In this Schedule—

"relevant prohibition on disclosure" is a prohibition on disclosure of information imposed by section 30(2)—

(a) where any of prohibitions A to C applies (see section 30(4) to (6)), or

(b) where prohibition D applies (see section 30(7)) because the disclosure contravenes the duty imposed by section 4(1)(a) or (b).

Commencement Information
I178 Sch. 7 para. 3 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

VALID FROM 01/05/2024

SCHEDULE 8

Section 32

IDENTIFICATION OF SENSITIVE, PREJUDICIAL OR PROTECTED INTERNATIONAL INFORMATION

PART 1

THE ICRIR: IDENTIFICATION OF SENSITIVE OR PREJUDICIAL INFORMATION

1 (1) The Commissioner for Investigations must, from time to time, identify any information held by the ICRIR which (in that Commissioner's opinion) is—
(a) sensitive information, or
(b) prejudicial information.

(2) That duty does not require the Commissioner for Investigations to identify information as sensitive information, or as prejudicial information, if (in accordance with paragraph 2 or 3) a relevant authority has notified the Commissioner for Investigations that that authority has identified the information as that kind of information.

Commencement Information
I179 Sch. 8 para. 1 not in force at Royal Assent, see **s. 63(4)**

PART 2

RELEVANT AUTHORITIES: IDENTIFICATION OF SENSITIVE OR PREJUDICIAL INFORMATION

Information made available by a relevant authority

2 (1) This paragraph applies if a relevant authority is proposing to make any information available to the ICRIR (whether in accordance with section 5 or otherwise).

(2) The relevant authority must identify any of the information which, in the relevant authority's opinion, is—
(a) sensitive information, or
(b) prejudicial information.

(3) When making the information available to the ICRIR, the relevant authority must notify the Commissioner for Investigations of any of the information which the relevant authority has identified in accordance with this paragraph.

Commencement Information
I180 Sch. 8 para. 2 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Information made available by other persons

3 (1) This paragraph applies if a person other than a relevant authority—
(a) is proposing to make any information available to the ICRIR, or
(b) has made any information available to the ICRIR.

(2) A relevant authority may identify any of the information which (in the relevant authority's opinion) is—
(a) sensitive information, or
(b) prejudicial information.

(3) The relevant authority must notify the Commissioner for Investigations of any of the information which that relevant authority has identified in accordance with this paragraph.

Commencement Information
I181 Sch. 8 para. 3 not in force at Royal Assent, see **s. 63(4)**

Notifications under this Schedule

4 A notification of information under paragraph 2 or 3 must include a statement of whether, in the relevant authority's opinion, the information would, if disclosed generally, be—
(a) sensitive information,
(b) prejudicial information, or
(c) information of both of those kinds.

Commencement Information
I182 Sch. 8 para. 4 not in force at Royal Assent, see **s. 63(4)**

PART 3

SECRETARY OF STATE: IDENTIFICATION OF PROTECTED INTERNATIONAL INFORMATION

5 The Secretary of State may notify the Commissioner for Investigations of—
(a) any information held by the ICRIR, or
(b) any information which any person is proposing to make available to the ICRIR,
which, in the Secretary of State's opinion, is protected international information.

Commencement Information
I183 Sch. 8 para. 5 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

SCHEDULE 9

Section 43

DETERMINATION OF WHETHER THE PROHIBITION ON CIVIL ACTIONS APPLIES

Actions that contravene a section 43 prohibition

1 In this Schedule a reference to an action that contravenes a section 43 prohibition is a reference to a relevant Troubles-related civil action that—

(a) is being continued in contravention of the prohibition in section 43(1), or

(b) has been brought in contravention of the prohibition in subsection 43(2).

Commencement Information

I184 Sch. 9 para. 1 in force at 18.11.2023, see **s. 63(2)(a)**

Right of the Secretary of State to intervene

2 (1) This paragraph applies to an action if—

(a) sufficient evidence is adduced to raise an issue as to whether it is an action that contravenes a section 43 prohibition, or

(b) it otherwise appears to the court that it may be an action that contravenes a section 43 prohibition.

