



## 2013 CHAPTER 2

### *Supplementary*

#### **Offences**

**16.—**(1) A person who without reasonable excuse—

- (a) contravenes a restriction order; or
- (b) fails to do anything which that person is required to do by a notice under section 9,

is guilty of an offence.

(2) A person who during the course of the inquiry does anything which is intended to have the effect of—

- (a) distorting or otherwise altering any evidence, document or other thing which is given, produced or provided to the inquiry, or
- (b) preventing any evidence, document or other thing from being given, produced or provided to the inquiry,

or anything which that person knows or believes is likely to have that effect, is guilty of an offence.

(3) A person who during the course of the inquiry intentionally—

- (a) suppresses or conceals a document which is, and which that person knows or believes to be, a relevant document, or
- (b) alters or destroys a relevant document,

is guilty of an offence.

(4) For the purposes of subsection (3) a document is a “relevant document” if it is likely that the chairperson would (if aware of its existence) wish to be provided with it.

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*Changes to legislation: There are currently no known outstanding effects for the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013, Cross Heading: Supplementary. (See end of Document for details)*

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(5) A person does not commit an offence under subsection (2) or (3) by doing anything which that person is authorised or required to do—

- (a) by the chairperson, or
- (b) by virtue of section 10 or any privilege that applies.

(6) Only the chairperson may institute proceedings for an offence under subsection (1).

(7) Proceedings for an offence under subsection (2) or (3) may be instituted only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(8) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding six months, or to both.

### **Enforcement by High Court**

17.—(1) Where a person—

- (a) fails to comply with, or acts in breach of, a notice under section 9 or an order made by the chairperson; or
- (b) threatens to do so,

the chairperson may certify the matter to the High Court.

(2) The High Court, after hearing any evidence or representations on the matter certified to it under subsection (1), may make any order by way of enforcement or otherwise which it could have made if the matter had arisen in proceedings before it.

### **Immunity from suit**

18.—(1) No action lies against a person who is—

- (a) a member of the inquiry panel;
- (b) an assessor, counsel or solicitor to the inquiry; or
- (c) engaged to provide assistance to the inquiry,

in respect of any act done or omission made in the execution of that person's duty as such, or any act done or omission made in good faith in the purported execution of that person's duty as such.

(2) Subsection (1) applies only to acts done or omissions made during the course of the inquiry.

(3) For the purposes of the law of defamation, the same privilege attaches to—

- (a) any statement made in or for the purposes of proceedings before the inquiry (including the report and any interim report of the inquiry); and
- (b) reports of proceedings before the inquiry,

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as would be the case if those proceedings were proceedings before a court in Northern Ireland.

### **Time limit for applying for judicial review**

**19.**—(1) An application for judicial review of a decision made—

- (a) by OFMDFM in relation to the inquiry; or
- (b) by a member of the inquiry panel,

must be brought within 14 days after the day on which the applicant became aware of the decision, unless that time limit is extended by the court.

(2) Subsection (1) does not apply where an earlier time limit applies by virtue of rules of court.

(3) Subsection (1) does not apply to—

- (a) a decision as to the contents of the report of the inquiry;
- (b) a decision of which the applicant could not have become aware until the publication of the report.

(4) In this section—

- “OFMDFM” includes the First Minister and deputy First Minister;
- “report” includes any interim report.

### **Power to make supplementary, etc. provision**

**20.**—(1) OFMDFM may by order make such supplementary, transitional, incidental or consequential provision as it considers appropriate for the purposes of this Act or in consequence of, or for giving full effect to, any provision of this Act.

(2) An order under subsection (1) is subject to negative resolution.

**Changes to legislation:**

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