



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 2

THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

Immunity from prosecution

20 Requests for immunity: procedural matters

- (1) A request by a person (P) for a grant of immunity that is made after the end of the fifth year of the period of operation of the ICRIR is not valid unless, when the request is made, the ICRIR is carrying out a review that relates to—
 - (a) relevant conduct by P, or
 - (b) other conduct which relates to, or is otherwise connected to, relevant conduct by P (including where the other conduct forms part of the same event as relevant conduct by P).
- (2) The Secretary of State may make rules about the procedures for—
 - (a) making requests for grants of immunity from prosecution;
 - (b) dealing with requests for grants of immunity from prosecution.
- (3) Subject to any rules, the Chief Commissioner is to determine the procedures for—
 - (a) making requests for grants of immunity from prosecution;
 - (b) dealing with requests for grants of immunity from prosecution.
- (4) A request for a grant of immunity is not valid if it is not made in accordance with any applicable procedure that—
 - (a) is in rules, or
 - (b) has been determined by the Chief Commissioner.

Status: This is the original version (as it was originally enacted).

- (5) It is for the Chief Commissioner to decide whether a request that has been made is valid.
- (6) Rules under this section are to be made by statutory instrument; and a statutory instrument containing the rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) If the Chief Commissioner is unable to exercise some or all of the immunity functions, generally or in particular circumstances, the Chief Commissioner may nominate another person—
 - (a) to temporarily exercise the immunity functions so far as the Chief Commissioner is unable to exercise them, and
 - (b) to be a temporary member of, and to temporarily chair, the immunity requests panel so far as those functions are panel functions.
- (8) But the Secretary of State may nominate a person under subsection (7) if the Chief Commissioner is unable to make a nomination.
- (9) A person may not be nominated under subsection (7) if the person—
 - (a) would be disqualified from appointment as a Commissioner by paragraph 8(3) of Schedule 1 (imprisonment, insolvency or disqualification from being a company director), or
 - (b) does not hold, and has not held, high judicial office (within the meaning of paragraph 8 of Schedule 1).
- (10) This Act is to apply to the exercise of immunity functions by a person appointed under subsection (7) as if the functions were being exercised by the Chief Commissioner.
- (11) In this section—
 - “immunity functions” means—
 - (a) the function conferred by subsection (5), and
 - (b) panel functions;
 - “panel functions” means functions of the Chief Commissioner as a member or the chair of the immunity requests panel.
- (12) For the purposes of this section “relevant conduct by P” is conduct by P forming part of the Troubles that is relevant to P’s request for immunity from prosecution.