(2) The Secretary of State is entitled to be given notice, in accordance with rules of court, that it may be an action that contravenes a section 43 prohibition.

(3) The Secretary of State (or a person nominated by the Secretary of State) is entitled, on giving notice in accordance with rules of court, to be joined as a party to the action.

(4) Notice under sub-paragraph (3) may be given at any time during proceedings relating to the action.

(5) A person who has been made a party to the action as the result of a notice under sub-paragraph (3) may take part in proceedings so far as they concern the question of whether it is an action that contravenes a section 43 prohibition.

Commencement Information

I185 Sch. 9 para. 2 in force at 18.11.2023, see **s. 63(2)(a)**

Determination by the court

3 (1) This paragraph applies to an action if sufficient evidence is adduced to raise an issue as to whether it is an action that contravenes a section 43 prohibition.

(2) The court must determine the question of whether it is an action that contravenes a section 43 prohibition in accordance with this paragraph.

(3) The court must assume that it is an action that contravenes the section 43 prohibition unless it is proved that the action does not do so.

(4) If the court determines that it is an action that contravenes the section 43 prohibition, the court must dismiss the action.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(5) But the powers of a court in relation to the determination or recovery of costs (in Northern Ireland or England and Wales) or expenses (in Scotland) of the action are not affected by that obligation to dismiss the action.

(6) Accordingly, the court may comply with that obligation by dismissing the action subject to determination or recovery of costs or expenses.

(7) The court—

(a) must determine the question of whether it is an action that contravenes a section 43 prohibition before considering any other question arising in the action;

(b) must not, in the proceedings to determine the question of whether it is an action that contravenes a section 43 prohibition, consider any other question arising in the action.

(8) But sub-paragraph (7) is subject to the following exceptions—

(a) the court may consider—

(i) the question of whether it is an action that contravenes a section 43 prohibition, and

(ii) any question of limitation law arising in the action,

in the same proceedings;

(b) the court need not comply with sub-paragraph (7)(a), or with sub-paragraph (7)(b), if the court considers that there are exceptional reasons for not complying with it.

(9) In this paragraph "question of limitation law" means a question relating to—

(a) the Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11)),

(b) the Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5)),

(c) the Limitation Act 1980,

(d) the Foreign Limitation Periods Act 1984,

(e) the Prescription and Limitation (Scotland) Act 1973,

(f) section 190 of the Merchant Shipping Act 1995, or

(g) any other legislation relating to limitation of actions.

Commencement Information

I186 Sch. 9 para. 3 in force at 18.11.2023, see **s. 63(2)(a)**

Appeals etc

4 (1) This paragraph applies if, in accordance with paragraph 3, the court determines the question of whether an action contravenes a section 43 prohibition.

(2) Section 43 does not stop any proceedings which relate to, or arise out of, the determination, including any appeal or proceedings for costs (in Northern Ireland or England and Wales) or expenses (in Scotland), from being begun or continued.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Commencement Information
I187 Sch. 9 para. 4 in force at 18.11.2023, see **s. 63(2)(a)**

SCHEDULE 10

Section 43

CIVIL ACTIONS TO WHICH THE 2008 MEDIATION DIRECTIVE APPLIES

Prohibition on continuing or bringing actions which involved prior cross-border mediation

1 (1) Section 43(1) and (2) do not apply to any action which involved prior cross-border mediation.

(2) Accordingly, in relation to such an action, section 43 has effect as if subsections (1) and (2) were replaced with these provisions—

"(1) An action which involved prior cross-border mediation that was brought on or after the later of—

(a) the end of the relevant post-mediation period, and

(b) the day of the First Reading in the House of Commons of the Bill for this Act,

may not be continued on or after the day on which section 43 comes into force.

(2) An action which involved prior cross-border mediation may not be brought on or after the day on which section 43 comes into force, unless the action is brought before the end of the relevant post-mediation period."

