



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

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

- (1) The Independent Commission for Reconciliation and Information Recovery is established.
- (2) The ICRIR is a body corporate.
- (3) The ICRIR consists of—
 - (a) the Chief Commissioner,
 - (b) the Commissioner for Investigations, and
 - (c) between one and five other Commissioners.
- (4) The principal objective of the ICRIR in exercising its functions is to promote reconciliation.
- (5) The functions of the ICRIR are—
 - (a) to carry out reviews of deaths that were caused by conduct forming part of the Troubles (see sections 9 and 11 to 13);
 - (b) to carry out reviews of other harmful conduct forming part of the Troubles (see sections 10 to 13);
 - (c) to produce reports (“final reports”) on the findings of each of the reviews of deaths and other harmful conduct (see sections 15 to 18);

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

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- (d) to determine whether to grant persons immunity from prosecution for serious or connected Troubles-related offences other than Troubles-related sexual offences (see sections 19 to 21);
 - (e) to refer deaths that were caused by conduct forming part of the Troubles, and other harmful conduct forming part of the Troubles, to prosecutors (see section 25);
 - (f) to produce a record (the “historical record”) of deaths that were caused by conduct forming part of the Troubles (see sections 28 and 29).
- (6) In exercising its functions, the ICRIR must have regard to the general interests of persons affected by Troubles-related deaths and serious injuries.
- (7) At least three months before the start of each financial year, the ICRIR must—
- (a) produce and publish a work plan for that year, and
 - (b) give a copy of the plan to the Secretary of State.
- But this duty does not apply in relation to any financial year which starts before 1 April 2025.
- (8) A work plan must deal with the following matters—
- (a) the caseload which the ICRIR is expecting;
 - (b) the plans which the ICRIR has for dealing with its caseload;
 - (c) the plans which the ICRIR has for engaging with persons entitled to request reviews of deaths and other harmful conduct;
 - (d) policies which the ICRIR is planning to introduce, review or change;
 - (e) such other matters as the ICRIR considers appropriate.
- (9) No later than six months after the end of each financial year, the ICRIR must—
- (a) produce and publish an annual report in relation to that year, and
 - (b) give a copy of the annual report to the Secretary of State.
- (10) An annual report must deal with the following matters—
- (a) the finances of the ICRIR;
 - (b) the administration of the ICRIR;
 - (c) the volume of information received by the ICRIR;
 - (d) the number of requests for reviews that have been made;
 - (e) the number of final reports on the findings of reviews that have been provided to persons requesting them;
 - (f) the number of applications for immunity from prosecution that have been made;
 - (g) the number of applications for immunity from prosecution that have been decided by the immunity requests panel;
 - (h) the number of persons who have been granted, and the number of persons who have been refused, immunity from prosecution;
 - (i) progress made in producing the historical record;
 - (j) such other matters as the ICRIR considers appropriate.
- (11) The Secretary of State may make payments or provide other resources to, or in respect of, the ICRIR in connection with the exercise of the ICRIR’s functions.
- (12) Schedule 1 contains provision about the ICRIR, the Commissioners and the ICRIR officers.

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- (13) In this section “persons affected by Troubles-related deaths and serious injuries” means—
- (a) family members of persons whose deaths were caused directly by conduct forming part of the Troubles (and the reference to those deaths has the meaning given in section 9(9)),
 - (b) persons who suffered serious physical or mental harm that was caused by conduct forming part of the Troubles, and
 - (c) family members of persons who suffered such harm and have subsequently died.
- (14) In this Act “financial year”, in relation to the ICRIR, means—
- (a) the period which—
 - (i) begins with the day on which this section comes into force, and
 - (ii) ends with the following 31 March; and
 - (b) each subsequent period of one year which ends with 31 March.

Commencement Information

- I1** S. 2 not in force at Royal Assent, see [s. 63\(4\)](#)
- I2** S. 2(1)-(3)(11)(12)(14) in force at 1.12.2023 by [S.I. 2023/1293, reg. 2\(a\)](#)
- I3** S. 2(4)(5)(a)-(c)(e)(f)(6)-(9)(10)(a)-(e)(i)(j)(13) in force at 1.5.2024 by [S.I. 2024/584, reg. 2\(a\)](#) (with [regs. 3, 4](#))

3 ICRIR officers

- (1) The ICRIR may employ persons to be officers of the ICRIR.
- (2) The ICRIR may make arrangements for persons to be seconded to serve as officers of the ICRIR.
- (3) In employing and seconding persons, the ICRIR must ensure that (as far as it is practicable) the officers of the ICRIR include—
 - (a) persons who have experience of conducting criminal investigations in Northern Ireland, and
 - (b) persons who do not have that experience but have experience of conducting criminal investigations outside Northern Ireland.
- (4) In this Act “ICRIR officers” means—
 - (a) the Commissioner for Investigations,
 - (b) the persons employed under this section, and
 - (c) the persons seconded under this section.

