



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 3

INVESTIGATIONS, LEGAL PROCEEDINGS ETC AND RELEASE OF PRISONERS

Interim custody orders

47 Interim custody orders: prohibition of proceedings and compensation

- (1) On or after the commencement day, a civil action may not be continued or brought if, or to the extent that, the claim that is to be determined in the action involves an allegation that—
 - (a) the person bringing the action, or another person, was detained under the authority of an interim custody order, and
 - (b) that interim custody order was unlawful because an authorised Minister of the Crown exercised any of the order-making functions in relation to the order.
- (2) On or after the commencement day, criminal proceedings relating to the quashing of a conviction may not be continued or brought if, or to the extent that, the grounds for seeking to have the conviction quashed involve an allegation that—
 - (a) the person bringing the proceedings, or another person, was detained under the authority of an interim custody order, and
 - (b) that interim custody order was unlawful because an authorised Minister of the Crown exercised any of the order-making functions in relation to the order.
- (3) If criminal proceedings relating to the quashing of a conviction are pre-commencement proceedings—
 - (a) subsection (2) does not apply to the criminal proceedings;
 - (b) section 46 does not prevent the court from quashing the conviction on the ground that an interim custody order was unlawful because an authorised Minister of the Crown exercised any of the order-making functions.

Status: Point in time view as at 18/09/2023. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Section 47. (See end of Document for details)

- (4) On or after the commencement day, no compensation for a miscarriage of justice is to be paid in respect of a conviction that has been reversed solely on the ground that an interim custody order was unlawful because an authorised Minister of the Crown exercised any of the order-making functions.
- (5) Regulations under section 58(2) which make provision that is consequential on section 46 or this section—
- (a) may amend this Act (including this section);
 - (b) (whether or not they make such amendments) are subject to made affirmative procedure, unless they are instead made in accordance with section 58(5) (the affirmative procedure) or 58(6) (the negative procedure).
- (6) In this section—
- “commencement day” means the day on which this section comes into force;
 - “compensation for a miscarriage of justice” means compensation under section 133 of the Criminal Justice Act 1988;
 - “pre-commencement proceedings” means proceedings—
 - (a) for which leave was given before the commencement day, or
 - (b) which follow from a referral made by the Criminal Cases Review Commission before the commencement day.

Commencement Information

- I1** S. 47(1)-(4)(6) in force at 18.11.2023, see s. 63(2)(a)
I2 S. 47(5) in force at 18.9.2023, see s. 63(1)(b)

Status:

Point in time view as at 18/09/2023. This version of this provision has been superseded.

Changes to legislation:

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