(3) A reference in section 43(7) or (8) to section 43(1) or (2) accordingly includes a reference to the corresponding provision contained in sub-paragraph (2).

Commencement Information
I188 Sch. 10 para. 1 in force at 18.11.2023, see **s. 63(2)(a)**

Interpretation

2 (1) In this Schedule (including the modification of section 43 made by paragraph 1(2))—

"action which involved prior cross-border mediation" means a relevant Troubles-related civil action if the matter in dispute in the action has been subject to cross-border mediation in accordance with transitional EU law;

"relevant post-mediation period", in relation to such an action, means the period of eight weeks after the cross-border mediation ends;

"2008 Mediation Directive" means Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

(2) "Relevant Troubles-related civil action" has the same meaning as in section 43.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(3) The "matter in dispute" in a relevant Troubles-related civil action is the claim (referred to in section 43(4)) which arises out of conduct forming part of the Troubles and which the action is to determine.

(4) The matter in dispute has been "subject to cross-border mediation in accordance with transitional EU law" if it is within case A or case B below.

(5) *Case A*: a case where the 2008 Mediation Directive applies to the matter in dispute by virtue of point (i) or (ii) of Article 69(1)(b) of the EU withdrawal agreement (cases where, before the end of the transition period, the parties had agreed, or been ordered, to use mediation).

(6) In such a case, the "cross-border mediation ends" when the mediation referred to in point (i) or (ii) of Article 69(1)(b) ends.

(7) *Case B*: a case where—

(a) the 2008 Mediation Directive applies to the matter in dispute by virtue of point (iii) of Article 69(1)(b) of the EU withdrawal agreement (cases where, before the end of the transition period, a court had invited the parties to use mediation), and

(b) mediation of the matter in dispute starts (whether it starts before, on, or after the day of the First Reading in the House of Commons of the Bill for this Act, including where it starts on or after the day on which section 43 comes into force).

(8) In such a case, the "cross-border mediation ends" when that mediation ends.

(9) A mediation—

(a) "starts" when it would have started for the purposes of the corresponding limitation provision;

(b) "ends" when it would have ended for the purposes of the corresponding limitation provision.

(10) The "corresponding limitation provision" is—

(a) Article 51A of the Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11)) (see, in particular, Article 51A(3) of that Order), if—

(i) that Order,

(ii) the Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5)), or

(iii) the Merchant Shipping Act 1995,

is the limitation legislation that is ordinarily applicable;

(b) section 33A of the Limitation Act 1980 (see section 33A(6) to (8) of that Act), if—

(i) that Act, or

(ii) the Merchant Shipping Act 1995,

is the limitation legislation that is ordinarily applicable;

(c) section 1A of the Foreign Limitation Periods Act 1984 (see section 1A(5) to (7) of that Act), if that Act is the limitation legislation that is ordinarily applicable;

(d) section 19F of the Prescription and Limitation (Scotland) Act 1973 (see, in particular, section 19F(3) of that Act), if—

(i) that Act, or

(ii) the Merchant Shipping Act 1995,

is the limitation legislation that is ordinarily applicable.

(11) Accordingly—

(a) Article 51A of the 1989 Order, section 33A of the 1980 Act, and section 1A of the 1984 Act (which were repealed by Schedule 1 to the 2019 Regulations) continue to have effect for the purposes of this Schedule (in addition to the purposes for which they continue to have effect under regulation 5 of the 2019 Regulations);

(b) section 19F of the 1973 Act (which was repealed by regulation 2 of the the 2020 Regulations) continues to have effect for the purposes of this Schedule (in addition to the purposes for which it continues to have effect under regulation 7 of the 2020 Regulations).

(12) An Order or Act is "the limitation legislation that is ordinarily applicable" if the time limit for bringing the action which involved prior cross-border mediation was, or would be (in the absence of section 43), given in that Order or Act (see section 43(6)).

(13) The "2019 Regulations" are the Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469).

(14) The "2020 Regulations" are the Civil and Family Justice (EU Exit) (Scotland) (Amendment etc) Regulations 2020 (S.S.I. 2020/441).

