



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 2

THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

Reviews of deaths and other harmful conduct

9 Requests for reviews of deaths

- (1) A close family member of the deceased may request a review of a death that was caused directly by conduct forming part of the Troubles.
- (2) If there are no close family members of the deceased, any member of the family of the deceased may instead exercise the right to make a request under subsection (1), but only if it is appropriate for that family member to make that request.
- (3) The Secretary of State may request a review of a death that was caused by conduct forming part of the Troubles (whether or not it was caused directly by the conduct).
- (4) The Attorney General for Northern Ireland may request a review of a death that was caused directly by conduct forming part of the Troubles.
- (5) The Advocate General for Northern Ireland may request a review of a death that was caused directly by conduct forming part of the Troubles if section 14(3) of the Coroners Act (Northern Ireland) 1959 applies to the death (inquest on orders of Advocate General if national security involved).
- (6) A request for a review of a death that was caused directly by conduct forming part of the Troubles may be made by any of the following persons—
 - (a) the coroner in Northern Ireland who was responsible for an inquest into that death which has been closed in accordance with section 16A(3) of the Coroners Act (Northern Ireland) 1959;

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Section 9. (See end of Document for details)

- (b) the senior coroner in England and Wales who was responsible for conducting an investigation into that death which has been discontinued in accordance with paragraph 1(3) of Schedule 1A to the Coroners and Justice Act 2009;
 - (c) the Chief Coroner of England and Wales, if the Chief Coroner is prohibited by paragraph 2(4) of Schedule 1A to the Coroners and Justice Act 2009 from directing a senior coroner to conduct an investigation into the death;
 - (d) the sheriff in Scotland who was responsible for conducting an inquiry into that death which has been discontinued in accordance with paragraph 1(3) of Schedule A1 to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2);
 - (e) the procurator fiscal in Scotland who was responsible for conducting an investigation into that death which has been discontinued in accordance with paragraph 1(4)(b) of Schedule A1 to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016;
 - (f) the Lord Advocate, if the Lord Advocate is prohibited by paragraph 2(a) of Schedule A1 to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 from exercising functions so as to cause an inquiry to be held into the death.
- (7) It is for the Commissioner for Investigations to decide if it is appropriate for a family member to make a request in accordance with subsection (2).
- (8) A request under this section may not be made after the end of the fifth year of the period of operation of the ICRIR.
- (9) For the purposes of this section, a death was “caused directly by conduct forming part of the Troubles” if—
- (a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from an act of violence or force, and
 - (b) the act of violence or force was conduct forming part of the Troubles.
- (10) In this section—
- “close family member” has the meaning given in Part 1 of Schedule 3;
 - “inquiry” means an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016;
 - “investigation” means—
- (a) in relation to a senior coroner in England and Wales or the Chief Coroner of England and Wales, an investigation under Part 1 of the Coroners and Justice Act 2009;
 - (b) in relation to a procurator fiscal, an investigation under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

Commencement Information

- I1** S. 9 not in force at Royal Assent, see [s. 63\(4\)](#)
- I2** S. 9 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(f\)](#) (with [regs. 3, 4](#))

Changes to legislation:

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