Commencement Information

- I4** S. 3 not in force at Royal Assent, see [s. 63\(4\)](#)
- I5** S. 3 in force at 1.12.2023 by [S.I. 2023/1293, reg. 2\(b\)](#)

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4 Actions of the ICRIR: safeguards

- (1) The ICRIR must not do anything which—
 - (a) would risk prejudicing, or would prejudice, the national security interests of the United Kingdom,
 - (b) would risk putting, or would put, the life or safety of any person at risk, or
 - (c) would risk having, or would have, a prejudicial effect on any actual or prospective criminal proceedings in any part of the United Kingdom.
- (2) In relation to something done by the ICRIR, criminal proceedings are “prospective” if, in the view of the ICRIR, the proceedings are likely to be brought within a reasonable period after that thing is done.
- (3) Subsection (1)(c) does not apply to grants of immunity from prosecution by the ICRIR under section 19 (but see paragraph 3 of Schedule 5).
- (4) For provision about the way in which subsection (1) operates in relation to disclosures of information, see section 30(2) to (9).

Commencement Information

- I6** S. 4 not in force at Royal Assent, see **s. 63(4)**
- I7** S. 4(1)(2) in force at 1.12.2023 by **S.I. 2023/1293, reg. 2(c)**
- I8** S. 4(4) in force at 1.5.2024 by **S.I. 2024/584, reg. 2(b)** (with regs. 3, 4)

5 Full disclosure to the ICRIR

- (1) A relevant authority must make available to the ICRIR such—
 - (a) information,
 - (b) documents, and
 - (c) other material,
 as the Commissioner for Investigations may reasonably require for the purposes of, or in connection with, the exercise of the review function or the immunity function.
- (2) A relevant authority may also make available to the ICRIR any—
 - (a) information,
 - (b) documents, and
 - (c) other material,
 which, in the view of that authority, may be needed for the purposes of, or in connection with, the exercise of the review function or the immunity function.
- (3) It is for the relevant authority and the Commissioner for Investigations to agree the manner in which information, a document or other material is to be made available under this section (unless the Commissioner for Investigations imposes a requirement under subsection (4)).
- (4) Information which the Commissioner for Investigations requires to be made available under subsection (1) is to be made available in such manner as that Commissioner may reasonably require.
- (5) An agreement under subsection (3) may provide, and a requirement under subsection (4) may require, (in particular) that the relevant authority is to—

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- (a) give the information, document or other material to the Commissioner for Investigations;
 - (b) give a copy of the information, document or other material to the Commissioner for Investigations;
 - (c) allow the ICRIR to access the information, document or other material while it is held by the relevant authority.
- (6) A requirement under subsection (4) (including anything required by virtue of subsection (5)) must be consistent with regulations under section 34(1).
- (7) The Commissioner for Investigations may require any of the following persons to give the ICRIR such assistance as is reasonable for the purposes of, or in connection with, the effective use of information, documents and other material made available by that person under this section—
- (a) the Chief Constable of the PSNI;
 - (b) the chief officer of a police force in Great Britain;
 - (c) the Police Ombudsman for Northern Ireland;
 - (d) the Director General of the Independent Office for Police Conduct;
 - (e) the Police Investigations and Review Commissioner.
- (8) It is not a breach of—
- (a) any obligation of confidence owed by a relevant authority, or
 - (b) any other restriction on the disclosure of information (however imposed),
- for a relevant authority to make information, documents and other material available under this section.
- (9) In this section “copy” includes a photograph or similar representation.

Commencement Information

I9 S. 5 not in force at Royal Assent, see [s. 63\(4\)](#)

I10 S. 5 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(c\)](#) (with [regs. 3, 4](#))

6 Operational powers of ICRIR officers

- (1) The Commissioner for Investigations is (by virtue of this section) designated as a person having the powers and privileges of a constable.
- (2) The Commissioner for Investigations may designate any other ICRIR officer as a person having the powers and privileges of a constable, if that Commissioner is satisfied that that ICRIR officer—
- (a) is capable of effectively exercising those powers and privileges;
 - (b) has received adequate training in respect of the exercise of those powers and privileges; and
 - (c) is otherwise a suitable person to exercise those powers and privileges.
- (3) The powers and privileges of a constable which the Commissioner for Investigations, or any other ICRIR officer, has by virtue of a designation under this section may be exercised for the purposes of, or in connection with, any function of the ICRIR except the function of producing the historical record.
- (4) Schedule 2 contains further provision about the operational powers of ICRIR officers.

