

**Changes to legislation:** There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 5. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

#### THE ICIR, THE COMMISSIONERS AND ICIR OFFICERS

#### PART 5

#### ICIR OFFICERS

##### *Employed ICIR officers*

- 16 The ICIR is to determine—
- (a) the number of employed ICIR officers; and
  - (b) the terms of their employment.

##### **Commencement Information**

- 11** Sch. 1 para. 16 not in force at Royal Assent, see **s. 63(4)**  
**12** Sch. 1 para. 16 in force at 1.12.2023 by **S.I. 2023/1293, reg. 2(a)**

##### *Seconded ICIR officers*

- 17 (1) Seconded ICIR officers are under the direction and control of the ICIR in the same way as employed ICIR officers.
- (2) In the case of the secondment of a member of a police force to be a seconded ICIR officer—
- (a) arrangements for the secondment are to be made with the chief officer of that police force; and
  - (b) the arrangements must provide for the ICIR to pay the policing body responsible for that police force the amount that is specified in, or determined in accordance with, the arrangements.
- (3) If a seconded ICIR officer is a constable in any police force, the powers and privileges which that person has by virtue of being a constable are not exercisable in Northern Ireland—
- (a) from the time when the person becomes an ICIR officer;
  - (b) but are revived if the person—
    - (i) ceases to be an ICIR officer, and
    - (ii) returns to service as a constable.
- (4) Sub-paragraph (3) ceases to apply to a person who resigns from, or otherwise ceases to hold, the office of constable.
- (5) Service as a seconded ICIR officer is—

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- (a) relevant service for the purposes of section 27 of the Police (Northern Ireland) Act 1998 (members of the PSNI engaged on other police service), if the person seconded is a member of the PSNI,
  - (b) relevant service for the purposes of section 97 of the Police Act 1996 (police officers engaged on service outside their force), if the person seconded is a member of a police force as defined in section 101 of that Act), and
  - (c) temporary service outwith the Police Service of Scotland under section 15(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8), if the person seconded is a constable in the Police Service of Scotland.
- (6) If a member of the PSNI is a seconded ICRIR officer, the application of—
- (a) section 35 of the Police (Northern Ireland) Act 1998, or
  - (b) any provision under the law of England and Wales or Scotland that has a corresponding effect,
- to the person does not affect the person’s ability, as an ICRIR officer, to be a member of any trade union or association.
- (7) In this paragraph—
- “chief officer” means—
- (a) the Chief Constable of the PSNI, in the case of the secondment of a member of the PSNI, or
  - (b) the chief officer of a police force in Great Britain, in the case of the secondment of a member of the force;
- “police force” means—
- (a) the PSNI, or
  - (b) a police force in Great Britain;
- “policing body responsible for” a police force means—
- (a) in the case of the PSNI, the Northern Ireland Policing Board;
  - (b) in the case of a police force maintained under section 2 of the Police Act 1996, the Police and Crime Commissioner for the police area for which that force is maintained;
  - (c) in the case of the metropolitan police force, the Mayor’s Office for Policing and Crime;
  - (d) in the case of the City of London police force, the Common Council of the City of London as police authority for the City of London police area;
  - (e) in the case of the Police Service of Scotland, the Scottish Police Authority;
  - (f) in the case of the Ministry of Defence Police, the Secretary of State;
  - (g) in the case of the British Transport Police, the British Transport Police Authority.

#### Commencement Information

**I3** Sch. 1 para. 17 not in force at Royal Assent, see [s. 63\(4\)](#)

**I4** Sch. 1 para. 17 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

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### *Persons holding public elected positions not to be ICRIR officers*

- 18 (1) A person who holds a relevant office may not become an ICRIR officer.
- (2) A person ceases to be an ICRIR officer if the person begins to hold a relevant office.
- (3) For the meaning of references in this paragraph to holding a relevant office, see paragraph 9(3).
- (4) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 9).

#### **Commencement Information**

- I5** Sch. 1 para. 18 not in force at Royal Assent, see [s. 63\(4\)](#)
- I6** [Sch. 1 para. 18](#) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

### *Rehabilitation of offenders*

- 19 (1) The following Orders apply to ICRIR officers as they apply to constables—
- (a) the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 ([S.R. 1979/195](#));
- (b) the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ([S.I. 1975/1023](#));
- (c) the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 ([S.S.I. 2013/50](#)).
- (2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 8(8)).

#### **Commencement Information**

- I7** Sch. 1 para. 19 not in force at Royal Assent, see [s. 63\(4\)](#)
- I8** [Sch. 1 para. 19](#) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

### *Liability for unlawful conduct*

- 20 (1) The ICRIR may, in such cases and to such extent as appear to the ICRIR to be appropriate, pay—
- (a) any damages, or any costs or, in Scotland, expenses, awarded against an ICRIR officer in proceedings for any unlawful conduct of that ICRIR officer;
- (b) any costs or, in Scotland, expenses incurred and not recovered by an ICRIR officer in such proceedings; and
- (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (2) The ICRIR may make arrangements for the legal representation of any ICRIR officer in any proceedings mentioned in sub-paragraph (1).
- (3) The Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 ([S.I. 1972/963 \(N.I. 6\)](#)), and any provision under the law of England and Wales or Scotland that has a corresponding effect, does not require insurance to be effected by the ICRIR.

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- (4) The ICRIR is liable for the unlawful conduct of a person which occurs when the person is acting, or purporting to act, as a seconded ICRIR officer in the same manner as an employer is liable in respect of unlawful conduct of employees in the course of their employment.
- (5) If the unlawful conduct is a tort, the ICRIR is accordingly to be treated as a joint tortfeasor.

**Commencement Information**

- I9** Sch. 1 para. 20 not in force at Royal Assent, see [s. 63\(4\)](#)  
**I10** Sch. 1 para. 20 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

*No limitation on trade union activity*

- 21 (1) An ICRIR officer is not to be regarded as in police service for the purposes of—
- (a) Article 145 of the Trade Union and Labour Relations (Northern Ireland) Order 1995;
  - (b) Article 243 of the Employment Rights (Northern Ireland) Order 1996;
  - (c) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992; or
  - (d) section 200 of the Employment Rights Act 1996.
- (2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 15).

**Commencement Information**

- I11** Sch. 1 para. 21 not in force at Royal Assent, see [s. 63\(4\)](#)  
**I12** Sch. 1 para. 21 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

*Meaning of “employed” and “seconed” ICRIR officer*

- 22 In this Part—
- “employed ICRIR officer” means a person employed as an ICRIR officer under section 3(1);
- “seconed ICRIR officer” means a person seconded as an ICRIR officer under section 3(2).

**Commencement Information**

- I13** Sch. 1 para. 22 not in force at Royal Assent, see [s. 63\(4\)](#)  
**I14** Sch. 1 para. 22 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

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