Commencement Information

I189 Sch. 10 para. 2 in force at 18.11.2023, see **s. 63(2)(a)**

VALID FROM 01/05/2024

SCHEDULE 11

Section 44

INVESTIGATIONS, INQUESTS AND INQUIRIES IN ENGLAND AND WALES AND SCOTLAND

PART 1

ENGLAND AND WALES: INVESTIGATIONS AND INQUESTS

Coroners and Justice Act 2009

1 (1) After section 11 of the Coroners and Justice Act 2009 insert—

"Deaths related to the Northern Ireland Troubles

11A Investigations and inquests into Troubles-related deaths

Schedule 1A makes provision about investigations and inquests into Troubles-related deaths."

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(2) After Schedule 1 to that Act insert—

"SCHEDULE
1A

INVESTIGATIONS AND INQUESTS INTO TROUBLES-RELATED DEATHS

Obligatory discontinuance of existing investigations and inquests

1 (1) This paragraph applies to an investigation into a death that resulted directly from the Troubles if, on 1 May 2024, a senior coroner was under a duty to conduct the investigation unless, on that day, the only part of the investigation that remains to be carried out is the coroner or any jury making the determination and any findings required by section 10, or something subsequent to that.

(2) On and after that day a coroner must not progress the conduct of—
(a) the investigation, or
(b) the inquest.

(3) As soon as practicable on or after that day, the senior coroner who is responsible for conducting the investigation must discontinue—
(a) the investigation, and
(b) the inquest, including by discharging any jury that has been summoned.

(4) Any enactment which requires a senior coroner to conduct an investigation or hold an inquest is subject to this paragraph.

New investigations and inquests

2 (1) This paragraph applies on and after the day on which paragraph 1(2) of Schedule 11 to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force.

(2) The duty under section 1(1) is not to begin to apply to a senior coroner in respect of a death that resulted directly from the Troubles.

(3) A senior coroner (A) must not make a request under section 2 for another senior coroner (B) to conduct an investigation into a death that resulted directly from the Troubles; and B must not agree to such a request.

(4) The Chief Coroner must not give a direction under section 1(5) or 3 to a senior coroner to conduct an investigation into a death that resulted directly from the Troubles.

Interpretation

3 (1) For the purposes of this Schedule a death "resulted directly from the Troubles" if—

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from of an act of violence or force, and

(b) the act of violence or force was conduct forming part of the Troubles.

(2) In this paragraph "conduct forming part of the Troubles" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).

(3) In this Schedule—

"inquest" means the inquest that forms part of an investigation;

"investigation" means an investigation under this Part."

Commencement Information

I190 Sch. 11 para. 1 in force at 1.5.2024, see **s. 63(3)**

Coroners Act 1988

2 (1) In section 13 of the Coroners Act 1988 (order to hold investigation), after subsection (4) insert—

"(5) This section does not apply in relation to a death that resulted directly from the Troubles (which has the same meaning as in Schedule 1A to the Coroners and Justice Act 2009 — see paragraph 4 of that Schedule)."

(2) The repeal of the Coroners Act 1988 in Part 1 of Schedule 23 to the Coroners and Justice Act 2009 applies to section 13(5) of the 1988 Act as it applies to the other provisions of that Act.

Commencement Information

I191 Sch. 11 para. 2 in force at 1.5.2024, see **s. 63(3)**

PART 2

SCOTLAND: INQUIRIES AND INVESTIGATIONS

Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

3 (1) After section 7 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2) insert—

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

"Deaths related to the Northern Ireland Troubles

7A Inquiries and investigations into Troubles-related deaths

Schedule A1 makes provision about inquiries and investigations into Troubles-related deaths."

(2) Before Schedule 1 to that Act insert—

"SCHEDULE
A1

INQUIRIES AND INVESTIGATIONS INTO TROUBLES-RELATED DEATHS

Obligatory discontinuance of existing inquiries and investigations

1 (1) This paragraph applies to an inquiry into a death that resulted directly from the Troubles if it was initiated before 1 May 2024, unless, on that day, the only part of the inquiry that remains to be carried out is the sheriff making the determination required by section 26, or something subsequent to that.

