



Historical Institutional Abuse (Northern Ireland) Act 2019

2019 CHAPTER 31

PART 1

THE HISTORICAL INSTITUTIONAL ABUSE REDRESS BOARD

Determination of application

10 Power to compel giving of evidence

- (1) For the purpose of determining an application for compensation under this Part, the panel appointed under section 8 may by notice in writing require a person—
 - (a) to provide the panel on or before a specified date with specified records, documents, objects or other items of evidence, or
 - (b) to attend on one or more specified dates a hearing convened by the panel and to give oral evidence on oath to the panel.
- (2) A person to whom a notice under this section is given may make a claim to the panel that—
 - (a) the person is unable to comply with the notice, or
 - (b) it is not reasonable in all the circumstances to require the person to comply with the notice.
- (3) On a claim under subsection (2), the panel may confirm, revoke or vary the notice.
- (4) A person who is required by a notice under this section to provide records or documents must, if doing so would disclose information about another person which is irrelevant to the determination of the application under this Part and the disclosure of which would breach an obligation of confidence, provide the records or documents in a redacted form.
- (5) A notice under this section has effect in spite of anything which would otherwise prohibit a person from complying with the notice.

Status: This is the original version (as it was originally enacted).

- (6) But a requirement of a notice does not have effect if—
- (a) complying with the requirement would involve the disclosure of information which, although made in compliance with the requirement, would contravene the data protection legislation, or
 - (b) the person would be entitled in proceedings before the High Court in Northern Ireland to refuse to comply with the requirement.
- (7) A person commits an offence if the person fails to comply with a requirement of a notice under this section.
- (8) A person commits an offence if the person conceals, destroys, distorts or alters, or arranges for the concealment, destruction, distortion or alteration of anything required, or which there are reasonable grounds for believing might be required, to be provided to the panel by a notice under this section.
- (9) A person who is guilty of an offence under subsection (7) or (8) is liable on summary conviction to imprisonment for a term not exceeding six months, a fine not exceeding level 3 on the standard scale or both.
- (10) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).