

Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

CHAPTER 41

NORTHERN IRELAND TROUBLES (LEGACY AND RECONCILIATION) ACT 2023

PART 1

THE TROUBLES

Meaning of "the Troubles" and other key expressions

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
- 3 ICRIR officers
- 4 Actions of the ICRIR: safeguards
- 5 Full disclosure to the ICRIR
- 6 Operational powers of ICRIR officers

Admissibility of information provided to the ICRIR

- 7 Admissibility of material in criminal proceedings
- 8 Admissibility of material in civil proceedings

Reviews of deaths and other harmful conduct

9 Requests for reviews of deaths

- 10 Requests for reviews of other harmful conduct forming part of the Troubles
- 11 Requests for reviews: general provision
- 12 Reviews in connection with requests for immunity from prosecution
- 13 Conduct of reviews
- 14 Supply of information
- 15 Production of reports on the findings of reviews
- 16 Consultation on reports
- 17 Issuing and publication of reports
- 18 Reports: general provision

Immunity from prosecution

- 19 Immunity from prosecution
- 20 Requests for immunity: procedural matters
- 21 Determining a request for immunity
- 22 The immunity requests panel
- 23 Personal statements by persons affected by deaths etc
- 24 Publication of personal statements

Information for prosecutors

25 Information for prosecutors

Grants of immunity: revocation and false statements

- 26 Subsequent convictions: revocation of immunity
- 27 False statements: offence

The historical record of deaths

- 28 Production of the historical record
- 29 Publication of the historical record

Information

- 30 Disclosure of information: general power and prohibitions
- 31 The ICRIR's use of information obtained by it
- 32 Identifying information that is subject to additional safeguards
- 33 Guidance and protocols relating to information
- Regulations about the holding and handling of information

Biometric material

35 Biometric material

Supplementary

- 36 Review of the performance of the ICRIR's functions
- 37 Conclusion of the work of the ICRIR

PART 3

INVESTIGATIONS, LEGAL PROCEEDINGS ETC AND RELEASE OF PRISONERS

Criminal investigations and proceedings

38 No criminal investigations except through ICRIR reviews

- 39 Grant of immunity: prohibition of criminal enforcement action
- 40 No grant of immunity: restrictions on criminal enforcement action
- 41 Other Troubles-related offences: prohibition of criminal enforcement
- 42 General provision and saving for ongoing pre-commencement action

Civil proceedings, inquests and police complaints

- 43 Tort, delict and fatal accident actions
- 44 Inquests, investigations and inquiries
- 45 Police complaints

Interim custody orders

- 46 Interim custody orders: validity
- 47 Interim custody orders: prohibition of proceedings and compensation

Release of prisoners

48 Prisoner release

PART 4

MEMORIALISING THE TROUBLES

- 49 Oral history
- 50 The memorialisation strategy
- 51 Response to the memorialisation strategy
- 52 Academic research
- 53 Annual reports
- 54 Carrying out the Troubles-related work programme
- 55 The advisory forum
- 56 Designated persons and funding
- 57 Interpretation of this Part

PART 5

FINAL PROVISIONS

- 58 Consequential provision
- 59 Regulations
- 60 Interpretation
- 61 Application to the Crown
- 62 Extent
- 63 Commencement
- 64 Short title

SCHEDULES

SCHEDULE 1 — The ICRIR, the Commissioners and ICRIR officers PART 1 — THE ICRIR

- 1 Status
- 2 Powers
- 3 Regulation and validity of proceedings
- 4 Delegation of functions and their exercise by the Commissioners

- 5 Seal and proof of documents
- 6 Accounts and audit

PART 2 — THE COMMISSIONERS

- 7 Number of Commissioners
- 8 Appointment
- 9 Person holding public elected position not to be a Commissioner
- 10 Terms of appointment of Commissioners
- 11 Conflicts of interest
- 12 Resignation and removal of Commissioners

PART 3 — THE CHIEF COMMISSIONER

13 Delegation of functions

PART 4 — THE COMMISSIONER FOR INVESTIGATIONS

- 14 Delegation of functions
- 15 No limitation on trade union activity

PART 5 — ICRIR OFFICERS

- 16 Employed ICRIR officers
- 17 Seconded ICRIR officers
- 18 Persons holding public elected positions not to be ICRIR officers
- 19 Rehabilitation of offenders
- 20 Liability for unlawful conduct
- 21 No limitation on trade union activity
- 22 Meaning of "employed" and "seconded" ICRIR officer

SCHEDULE 2 — Operational powers of ICRIR officers

- 1 Designations and designated ICRIR officers
- 2 Effect of designation
- 3 Exercise of the powers and privileges of a Scottish constable
- 4 Limitations
- 5 Duration of designation
- 6 Evidence of designation
- 7 Territorial restrictions
- 8 Powers exercisable under warrant
- 9 Direction and control of ICRIR officers exercising powers in Scotland
- 10 Modification of references
- 11 Assaulting a designated ICRIR officer
- 12 Resisting, obstructing or impeding a designated ICRIR officer
- 13 Impersonating a designated ICRIR officer
- 14 Regulations

