



# Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

## 2023 CHAPTER 41

### PART 2

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

PROSPECTIVE

#### *Grants of immunity: revocation and false statements*

#### **26 Subsequent convictions: revocation of immunity**

(1) If—

- (a) a person is convicted of an offence under section 27,
- (b) that offence was committed in the course of requesting the ICRIR to grant the person immunity from prosecution under section 19, and
- (c) the person was granted the immunity from prosecution,

the court which sentences the person for the offence must revoke that grant of immunity from prosecution.

(2) If—

- (a) a person is convicted of a terrorist offence or an offence with a terrorist connection, and
- (b) the person had been granted immunity from prosecution under section 19 before the offence was committed,

the court which sentences the person for that offence must revoke every grant of immunity from prosecution under section 19 given to the person before the offence was committed.

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Cross Heading: Grants of immunity: revocation and false statements. (See end of Document for details)

- (3) For the purposes of subsection (2) a person is convicted of “a terrorist offence or an offence with a terrorist connection” if—
- (a) the person is convicted of an offence by a court in Northern Ireland and either—
    - (i) the offence is listed in Schedule 1A to the Counter-Terrorism Act 2008, or
    - (ii) the court determines under section 30(2) of that Act that the offence has a terrorist connection;
  - (b) the person is convicted of an offence by a court in England and Wales and either—
    - (i) the offence is listed in Schedule A1 to the Sentencing Code, or
    - (ii) the court determines under section 69 of the Sentencing Code that the offence has a terrorist connection;
  - (c) the person is convicted of an offence by a court in Scotland and either—
    - (i) the offence is listed in Schedule 1A to the Counter-Terrorism Act 2008, or
    - (ii) section 31 of that Act applies to the offence (offences with a terrorist connection in Scotland).
- (4) Where—
- (a) an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, and
  - (b) a grant of immunity from prosecution is given at any time during that period,
- that grant of immunity from prosecution is to be regarded for the purposes of subsection (2) as having been given before the offence was committed.
- (5) A revocation of immunity under this section—
- (a) has immediate effect;
  - (b) does not prevent a person making a further request for immunity under section 19 (but see Part 2 of Schedule 5 for provision about requests that overlap with revoked immunities).

#### Commencement Information

**II** S. 26 not in force at Royal Assent, see [s. 63\(4\)](#)

## 27 False statements: offence

- (1) A person commits an offence by making a false statement to the ICRIR in connection with any of its functions under sections 19 to 22.
- (2) For the purposes of this section—
  - (a) a person makes a false statement by—
    - (i) making a statement which the person knows to be false in a material respect, or
    - (ii) recklessly making a statement which is false in a material respect;
  - (b) “making a statement” includes giving an account in connection with a request for immunity under section 19.

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**Status:** This version of this cross heading contains provisions that are prospective.

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- (3) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
  - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  - (c) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine or both;
  - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both.
- (4) Proceedings for an offence under this section may be instituted—
- (a) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland;
  - (b) in England and Wales, only by or with the consent of the Director of Public Prosecutions.

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**Commencement Information**

**I2** S. 27 not in force at Royal Assent, see [s. 63\(4\)](#)

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Cross Heading: Grants of immunity: revocation and false statements.