(2) On and after that day, the sheriff must not progress the conduct of the inquiry.

(3) As soon as practicable on or after that day, the sheriff must discontinue the inquiry.

(4) If this paragraph applies to an inquiry—

(a) on and after 1 May 2024, the procurator fiscal must not progress conduct of the investigation into that death required by section 1(1)(a), and

(b) as soon as practicable on or after that day, the procurator fiscal must discontinue the investigation (if it has been begun).

(5) Section 1(1) (procurator fiscal to investigate death and arrange inquiry) and section 1(2) (sheriff to conduct inquiry) are subject to this paragraph.

New inquiries and investigations

2 On and after the day the day on which paragraph 3 of Schedule 11 to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force—

(a) the Lord Advocate must not exercise the functions conferred by section 4, 6 or 7 so as to cause an inquiry to be held into any death that resulted directly from the Troubles;

(b) the procurator fiscal must not give the sheriff notice under section 15(1) that an inquiry is to be held into any death that resulted directly from the Troubles; and

(c) further inquiry proceedings must not be held in accordance with section 30(2) in relation to a death that resulted directly from the Troubles.

Interpretation

3 (1) For the purposes of this Schedule a death "resulted directly from the Troubles" if—

(a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from of an act of violence or force, and

(b) the act of violence or force was conduct forming part of the Troubles.

(2) In this paragraph "conduct forming part of the Troubles" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).

(3) For the purposes of this Schedule an inquiry is "initiated" by the procurator fiscal giving the sheriff notice under section 15(1) that the inquiry is to be held."

Commencement Information

I192 Sch. 11 para. 3 in force at 1.5.2024, see **s. 63(3)**

VALID FROM 01/05/2024

SCHEDULE 12

Section 48

PRISONER RELEASE

Amendment and saving of legislation

1 (1) The Northern Ireland (Sentences) Act 1998 is amended in accordance with this Schedule.

(2) Those amendments do not apply in relation to any application for a declaration made to the Commissioners under section 3(1) of the Northern Ireland (Sentences) Act 1998 before this Schedule comes into force.

Commencement Information

I193 Sch. 12 para. 1 in force at 1.5.2024, see **s. 63(3)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

Qualifying offences: offences committed between 1966 and 1973

2 (1) Section 3 (applications to the Sentence Review Commissioners) is amended in accordance with this paragraph.

(2) After subsection (6) insert—

"(6A) An offence is a qualifying offence if—

(a) subsection (7) or (7A) applies to the offence, and

(b) the prisoner was convicted of the offence—

(i) before the day on which section 19(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 came into force, or

(ii) on or after that day by virtue of a public prosecution begun before that day.

(6B) For the purposes of subsection (6A)—

(a) "public prosecution" means any prosecution other than a private prosecution;

(b) a public prosecution of a person for an offence is "begun" when a prosecutor makes the decision to prosecute that person for that offence."

(3) In subsection (7)—

(a) in the opening words, for "A qualifying offence is" substitute "This subsection applies to";

(b) in paragraph (a), after "committed" insert "on or after 8 August 1973 and".

(4) After subsection (7) insert—

"(7A) This subsection applies to an offence which—

(a) was committed on or after 1 January 1966 and before 8 August 1973,

(b) arose out of any conduct forming part of the Troubles, and

(c) is certified by the Director of Public Prosecutions for Northern Ireland as an offence which, if it had been committed in Northern Ireland on 8 August 1973, would have been a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1973.

(7B) In deciding whether an offence would have been a scheduled offence, the Director of Public Prosecutions for Northern Ireland must ignore the possibility of a certificate by the Attorney General for Northern Ireland that the offence was not to be treated as a scheduled offence."