SCHEDULE 3 — Family members

PART 1 — CLOSE FAMILY MEMBERS

- 1 Meaning of "close family member"
- 2 Co-habitee
- 3 Step-child
- 4 Step-parent
- 5 Step-brother or step-sister
- 6 Interpretation

PART 2 — RELEVANT FAMILY MEMBERS

7 Meaning of "relevant family member"

SCHEDULE 4 — Supply of information: enforcement

PART 1 — FAILURE TO COMPLY WITH A NOTICE

1 Penalty for failure to comply

- 2 Notification of penalty decision
- 3 Objection to penalty decision
- 4 Appeals
- 5 Enforcement of penalty
- 6 Giving of notices
- 7 Interpretation

PART 2 — DISTORTION OR SUPPRESSION OF EVIDENCE ETC

- 8 Distorting evidence etc
- 9 Suppression of evidence etc
- 10 Institution of proceedings
- 11 Penalties

SCHEDULE 5 — No immunity in certain circumstances

PART 1 — SEXUAL OFFENCE, EXISTING CONVICTION OR ONGOING PROSECUTION

- 1 Application of this Part
- 2 Prohibition of grant of immunity: sexual offences
- 3 Prohibition of grant of immunity: conviction or ongoing prosecution
- 4 Grant of immunity prohibited for all identified possible offences
- 5 Grant of immunity prohibited for some identified possible offences

PART 2 — NEW REQUEST FOR IMMUNITY AFTER REVOCATION OF PREVIOUS GRANT

6 (1) This paragraph applies where—(a) under section 26, a...

SCHEDULE 6 — Permitted disclosures of information

PART 1 — DISCLOSURES THAT ARE "PERMITTED"

- 1 Introduction
- 2 Disclosure of any information to the Secretary of State
- 3 Disclosure of sensitive information to certain recipients
- 4 Disclosure of sensitive information notified in advance to the Secretary of State
- 5 Disclosure of protected international information notified in advance to the Secretary of State
- 6 The "relevant decision period"

PART 2 — DECISIONS TO PROHIBIT DISCLOSURES OF SENSITIVE INFORMATION IN FINAL REPORTS

- 7 Application of this Part
- 8 Affected report to include statement of Secretary of State's decision
- 9 Initial appeals
- 10 Bringing an initial appeal
- 11 Further appeal against an initial appeal
- 12 Application of the Justice and Security Act 2013
- 13 Interpretation

SCHEDULE 7 — Offences relating to disclosure of information

- 1 Current and former Commissioners, ICRIR officers and ICRIR contractors
- 2 Penalties
- 3 Interpretation

SCHEDULE 8 — 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,...
 - PART 2 RELEVANT AUTHORITIES: IDENTIFICATION OF SENSITIVE OR PREJUDICIAL INFORMATION
- 2 Information made available by a relevant authority
- 3 Information made available by other persons
- 4 Notifications under this Schedule
 - PART 3 SECRETARY OF STATE: IDENTIFICATION OF PROTECTED INTERNATIONAL INFORMATION
- 5 The Secretary of State may notify the Commissioner for Investigations...

SCHEDULE 9 — Determination of whether the prohibition on civil actions applies

- 1 Actions that contravene a section 43 prohibition
- 2 Right of the Secretary of State to intervene
- 3 Determination by the court
- 4 Appeals etc

SCHEDULE 10 — Civil actions to which the 2008 Mediation Directive applies

- 1 Prohibition on continuing or bringing actions which involved prior cross-border mediation
- 2 Interpretation
- SCHEDULE 11 Investigations, inquests and inquiries in England and Wales and Scotland
 - PART 1 ENGLAND AND WALES: INVESTIGATIONS AND INQUESTS
- 1 Coroners and Justice Act 2009
- 2 Coroners Act 1988
 - PART 2 SCOTLAND: INQUIRIES AND INVESTIGATIONS
- 3 Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

SCHEDULE 12 — Prisoner release

- 1 Amendment and saving of legislation
- 2 Qualifying offences: offences committed between 1966 and 1973
- 3 Offences equivalent to qualifying offences: offences committed between 1966 and 1973
- 4 Interpretation of the 1998 Act

SCHEDULE 13 — Amendments

PART 1 — THE ICRIR

- 1 Prosecution of Offences Act 1985
- 2 Northern Ireland Act 1998
- 3 Police (Northern Ireland) Act 19984 Freedom of Information Act 2000
- 5 Justice (Northern Ireland) Act 2002
- 6 Police Reform Act 2002
- 7 Police, Public Order and Criminal Justice (Scotland) Act2006 (Consequential Provisions and Modifications) Order 2007
- 8 Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013
- 9 Investigatory Powers Act 2016

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

- 10 Data Protection Act 2018
- 11 Sentencing Act 2020
 - PART 2 LIMITATION OF LEGAL PROCEEDINGS
- 12 Prescription and Limitation (Scotland) Act 1973
- 13 Limitation Act 1980
- 14 Foreign Limitation Periods Act 1984
- 15 Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5)
- 16 Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))
- 17 Merchant Shipping Act 1995