2013 CHAPTER 2

General

Rules

21.—(1) OFMDFM may make rules dealing with—

(a) matters of evidence and procedure in relation to the inquiry;

(b) the return or keeping, after the end of the inquiry, of documents given to or created by the inquiry;

(c) awards under section 14.

(2) Rules under subsection (1)(a) may in particular—

(a) provide that evidence given for the purposes of any particular part of the inquiry must not be disclosed—

(i) in the proceedings of any other part of the inquiry unless the chairperson so orders; or

(ii) in any criminal or civil proceedings in Northern Ireland unless it is necessary to avoid a breach of Convention rights (within the meaning of the Human Rights Act 1998);

(b) make provision for orders similar to witness anonymity orders within the meaning of section 86 of the Coroners and Justice Act 2009.

(3) Rules under subsection (1)(c) may in particular—

(a) make provision as to how and by whom the amount of awards is to be assessed, including provision allowing the assessment to be undertaken by the chairperson or by such other person as the chairperson may nominate;

(b) make provision for review of an assessment at the instance of a person dissatisfied with it.

(4) Rules under this section are subject to negative resolution.

Application to the Crown

22.—(1) This Act binds the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland except as provided by subsection (2).

(2) The powers conferred by section 9 are not exercisable so as to require any evidence, document or other thing to be given, produced or provided by or on behalf of Her Majesty's Government in the United Kingdom, the Scottish Ministers or the Welsh Ministers.

Consequential amendments

23.—(1) In Article 9(5)(a) of the Commissioner for Complaints (Northern Ireland) Order 1996 (matters not subject to investigation), after "2005" there shall be inserted " or the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 ".

(2) In Article 13(3) of the Commissioner for Children and Young People (Northern Ireland) Order 2003 (actions which may be investigated: restrictions and exclusions), after "2005" there shall be inserted " or the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 ".

Interpretation

24.—(1) In this Act—

"assessor" means an assessor appointed under section 4;

"chairperson" means chairperson of the inquiry;

"document" includes information recorded in any form;

"harm" includes death or injury;

"the inquiry" has the meaning given by section 1;

"interested party" means a person with a particularly significant interest in the proceedings or outcome of the inquiry;

"member" includes chairperson;

"notice" means notice in writing;

"OFMDFM" means the Office of the First Minister and deputy First Minister;

"restriction order" means an order under section 8.

(2) References in this Act to—

(a) the inquiry panel are to the members of the inquiry (including the chairperson);

(b) the course of the inquiry are to the period beginning with the commencement of this section and ending with the date on which the inquiry comes to an end.

(3) References in this Act to producing or providing a document, in relation to information recorded otherwise than in legible form, are to be read as references to producing or providing a copy of the information in a legible form.

Commencement, etc.

25.—(1) This Act comes into operation on the day after the day on which it receives Royal Assent.

(2) The following provisions cease to have effect on such day or days as OFMDFM may by order appoint—

(a) section 9 (powers to require production of evidence);

(b) section 10 (privileged information, etc.).

Short title

26 This Act may be cited as the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013.

Status:
Point in time view as at 19/01/2013.

Changes to legislation:
There are currently no known outstanding effects for the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013, Cross Heading: General.