

*Status:* This version of this schedule contains provisions that are prospective.  
**Changes to legislation:** Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, SCHEDULE 11 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

## SCHEDULES

PROSPECTIVE

### SCHEDULE 11

Section 44

#### INVESTIGATIONS, INQUESTS AND INQUIRIES IN ENGLAND AND WALES AND SCOTLAND

#### PART 1

#### ENGLAND AND WALES: INVESTIGATIONS AND INQUESTS

#### *Coroners and Justice Act 2009*

1 (1) After section 11 of the Coroners and Justice Act 2009 insert—

*“Deaths related to the Northern Ireland Troubles*

#### **11A Investigations and inquests into Troubles-related deaths**

Schedule 1A makes provision about investigations and inquests into Troubles-related deaths.”

(2) After Schedule 1 to that Act insert—

“SCHEDULE  
1A

#### INVESTIGATIONS AND INQUESTS INTO TROUBLES-RELATED DEATHS

#### **Obligatory discontinuance of existing investigations and inquests**

- 1 (1) This paragraph applies to an investigation into a death that resulted directly from the Troubles if, on 1 May 2024, a senior coroner was under a duty to conduct the investigation unless, on that day, the only part of the investigation that remains to be carried out is the coroner or any jury making the determination and any findings required by section 10, or something subsequent to that.
- (2) On and after that day a coroner must not progress the conduct of—
- (a) the investigation, or
  - (b) the inquest.
- (3) As soon as practicable on or after that day, the senior coroner who is responsible for conducting the investigation must discontinue—
- (a) the investigation, and

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(b) the inquest, including by discharging any jury that has been summoned.

(4) Any enactment which requires a senior coroner to conduct an investigation or hold an inquest is subject to this paragraph.

### **New investigations and inquests**

2 (1) This paragraph applies on and after the day on which paragraph 1(2) of Schedule 11 to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force.

(2) The duty under section 1(1) is not to begin to apply to a senior coroner in respect of a death that resulted directly from the Troubles.

(3) A senior coroner (A) must not make a request under section 2 for another senior coroner (B) to conduct an investigation into a death that resulted directly from the Troubles; and B must not agree to such a request.

(4) The Chief Coroner must not give a direction under section 1(5) or 3 to a senior coroner to conduct an investigation into a death that resulted directly from the Troubles.

### **Interpretation**

3 (1) For the purposes of this Schedule a death “resulted directly from the Troubles” if—

(a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from of an act of violence or force, and

(b) the act of violence or force was conduct forming part of the Troubles.

(2) In this paragraph “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).

(3) In this Schedule—

“inquest” means the inquest that forms part of an investigation;

“investigation” means an investigation under this Part.”

#### **Commencement Information**

**II** Sch. 11 para. 1 in force at 1.5.2024, see [s. 63\(3\)](#)

#### *Coroners Act 1988*

2 (1) In section 13 of the Coroners Act 1988 (order to hold investigation), after subsection (4) insert—

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“(5) This section does not apply in relation to a death that resulted directly from the Troubles (which has the same meaning as in Schedule 1A to the Coroners and Justice Act 2009 — see paragraph 4 of that Schedule).”

- (2) The repeal of the Coroners Act 1988 in Part 1 of Schedule 23 to the Coroners and Justice Act 2009 applies to section 13(5) of the 1988 Act as it applies to the other provisions of that Act.

#### Commencement Information

I2 Sch. 11 para. 2 in force at 1.5.2024, see [s. 63\(3\)](#)

## PART 2

### SCOTLAND: INQUIRIES AND INVESTIGATIONS

#### *Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016*

- 3 (1) After section 7 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ([asp 2](#)) insert—

*“Deaths related to the Northern Ireland Troubles*

#### **7A Inquiries and investigations into Troubles-related deaths**

Schedule A1 makes provision about inquiries and investigations into Troubles-related deaths.”

- (2) Before Schedule 1 to that Act insert—

“SCHEDULE  
A1

### INQUIRIES AND INVESTIGATIONS INTO TROUBLES-RELATED DEATHS

#### **Obligatory discontinuance of existing inquiries and investigations**

- 1 (1) This paragraph applies to an inquiry into a death that resulted directly from the Troubles if it was initiated before 1 May 2024, unless, on that day, the only part of the inquiry that remains to be carried out is the sheriff making the determination required by section 26, or something subsequent to that.
- (2) On and after that day, the sheriff must not progress the conduct of the inquiry.
- (3) As soon as practicable on or after that day, the sheriff must discontinue the inquiry.
- (4) If this paragraph applies to an inquiry—

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- (a) on and after 1 May 2024, the procurator fiscal must not progress conduct of the investigation into that death required by section 1(1)(a), and
  - (b) as soon as practicable on or after that day, the procurator fiscal must discontinue the investigation (if it has been begun).
- (5) Section 1(1) (procurator fiscal to investigate death and arrange inquiry) and section 1(2) (sheriff to conduct inquiry) are subject to this paragraph.

### New inquiries and investigations

- 2 On and after the day the day on which paragraph 3 of Schedule 11 to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force—
- (a) the Lord Advocate must not exercise the functions conferred by section 4, 6 or 7 so as to cause an inquiry to be held into any death that resulted directly from the Troubles;
  - (b) the procurator fiscal must not give the sheriff notice under section 15(1) that an inquiry is to be held into any death that resulted directly from the Troubles; and
  - (c) further inquiry proceedings must not be held in accordance with section 30(2) in relation to a death that resulted directly from the Troubles.

### Interpretation

- 3 (1) For the purposes of this Schedule a death “resulted directly from the Troubles” if—
- (a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from of an act of violence or force, and
  - (b) the act of violence or force was conduct forming part of the Troubles.
- (2) In this paragraph “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).
- (3) For the purposes of this Schedule an inquiry is “initiated” by the procurator fiscal giving the sheriff notice under section 15(1) that the inquiry is to be held.”

#### Commencement Information

**I3** Sch. 11 para. 3 in force at 1.5.2024, see [s. 63\(3\)](#)

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**Changes and effects yet to be applied to :**

- Sch. 11 para. 1 coming into force by [2023 c. 41 s. 63\(3\)](#)
- Sch. 11 para. 2 coming into force by [2023 c. 41 s. 63\(3\)](#)
- Sch. 11 para. 3 coming into force by [2023 c. 41 s. 63\(3\)](#)