



# Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

## 2023 CHAPTER 41

### PART 2

#### THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

##### *Admissibility of information provided to the ICRIR*

#### **7 Admissibility of material in criminal proceedings**

- (1) This section applies in relation to criminal proceedings brought against a person (D).
- (2) Compelled material obtained from D may not be used in evidence against D.
- (3) If D has made an application for immunity from prosecution, the following material may not be used in evidence against D—
  - (a) material provided by D to the ICRIR (including the immunity requests panel) in connection with the application;
  - (b) material obtained (directly or indirectly) as a result of material provided as mentioned in paragraph (a).
- (4) Subsection (2) does not apply in relation to proceedings against D for an offence under paragraph 8(1)(a) of Schedule 4 (distortion of evidence); and subsections (2) and (3) do not apply in relation to proceedings against D for an offence under section 27 (false statements).
- (5) Any other material provided by, or obtained from, D for the purposes of, or in connection with, the exercise of any of the ICRIR's functions may not be used in evidence against D unless exception 1 or 2 applies in relation to the material.
- (6) *Exception 1*: the material was provided to, or obtained by, an ICRIR officer designated under section 6(1) or (2).
- (7) *Exception 2*: the proceedings brought against D relate to—

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- (a) the exercise by the ICRIR of any function,
  - (b) any other conduct of the ICRIR,
  - (c) the conduct of any current or former Commissioner, ICRIR officer or ICRIR contractor,
  - (d) a person being appointed, or holding office, as a Commissioner, or
  - (e) a person being employed or seconded as, or being, an ICRIR officer.
- (8) Where subsection (4) or exception 1 or 2 applies in relation to the material, this section does not affect the application to that material of any other legislation or rule of law relating to admissibility.
- (9) No evidence relating to any material inadmissible against D may be adduced, and no question relating to any material inadmissible against D may be asked by or on behalf of the prosecution, unless evidence relating to that material is adduced, or a question relating to that material is asked, in the proceedings by or on behalf of D.
- (10) This section applies in relation to material, and evidence or questions relating to material—
- (a) whether the material is in the form in which it was provided or obtained, or in some other form;
  - (b) whether the material (in whatever form) is in the possession of the ICRIR or another person (whether obtained directly or indirectly from the ICRIR).
- (11) In this section—
- “compelled material” means anything that has been obtained by the ICRIR from a person through the exercise of the ICRIR’s powers under section 14;
  - “material inadmissible against D”, in relation to criminal proceedings brought against D, means material that, by virtue of subsections (2) to (7), may not be used in evidence against D;
  - “other material” means any material other than—
    - (a) compelled material obtained from D, and
    - (b) material provided by D as mentioned in subsection (3)(a).

## **8 Admissibility of material in civil proceedings**

- (1) No protected material, or evidence relating to protected material, is admissible in any—
- (a) civil proceedings,
  - (b) proceedings before a coroner, or
  - (c) inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2).
- (2) This section does not apply to proceedings which relate to—
- (a) the exercise by the ICRIR of any function,
  - (b) any other conduct of the ICRIR,
  - (c) the conduct of any current or former Commissioner, ICRIR officer or ICRIR contractor,
  - (d) a person being appointed, or holding office, as a Commissioner,
  - (e) a person being employed or seconded as, or being, an ICRIR officer, or

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- (f) judicial review proceedings or, in Scotland, proceedings on an application to the supervisory jurisdiction of the Court of Session, which relate to the exercise of functions by, or other conduct of, a person other than the ICRIR.
- (3) This section applies in relation to material, and evidence or questions relating to material—
- (a) whether the material is in the form in which it was provided or obtained, or in some other form;
  - (b) whether the material (in whatever form) is in the possession of the ICRIR or another person (whether obtained directly or indirectly from the ICRIR).
- (4) This section does not apply to any protected material which has been obtained by the ICRIR from a relevant authority under section 5.
- (5) In this section—
- “civil proceedings” does not include—
    - (a) family proceedings within the meaning of Article 12 of the Family Law (Northern Ireland) Order 1993 ([S.I. 1993/1576 \(N.I. 6\)](#));
    - (b) family proceedings within the meaning of section 75(3) of the Courts Act 2003;
    - (c) family proceedings within the meaning of section 135 of the Courts Reform (Scotland) Act 2014 ([asp 18](#)) or proceedings under the Children (Scotland) Act 1995 or the Children’s Hearings (Scotland) Act 2011 ([asp 1](#));
- “protected material” means material provided to, or obtained by, the ICRIR for the purposes of, or in connection with, the exercise of any of its functions.