

Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

CHAPTER 41

NORTHERN IRELAND TROUBLES (LEGACY AND RECONCILIATION) ACT 2023

PART 1

THE TROUBLES

1 Meaning of "the Troubles" and other key expressions

PART 2

THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

The ICRIR, the Commissioners and ICRIR officers

- 2 The Independent Commission for Reconciliation and Information Recovery
- 3 ICRIR officers
- 4 Actions of the ICRIR: safeguards
- 5 Full disclosure to the ICRIR
- 6 Operational powers of ICRIR officers

Admissibility of information provided to the ICRIR

- 7 Admissibility of material in criminal proceedings
- 8 Admissibility of material in civil proceedings

Reviews of deaths and other harmful conduct

9 Requests for reviews of deaths

Status: Point in time view as at 18/09/2023.

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

10	Requests for reviews of other harmful conduct forming part of the
	Troubles

- 11 Requests for reviews: general provision
- 12 Reviews in connection with requests for immunity from prosecution
- 13 Conduct of reviews
- 14 Supply of information
- 15 Production of reports on the findings of reviews
- 16 Consultation on reports
- 17 Issuing and publication of reports
- 18 Reports: general provision

Immunity from prosecution

- 19 Immunity from prosecution
- 20 Requests for immunity: procedural matters
- 21 Determining a request for immunity
- 22 The immunity requests panel
- 23 Personal statements by persons affected by deaths etc
- 24 Publication of personal statements

Information for prosecutors

25 Information for prosecutors

Grants of immunity: revocation and false statements

- 26 Subsequent convictions: revocation of immunity
- 27 False statements: offence

The historical record of deaths

- 28 Production of the historical record
- 29 Publication of the historical record

Information

- 30 Disclosure of information: general power and prohibitions
- 31 The ICRIR's use of information obtained by it
- 32 Identifying information that is subject to additional safeguards
- 33 Guidance and protocols relating to information
- Regulations about the holding and handling of information

Biometric material

35 Biometric material

Supplementary

- 36 Review of the performance of the ICRIR's functions
- 37 Conclusion of the work of the ICRIR

PART 3

INVESTIGATIONS, LEGAL PROCEEDINGS ETC AND RELEASE OF PRISONERS

Criminal investigations and proceedings

38 No criminal investigations except through ICRIR reviews

Document Generated: 2024-08-06

Status: Point in time view as at 18/09/2023.

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

- 39 Grant of immunity: prohibition of criminal enforcement action
- 40 No grant of immunity: restrictions on criminal enforcement action
- 41 Other Troubles-related offences: prohibition of criminal enforcement
- 42 General provision and saving for ongoing pre-commencement action

Civil proceedings, inquests and police complaints

- 43 Tort, delict and fatal accident actions
- 44 Inquests, investigations and inquiries
- 45 Police complaints

Interim custody orders

- 46 Interim custody orders: validity
- 47 Interim custody orders: prohibition of proceedings and compensation

Release of prisoners

48 Prisoner release

PART 4

MEMORIALISING THE TROUBLES

- 49 Oral history
- 50 The memorialisation strategy
- 51 Response to the memorialisation strategy
- 52 Academic research
- 53 Annual reports
- 54 Carrying out the Troubles-related work programme
- 55 The advisory forum
- 56 Designated persons and funding
- 57 Interpretation of this Part

PART 5

FINAL PROVISIONS

- 58 Consequential provision
- 59 Regulations
- 60 Interpretation
- 61 Application to the Crown
- 62 Extent
- 63 Commencement
- 64 Short title

SCHEDULES

SCHEDULE 1 — The ICRIR, the Commissioners and ICRIR officers PART 1 — THE ICRIR

- 1 Status
- 2 Powers
- 3 Regulation and validity of proceedings
- 4 Delegation of functions and their exercise by the Commissioners

Status: Point in time view as at 18/09/2023.

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

- 5 Seal and proof of documents
- 6 Accounts and audit

PART 2 — THE COMMISSIONERS

- 7 Number of Commissioners
- 8 Appointment
- 9 Person holding public elected position not to be a Commissioner
- 10 Terms of appointment of Commissioners
- 11 Conflicts of interest
- 12 Resignation and removal of Commissioners

PART 3 — THE CHIEF COMMISSIONER

13 Delegation of functions

PART 4 — THE COMMISSIONER FOR INVESTIGATIONS

- 14 Delegation of functions
- 15 No limitation on trade union activity

PART 5 — ICRIR OFFICERS

- 16 Employed ICRIR officers
- 17 Seconded ICRIR officers
- 18 Persons holding public elected positions not to be ICRIR officers
- 19 Rehabilitation of offenders
- 20 Liability for unlawful conduct
- 21 No limitation on trade union activity
- 22 Meaning of "employed" and "seconded" ICRIR officer

SCHEDULE 2 — Operational powers of ICRIR officers

- 1 Designations and designated ICRIR officers
- 2 Effect of designation
- 3 Exercise of the powers and privileges of a Scottish constable
- 4 Limitations
- 5 Duration of designation
- 6 Evidence of designation
- 7 Territorial restrictions
- 8 Powers exercisable under warrant
- 9 Direction and control of ICRIR officers exercising powers in Scotland
- 10 Modification of references
- 11 Assaulting a designated ICRIR officer
- 12 Resisting, obstructing or impeding a designated ICRIR officer
- 13 Impersonating a designated ICRIR officer
- 14 Regulations

SCHEDULE 3 — Family members

PART 1 — CLOSE FAMILY MEMBERS

- 1 Meaning of "close family member"
- 2 Co-habitee
- 3 Step-child
- 4 Step-parent
- 5 Step-brother or step-sister
- 6 Interpretation

PART 2 — RELEVANT FAMILY MEMBERS

7 Meaning of "relevant family member"

SCHEDULE 4 — Supply of information: enforcement

PART 1 — FAILURE TO COMPLY WITH A NOTICE

1 Penalty for failure to comply

Document Generated: 2024-08-06

Status: Point in time view as at 18/09/2023.