Commencement Information

I194 Sch. 12 para. 2 in force at 1.5.2024, see **s. 63(3)**

Offences equivalent to qualifying offences: offences committed between 1966 and 1973

3 (1) In Schedule 3 (sentences passed outside Northern Ireland), paragraph 2 (equivalent offences) is amended in accordance with this paragraph.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(2) Before sub-paragraph (1) insert—

"(A1) An offence is equivalent to a qualifying offence if—

(a) sub-paragraph (1) or (1A) applies to the offence, and

(b) the prisoner was convicted of the offence—

(i) before the day on which section 19(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 came into force, or

(ii) on or after that day by virtue of a public prosecution begun before that day.

(A2) For the purposes of sub-paragraph (A1)—

(a) "public prosecution" means any prosecution other than a private prosecution;

(b) a public prosecution of a person for an offence is "begun" when a prosecutor makes the decision to prosecute that person for that offence."

(3) In sub-paragraph (1)—

(a) for "An offence is equivalent to a qualifying offence if it" substitute "This sub-paragraph applies to an offence which";

(b) in paragraph (a), after "committed" insert "on or after 8 August 1973 and";

(c) for paragraph (b) substitute—

"(b) arose out of any conduct forming part of the Troubles, and".

(4) After sub-paragraph (1)—

"(1A) This sub-paragraph applies to an offence which—

(a) was committed on or after 1 January 1966 and before 8 August 1973,

(b) arose out of any conduct forming part of the Troubles, and

(c) is certified by the appropriate Law Officer as an offence which, if it had been committed in Northern Ireland on 8 August 1973, would have been a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1973."

(5) In sub-paragraph (2), after "sub-paragraph (1)(c)" insert "or (1A)(c)".

Commencement Information

I195 Sch. 12 para. 3 in force at 1.5.2024, see **s. 63(3)**

Interpretation of the 1998 Act

4 After section 13 insert—

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

"**13A Interpretation: conduct forming part of the Troubles**

In this Act "conduct forming part of the Troubles" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act)."

Commencement Information

I196 Sch. 12 para. 4 in force at 1.5.2024, see **s. 63(3)**

SCHEDULE 13 Section 58

AMENDMENTS

PART 1

THE ICRIR

VALID FROM 01/05/2024

Prosecution of Offences Act 1985

1 (1) Section 3 of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions) is amended in accordance with this paragraph.

(2) In subsection (2)—

(a) after paragraph (ac) insert—

"(ad) to take over the conduct of any criminal proceedings instituted in England and Wales by the ICRIR;";

(b) after paragraph (bc) insert—

"(bd) where it appears to the Director appropriate to do so, to institute and have the conduct of any criminal proceedings in England and Wales relating to a review by the ICRIR;";

(c) after paragraph (ee) insert—

"(ef) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on matters relating to—

(i) a review by the ICRIR; or

(ii) criminal proceedings instituted in England and Wales relating to a review by the ICRIR;".

(3) In subsection (3), after the definition of "the court" insert—

""ICRIR" means the Independent Commission for Reconciliation and Information Recovery;".

Commencement Information

I197 Sch. 13 para. 1 not in force at Royal Assent, see **s. 63(4)**

Northern Ireland Act 1998

2 (1) The Northern Ireland Act 1998 is amended in accordance with this paragraph.

(2) In section 75(3) (statutory equality duty on public authorities), after paragraph (b) insert—

"(ba) the Independent Commission for Reconciliation and Information Recovery;".

(3) In section 76(7) (discrimination by public authorities), after paragraph (c) insert—

"(ca) the Independent Commission for Reconciliation and Information Recovery;".

Commencement Information

I198 Sch. 13 para. 2 not in force at Royal Assent, see **s. 63(4)**

I199 Sch. 13 para. 2 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(k)**

VALID FROM 01/05/2024

Police (Northern Ireland) Act 1998

3 After section 60ZC of the Police (Northern Ireland) Act 1998 insert—

"**60ZD The Independent Commission for Reconciliation and Information Recovery**

(1) An agreement for the establishment in relation to ICRIR officers of procedures corresponding or similar to any of those established by virtue of this Part may, with the approval of the Secretary of State, be made between the Ombudsman and the ICRIR.

