

*Status: This version of this part 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

## SCHEDULES

PROSPECTIVE

### SCHEDULE 6

#### PERMITTED DISCLOSURES OF INFORMATION

#### PART 1

#### DISCLOSURES THAT ARE “PERMITTED”

##### *Introduction*

- 1 Paragraphs 2 to 5 set out which disclosures of information are “permitted” for the purposes of section 30(3).

##### **Commencement Information**

- 11** Sch. 6 para. 1 not in force at Royal Assent, see s. 63(4)

##### *Disclosure of any information to the Secretary of State*

- 2 A disclosure of any information by the ICRIR to the Secretary of State is permitted.

##### **Commencement Information**

- 12** Sch. 6 para. 2 not in force at Royal Assent, see s. 63(4)

##### *Disclosure of sensitive information to certain recipients*

- 3 (1) A disclosure of sensitive information by the ICRIR to a person listed in subparagraph (2) is permitted if—
- (a) the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, and
  - (b) the disclosure is made after the end of the relevant 10 day period.
- (2) The persons to whom a disclosure is permitted under this paragraph are—
- (a) the Director of Public Prosecutions for Northern Ireland;
  - (b) the Director of Public Prosecutions;
  - (c) the Lord Advocate;
  - (d) a member of the PSNI;
  - (e) a member of a police force in Great Britain;

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- (f) a coroner in Northern Ireland or England and Wales who is—
    - (i) a judge of the High Court in Northern Ireland,
    - (ii) a judge of the High Court in England and Wales,
    - (iii) a county court judge in Northern Ireland, or
    - (iv) a Circuit judge in England and Wales;
  - (g) a sheriff in Scotland, if the disclosure is made in respect of an inquiry into a death being, or to be, held under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2).
- (3) In this paragraph “relevant 10 day period” (in relation to a proposed disclosure notified to the Secretary of State) means the period of ten working days beginning with the day on which notification of the proposed disclosure is given under subparagraph (1).
- (4) For that purpose “working day” means any day other than—
- (a) a Saturday or a Sunday,
  - (b) Christmas Day or Good Friday, or
  - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

#### Commencement Information

**I3** Sch. 6 para. 3 not in force at Royal Assent, see s. 63(4)

#### *Disclosure of sensitive information notified in advance to the Secretary of State*

- 4 (1) A disclosure of sensitive information by the ICRIR is permitted if—
- (a) the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, and
  - (b) the Secretary of State notifies the Commissioner for Investigations that the proposed disclosure is permitted.
- (2) The Secretary of State must respond to a notification by the Commissioner for Investigations under this paragraph within the relevant decision period, by notifying that Commissioner that the proposed disclosure either—
- (a) is permitted, or
  - (b) is prohibited.
- (3) But the Secretary of State may notify the Commissioner for Investigations that the proposed disclosure is prohibited only if, in the Secretary of State’s view, the disclosure of the sensitive information would risk prejudicing, or would prejudice, the national security interests of the United Kingdom.
- (4) If the Secretary of State notifies the Commissioner for Investigations that the proposed disclosure is prohibited—
- (a) the Secretary of State must consider whether reasons for prohibiting it can be given without disclosing information which would risk prejudicing, or would prejudice, the national security interests of the United Kingdom; and
  - (b) if they can be given, the Secretary of State must give those reasons to the Commissioner for Investigations.

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#### Commencement Information

**I4** Sch. 6 para. 4 not in force at Royal Assent, see [s. 63\(4\)](#)

#### *Disclosure of protected international information notified in advance to the Secretary of State*

- 5 (1) A disclosure of protected international information by the ICRIR is permitted if—
- (a) the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, and
  - (b) the Secretary of State notifies the Commissioner for Investigations that the proposed disclosure is permitted.
- (2) The Secretary of State must respond to a notification by the Commissioner for Investigations under this paragraph within the relevant decision period, by notifying that Commissioner that the proposed disclosure either—
- (a) is permitted, or
  - (b) is prohibited.
- (3) But the Secretary of State may notify the Commissioner for Investigations that the proposed disclosure is prohibited only if, in the Secretary of State’s view, the disclosure of the protected international information would, or would be likely to, damage international relations.

#### Commencement Information

**I5** Sch. 6 para. 5 not in force at Royal Assent, see [s. 63\(4\)](#)

#### *The “relevant decision period”*

- 6 (1) In paragraph 4 or 5 “relevant decision period” (in relation to a proposed disclosure notified to the Secretary of State) means—
- (a) the period of 60 days beginning with the day on which the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, or
  - (b) any reasonable longer period which the Secretary of State specifies, in notice given to the Commissioner for Investigations during that 60 day period, as the period which the Secretary of State wishes to take in order to make a decision whether to permit or prohibit the proposed disclosure.
- (2) But if the court directs the Secretary of State to remake a decision—
- (a) on an appeal under paragraph 9, or
  - (b) on any further appeal,
- “relevant decision period” means the period for remaking that decision in compliance with that direction.

#### Commencement Information

**I6** Sch. 6 para. 6 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\(q\)](#)