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

- 2 Notification of penalty decision
- 3 Objection to penalty decision
- 4 Appeals
- 5 Enforcement of penalty
- 6 Giving of notices
- 7 Interpretation

PART 2 — DISTORTION OR SUPPRESSION OF EVIDENCE ETC

- 8 Distorting evidence etc
- 9 Suppression of evidence etc
- 10 Institution of proceedings
- 11 Penalties

SCHEDULE 5 — No immunity in certain circumstances

PART 1 — SEXUAL OFFENCE, EXISTING CONVICTION OR ONGOING PROSECUTION

- 1 Application of this Part
- 2 Prohibition of grant of immunity: sexual offences
- 3 Prohibition of grant of immunity: conviction or ongoing prosecution
- 4 Grant of immunity prohibited for all identified possible offences
- 5 Grant of immunity prohibited for some identified possible offences

PART 2 — NEW REQUEST FOR IMMUNITY AFTER REVOCATION OF PREVIOUS GRANT

6 (1) This paragraph applies where—(a) under section 26, a...

SCHEDULE 6 — Permitted disclosures of information

PART 1 — DISCLOSURES THAT ARE "PERMITTED"

- 1 Introduction
- 2 Disclosure of any information to the Secretary of State
- 3 Disclosure of sensitive information to certain recipients
- 4 Disclosure of sensitive information notified in advance to the Secretary of State
- 5 Disclosure of protected international information notified in advance to the Secretary of State
- 6 The "relevant decision period"

PART 2 — DECISIONS TO PROHIBIT DISCLOSURES OF SENSITIVE INFORMATION IN FINAL REPORTS

- 7 Application of this Part
- 8 Affected report to include statement of Secretary of State's decision
- 9 Initial appeals
- 10 Bringing an initial appeal
- 11 Further appeal against an initial appeal
- 12 Application of the Justice and Security Act 2013
- 13 Interpretation

SCHEDULE 7 — Offences relating to disclosure of information

- 1 Current and former Commissioners, ICRIR officers and ICRIR contractors
- 2 Penalties
- 3 Interpretation

SCHEDULE 8 — Identification of sensitive, prejudicial or protected international information

Status: Point in time view as at 18/09/2023.

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

- PART 1 THE ICRIR: IDENTIFICATION OF SENSITIVE OR PREJUDICIAL INFORMATION
- 1 (1) The Commissioner for Investigations must, from time to time,...
 - PART 2 RELEVANT AUTHORITIES: IDENTIFICATION OF SENSITIVE OR PREJUDICIAL INFORMATION
- 2 Information made available by a relevant authority
- 3 Information made available by other persons
- 4 Notifications under this Schedule
 - PART 3 SECRETARY OF STATE: IDENTIFICATION OF PROTECTED INTERNATIONAL INFORMATION
- 5 The Secretary of State may notify the Commissioner for Investigations...

SCHEDULE 9 — Determination of whether the prohibition on civil actions applies

- 1 Actions that contravene a section 43 prohibition
- 2 Right of the Secretary of State to intervene
- 3 Determination by the court
- 4 Appeals etc

SCHEDULE 10 — Civil actions to which the 2008 Mediation Directive applies

- 1 Prohibition on continuing or bringing actions which involved prior cross-border mediation
- 2 Interpretation
- SCHEDULE 11 Investigations, inquests and inquiries in England and Wales and Scotland
 - PART 1 ENGLAND AND WALES: INVESTIGATIONS AND INQUESTS
- 1 Coroners and Justice Act 2009
- 2 Coroners Act 1988
 - PART 2 SCOTLAND: INQUIRIES AND INVESTIGATIONS
- 3 Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

SCHEDULE 12 — Prisoner release

- 1 Amendment and saving of legislation
- 2 Qualifying offences: offences committed between 1966 and 1973
- 3 Offences equivalent to qualifying offences: offences committed between 1966 and 1973
- 4 Interpretation of the 1998 Act

SCHEDULE 13 — Amendments

PART 1 — THE ICRIR

- 1 Prosecution of Offences Act 1985
- 2 Northern Ireland Act 1998
- 3 Police (Northern Ireland) Act 1998
- 4 Freedom of Information Act 2000
- 5 Justice (Northern Ireland) Act 2002
- 6 Police Reform Act 2002
- 7 Police, Public Order and Criminal Justice (Scotland) Act2006 (Consequential Provisions and Modifications) Order 2007
- 8 Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013
- 9 Investigatory Powers Act 2016

Document Generated: 2024-08-06

Status: Point in time view as at 18/09/2023.

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

- 10 Data Protection Act 2018
- 11 Sentencing Act 2020
 - PART 2 LIMITATION OF LEGAL PROCEEDINGS
- 12 Prescription and Limitation (Scotland) Act 1973
- 13 Limitation Act 1980
- 14 Foreign Limitation Periods Act 1984
- Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5)
- 16 Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))
- 17 Merchant Shipping Act 1995

Status:

Point in time view as at 18/09/2023.

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.