(2) Where no such procedures are in force in relation to the ICRIR, the Secretary of State may by order establish such procedures.

(3) An agreement under this section may at any time be varied or terminated with the approval of the Secretary of State.

(4) Before making an order under this section the Secretary of State must consult—

(a) the Ombudsman; and

(b) the ICRIR.

(5) Nothing in any other statutory provision prevents the ICRIR from carrying into effect procedures established by virtue of this section.

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

(6) No such procedures shall have effect in relation to anything done by an ICRIR officer outside Northern Ireland.

(7) In this section—

"ICRIR" means the Independent Commission for Reconciliation and Information Recovery;

"ICRIR officer" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023."

Commencement Information

I200 Sch. 13 para. 3 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Freedom of Information Act 2000

4 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), Part 6 (other public bodies and offices: general), at the appropriate place insert—

"The Independent Commission for Reconciliation and Information Recovery."

Commencement Information

I201 Sch. 13 para. 4 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Justice (Northern Ireland) Act 2002

5 (1) Section 31 of the Justice (Northern Ireland) Act 2002 is amended in accordance with this paragraph.

(2) After subsection (1) insert—

"(1A) The Director must take over conduct of all criminal proceedings which are instituted in Northern Ireland by the ICRIR."

(3) In subsection (5), after "forces" insert "and to the ICRIR".

(4) After subsection (6) insert—

"(7) In this section "ICRIR" means the Independent Commission for Reconciliation and Information Recovery."

Commencement Information

I202 Sch. 13 para. 5 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Police Reform Act 2002

6 After section 26E of the Police Reform Act 2002 insert—

"**26F The Independent Commission for Reconciliation and Information Recovery**

(1) The Director General and the ICRIR may enter into an agreement for the establishment, in relation to ICRIR officers, of procedures corresponding or similar to those provided for by or under this Part.

(2) Where no such agreement is in force, the Secretary of State may by regulations establish such procedures.

(3) An agreement under this section must not be made, varied or terminated except with the approval of the Secretary of State.

(4) Before making regulations under this section the Secretary of State must consult—

(a) the Director General; and

(b) the ICRIR.

(5) Nothing in any other statutory provision prevents the ICRIR from carrying into effect procedures established by virtue of this section.

(6) An agreement or regulations under this section may contain provision for enabling the Director General to bring and present, or otherwise participate or intervene in, any proceedings that are identified by the agreement as disciplinary proceedings in relation to ICRIR officers.

(7) Procedures established in accordance with an agreement under this section, or by regulations under this section, have no effect in relation to anything done outside England and Wales by any ICRIR officer.

(8) In this section—

"ICRIR" means the Independent Commission for Reconciliation and Information Recovery;

"ICRIR officer" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023."

Commencement Information

I203 Sch. 13 para. 6 not in force at Royal Assent, see **s. 63(4)**

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

VALID FROM 01/05/2024

Police, Public Order and Criminal Justice (Scotland) Act2006 (Consequential Provisions and Modifications) Order 2007

7 (1) Article 4 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098) (agreements to establish complaints procedures) is amended as follows.

(2) After paragraph (4) insert—

"(4A) The Commissioner and the ICIRIR may enter into an agreement to establish and maintain procedures which correspond to or are similar to those contained in Chapter 2 of Part 1 of the Act in relation to complaints made about the acts or omissions of the ICRIR and ICRIR officers."

(3) In paragraph (7), after sub-paragraph (d) insert—

"(e) any statement made by a person who is, or has been, an ICRIR officer about the terms and conditions of their service;".

(4) In paragraph (14), after sub-paragraph (b) insert—

"(c) "ICRIR" means the Independent Commission for Reconciliation and Information Recovery;

(d) "ICRIR officer" has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023."

Commencement Information

I204 Sch. 13 para. 7 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013

8 (1) The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602) is amended as follows.

