



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 2

THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

PROSPECTIVE

Information for prosecutors

25 Information for prosecutors

- (1) This section applies where—
 - (a) a review of a death that was caused by conduct forming part of the Troubles, or
 - (b) a review of other harmful conduct forming part of the Troubles, has been carried out.
- (2) If the Commissioner for Investigations considers there is evidence that relevant conduct constitutes an offence under the law of Northern Ireland by an individual whose identity is known to the Commissioner, the Commissioner—
 - (a) may refer the conduct to the Director of Public Prosecutions for Northern Ireland, and
 - (b) if the conduct is referred, must notify that prosecutor of the offence concerned.
- (3) If the Commissioner for Investigations considers there is evidence that relevant conduct constitutes an offence under the law of England and Wales by an individual whose identity is known to the Commissioner, the Commissioner—
 - (a) may refer the conduct to the Director of Public Prosecutions (for England and Wales), and
 - (b) if the conduct is referred, must notify that prosecutor of the offence concerned.

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

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) If the Commissioner for Investigations considers there is evidence that relevant conduct constitutes an offence under the law of Scotland by an individual whose identity is known to the Commissioner, the Commissioner may—
- (a) refer the conduct to the Lord Advocate, and
 - (b) notify that prosecutor of the offence concerned.
- (5) The Lord Advocate may direct the Commissioner for Investigations to exercise the power of referral and notification in accordance with subsection (4); and the Commissioner must comply with any direction that is given unless the person concerned has been granted immunity from prosecution under section 19 for the offence concerned.
- (6) In any case where the Commissioner for Investigations refers conduct to a prosecutor under this section, the Commissioner—
- (a) must give the prosecutor such information and material relating to the relevant conduct as the Commissioner considers appropriate; and
 - (b) must, if requested to do so by the prosecutor—
 - (i) obtain such information or material relating to the relevant conduct as it is practicable to obtain, and
 - (ii) give the information or material obtained to the prosecutor.
- (7) In this section—
- “prosecutor” means—
- (a) the Director of Public Prosecutions for Northern Ireland,
 - (b) the Director of Public Prosecutions (for England and Wales), or
 - (c) the Lord Advocate;
- “relevant conduct” means—
- (a) the conduct which caused the death, or the other harmful conduct, to which the review relates (the “main conduct”), and
 - (b) any other conduct that relates to, or is otherwise connected with, the main conduct;
- and for this purpose other conduct is to be regarded as connected with the main conduct, in particular, if all of that conduct formed part of the same event.

Commencement Information

II S. 25 not in force at Royal Assent, see [s. 63\(4\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(4)s. 2(5)(a)-(c)(e)(f)(6)-(9)s. 2(10)(a)-(e)(i)(j)(13) coming into force by [S.I. 2024/584 reg. 2\(a\)](#)
- s. 24(1)-(9)s. 24(10)(a)(i)(b) coming into force by [S.I. 2024/584 reg. 2\(q\)](#)