

These notes refer to the Preservation of Documents (Historical Institutions) Act (Northern Ireland) 2022 (c.26) which received Royal Assent on 12 May 2022

Preservation of Documents (Historical Institutions) Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1 (Preservation of relevant documents)

Introduces a duty to preserve, not alter, destroy or dispose of a relevant document, to not remove or transfer the document to a place outside of Northern Ireland and to take appropriate measures to ensure that a “relevant document” is not lost, stolen, destroyed or otherwise damaged.

Section 2 (Meaning of “relevant document”)

Stipulates conditions which must be satisfied before a document is considered relevant. Three conditions in total are stipulated, including that the document: must contain “relevant information” [defined]; and that it is likely to be of interest to an inquiry or investigation in relation to the implementation of the recommendations made by the Truth Recovery Design Panel as set out in a statement to the Assembly made by the First Minister and deputy First Minister acting jointly on 15th November 2021. The section also provides that a document is not a “relevant document” if a copy of the document or the information it contains is generally available to the public. It also defines “relevant period” for the purpose of this section as the period between 1922 and 1995 (both inclusive).

Section 3 (Meaning of “relevant information”)

Defines “relevant information” as information: about the operation of a relevant institution; about any person resident in a relevant institution; or about the accommodation or care provided to a child born to a resident of a relevant institution. Such information may include details about the admission, treatment, care and discharge of residents, as well as information about specific residents’ admission, departure and care, information about their birth or adoption, any children born to the residents and details about their development in early life.

Section 4 (Meaning of “relevant institution” etc.)

Provides definitions of “relevant institution” and “resident of a relevant institution”. “Relevant institution” is defined as either: a workhouse;

or an institution in which a voluntary organisation provided residential accommodation for women or children and took decisions about them and provided: services related to pregnancy or maternity; provided day-to-day care for the women or children; required work from the women or children (whether with or without pay); or provided such other service as may be prescribed. A “resident of a relevant institution” is defined as a person (of any age) who was provided with residential accommodation in the institution and includes periods of absence from the institution.

Section 5 (Offences by bodies corporate etc.)

Provides that an offence of not complying with the duty created at section 1 applies to: a body corporate with unlimited liability; partnerships and partners jointly; and unincorporated associations (other than a partnership) alongside any identified officer or member who committed the offence. This section also provides that proceedings for alleged offences by a partnership must be brought in the name of the partnership; offences by an unincorporated association (other than a partnership) must be brought in the name of the association; that rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate; any fines imposed on a partnership or unincorporated association on its conviction for an offence must be paid out of the respective partnership assets or out of the unincorporated association funds.

Section 6 (Regulations)

Stipulates the Assembly procedure to be followed in the making of future Regulations.

Section 7 (Interpretation)

Defines key terms used within the Act.

Section 8 (Commencement)

Provides for the Act to come into force on Royal Assent, ensuring that it is commenced at the earliest opportunity.

Section 9 (Short Title)

This cites the Act as the Preservation of Documents (Historical Institutions) Act (Northern Ireland) 2022.