



# Historical Institutional Abuse (Northern Ireland) Act 2019

## 2019 CHAPTER 31

### PART 1

#### THE HISTORICAL INSTITUTIONAL ABUSE REDRESS BOARD

##### *Miscellaneous*

#### **17 Restrictions on public access**

- (1) The President of the Board may by order (a “restriction order”) impose specified restrictions on—
  - (a) disclosure or publication of evidence or documents given, produced or provided on the determination of an application or appeal under this Part;
  - (b) disclosure or publication of the identity of any person.
- (2) The power under subsection (1) is also exercisable—
  - (a) on the determination of an application under this Part by the panel appointed under section 8, or
  - (b) on the determination of an appeal under this Part by the single judicial member of the Board selected under section 16.
- (3) A restriction order must specify only such restrictions—
  - (a) as are required by any law, or
  - (b) as the President, or the panel or judicial member of the Board concerned, considers to be necessary in the public interest, having regard in particular to the matters mentioned in subsection (4).
- (4) Those matters are—
  - (a) the extent to which a restriction on disclosure or publication might inhibit the allaying of public concern;

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*Status: This is the original version (as it was originally enacted).*

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- (b) any risk of harm or damage that could be avoided or reduced by any such restriction;
  - (c) any conditions as to confidentiality subject to which a person acquired information which that person is to give or has given to a panel appointed under section 8 or a single judicial member selected under section 16;
  - (d) the extent to which not imposing any particular restriction would be likely—
    - (i) to cause delay or to impair the efficient and effective discharge on behalf of the Board of its functions in determining an application or an appeal under this Part, or
    - (ii) otherwise to result in additional cost (whether to public funds or to a person making an application or bringing an appeal under this Part or to any other person).
- (5) The President, or the panel or judicial member of the Board concerned, may vary or revoke a restriction order by making a further order.
- (6) Restrictions imposed under this section continue in force indefinitely unless—
- (a) under the terms of the relevant order, the restrictions expire at a specified time, or
  - (b) the relevant order is varied or revoked under subsection (5).

## **18 Information about legal advice and assistance**

- (1) The secretary to the Board must, on a request from the Department of Justice in Northern Ireland, provide that Department with—
- (a) the name and address of each person who has made an application for compensation, or brought an appeal, under this Part and who has been receiving legal advice and assistance on the application or appeal, and
  - (b) details of the solicitors who have been providing the advice and assistance.
- (2) This section does not authorise the provision of information in contravention of any law which restricts or prevents provision of the information (including section 17).

## **19 Rules**

- (1) Rules may make procedural provision for the purposes of this Part.
- (2) The provision which may be made in rules under this Part includes provision—
- (a) to specify information, documents or other material which must be provided in support of an application or appeal and the form in which information, documents or other material may or must be provided;
  - (b) to impose time limits;
  - (c) for the assessment and payment of the costs incurred in connection with legal advice and assistance;
  - (d) for the reimbursement of other costs or expenses of a specified description;
  - (e) for the making of payments under section 14;
  - (f) for enabling an award of compensation to be held on trust in such cases as the panel (on an application) or single judicial member of the Board (on an appeal) may determine;
  - (g) for enabling the recovery of a payment made in error.

- (3) The provision which may be made under subsection (2)(c) includes provision requiring the secretary to the Board to pay on each application for payment of costs a specified amount to the solicitor making the application, regardless of whether or not the application for payment of costs is granted.
- (4) But the rules may also provide that the secretary to the Board is not required to make a payment by virtue of subsection (3) if the secretary is satisfied that the application for payment of costs is wholly without merit.
- (5) Rules under this Part may confer a discretion.
- (6) Rules under this Part may contain incidental, supplementary, transitional or saving provision.

## **20 Rules: procedure**

- (1) The power to make rules under this Part is exercisable by the Executive Office; but the Executive Office may not make rules without having obtained the approval of the Lord Chief Justice of Northern Ireland.
- (2) The power to make rules under this Part is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979; and a statutory rule under this section is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).