(2) In article 3 (agreements to investigate serious incidents), after paragraph (17) insert—

"(17A) The Commissioner and the Independent Commission for Reconciliation and Information Recovery (the "ICRIR") may enter into an agreement for the Commissioner to investigate and report, where requested to do so by the ICRIR, on any serious incident involving the ICRIR.

(17B) A "serious incident involving the ICRIR" has the same meaning as a "serious incident involving the police" in section 41B of the 2006 Act except that "a person serving with the police" means an ICRIR officer (which has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023)."

(3) In article 4 (investigation of crimes and deaths), after sub-paragraph (h) insert—

"(i) an ICRIR officer (which has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023)."

Commencement Information

I205 Sch. 13 para. 8 not in force at Royal Assent, see **s. 63(4)**

VALID FROM 01/05/2024

Investigatory Powers Act 2016

9 In section 58 of the Investigatory Powers Act 2016 (section 57: meaning of excepted disclosure), in subsection (4), after paragraph (d) insert—

"(e) a disclosure made to the Independent Commission for Reconciliation and Information Recovery for the purpose of facilitating the carrying out of any of the functions of the Independent Commission for Reconciliation and Information Recovery."

Commencement Information

I206 Sch. 13 para. 9 not in force at Royal Assent, see **s. 63(4)**

Data Protection Act 2018

10 In Schedule 18 to the Data Protection Act 2018, in paragraph 3 (records relating to a caution or conviction whose production must not be required in connection with employment etc), in sub-paragraph (2), after paragraph (f) insert—

"(fa) the Independent Commission for Reconciliation and Information Recovery;".

Commencement Information

I207 Sch. 13 para. 10 not in force at Royal Assent, see **s. 63(4)**

I208 Sch. 13 para. 10 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(k)**

VALID FROM 01/05/2024

Sentencing Act 2020

11 In section 379 of the Sentencing Act 2020, in the table in subsection (1), at the appropriate place insert—

"Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

Status: *Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. (See end of Document for details)*

section 26	revocation of immunity under that Act	making of false statements"

Commencement Information
I209 Sch. 13 para. 11 not in force at Royal Assent, see **s. 63(4)**

PART 2

LIMITATION OF LEGAL PROCEEDINGS

Prescription and Limitation (Scotland) Act 1973

12 After section 23B of the Prescription and Limitation (Scotland) Act 1973 insert—

"**23C Actions relating to the Northern Ireland Troubles**

This Act has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023."

Commencement Information
I210 Sch. 13 para. 12 in force at 18.11.2023, see s. 63(2)(b)

Limitation Act 1980

13 After section 27C of the Limitation Act 1980 insert—

"**27D Actions relating to the Northern Ireland Troubles**

This Act has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023."

Commencement Information
I211 Sch. 13 para. 13 in force at 18.11.2023, see s. 63(2)(b)

Foreign Limitation Periods Act 1984

14 After section 4 of the Foreign Limitation Periods Act 1984 insert—

"**4A Actions relating to the Northern Ireland Troubles**

This Act has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023."

Commencement Information
I212 Sch. 13 para. 14 in force at 18.11.2023, see s. 63(2)(b)

Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5)

15 After Article 5 of the Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5)) insert—

Actions relating to the Northern Ireland Troubles

"5A This Order has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023."

Commencement Information
I213 Sch. 13 para. 15 in force at 18.11.2023, see s. 63(2)(b)

Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))

16 After Article 73 of the Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11)) insert—

Actions relating to the Northern Ireland Troubles

"73A This Order has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023."

Commencement Information
I214 Sch. 13 para. 16 in force at 18.11.2023, see s. 63(2)(b)

Merchant Shipping Act 1995

17 In section 190 of the Merchant Shipping Act 1995 (time limit for proceedings against ship owner or ships), after subsection (6) insert—

"(7) This section has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023."

Commencement Information
I215 Sch. 13 para. 17 in force at 18.11.2023, see s. 63(2)(b)

Status:
Point in time view as at 01/12/2023. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.