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Commencement Information

- I11** S. 6 not in force at Royal Assent, see **s. 63(4)**
I12 S. 6 in force at 1.5.2024 in so far as not already in force by S.I. 2024/584, **reg. 2(d)** (with **regs. 3, 4**)
I13 S. 6(4) in force at 1.12.2023 for specified purposes by S.I. 2023/1293, **reg. 2(i)**

Admissibility of information provided to the ICRIR

7 Admissibility of material in criminal proceedings

- (1) This section applies in relation to criminal proceedings brought against a person (D).
- (2) Compelled material obtained from D may not be used in evidence against D.
- (3) If D has made an application for immunity from prosecution, the following material may not be used in evidence against D—
 - (a) material provided by D to the ICRIR (including the immunity requests panel) in connection with the application;
 - (b) material obtained (directly or indirectly) as a result of material provided as mentioned in paragraph (a).
- (4) Subsection (2) does not apply in relation to proceedings against D for an offence under paragraph 8(1)(a) of Schedule 4 (distortion of evidence); and subsections (2) and (3) do not apply in relation to proceedings against D for an offence under section 27 (false statements).
- (5) Any other material provided by, or obtained from, D for the purposes of, or in connection with, the exercise of any of the ICRIR's functions may not be used in evidence against D unless exception 1 or 2 applies in relation to the material.
- (6) *Exception 1:* the material was provided to, or obtained by, an ICRIR officer designated under section 6(1) or (2).
- (7) *Exception 2:* the proceedings brought against D relate to—
 - (a) the exercise by the ICRIR of any function,
 - (b) any other conduct of the ICRIR,
 - (c) the conduct of any current or former Commissioner, ICRIR officer or ICRIR contractor,
 - (d) a person being appointed, or holding office, as a Commissioner, or
 - (e) a person being employed or seconded as, or being, an ICRIR officer.
- (8) Where subsection (4) or exception 1 or 2 applies in relation to the material, this section does not affect the application to that material of any other legislation or rule of law relating to admissibility.
- (9) No evidence relating to any material inadmissible against D may be adduced, and no question relating to any material inadmissible against D may be asked by or on behalf of the prosecution, unless evidence relating to that material is adduced, or a question relating to that material is asked, in the proceedings by or on behalf of D.
- (10) This section applies in relation to material, and evidence or questions relating to material—

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- (a) whether the material is in the form in which it was provided or obtained, or in some other form;
- (b) whether the material (in whatever form) is in the possession of the ICRIR or another person (whether obtained directly or indirectly from the ICRIR).

(11) In this section—

“compelled material” means anything that has been obtained by the ICRIR from a person through the exercise of the ICRIR’s powers under section 14;

“material inadmissible against D”, in relation to criminal proceedings brought against D, means material that, by virtue of subsections (2) to (7), may not be used in evidence against D;

“other material” means any material other than—

- (a) compelled material obtained from D, and
- (b) material provided by D as mentioned in subsection (3)(a).

Commencement Information

I14 S. 7 not in force at Royal Assent, see **s. 63(4)**

I15 S. 7(1)(2), (4)-(11) in force at 1.5.2024 by S.I. 2024/584, **reg. 2(e)** (with **regs. 3, 4**)

PROSPECTIVE

8 Admissibility of material in civil proceedings

- (1) No protected material, or evidence relating to protected material, is admissible in any—
 - (a) civil proceedings,
 - (b) proceedings before a coroner, or
 - (c) inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2).
- (2) This section does not apply to proceedings which relate to—
 - (a) the exercise by the ICRIR of any function,
 - (b) any other conduct of the ICRIR,
 - (c) the conduct of any current or former Commissioner, ICRIR officer or ICRIR contractor,
 - (d) a person being appointed, or holding office, as a Commissioner,
 - (e) a person being employed or seconded as, or being, an ICRIR officer, or
 - (f) judicial review proceedings or, in Scotland, proceedings on an application to the supervisory jurisdiction of the Court of Session, which relate to the exercise of functions by, or other conduct of, a person other than the ICRIR.
- (3) This section applies in relation to material, and evidence or questions relating to material—
 - (a) whether the material is in the form in which it was provided or obtained, or in some other form;
 - (b) whether the material (in whatever form) is in the possession of the ICRIR or another person (whether obtained directly or indirectly from the ICRIR).

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(4) This section does not apply to any protected material which has been obtained by the ICRIR from a relevant authority under section 5.

(5) In this section—

“civil proceedings” does not include—

- (a) family proceedings within the meaning of Article 12 of the Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6));
- (b) family proceedings within the meaning of section 75(3) of the Courts Act 2003;
- (c) family proceedings within the meaning of section 135 of the Courts Reform (Scotland) Act 2014 (asp 18) or proceedings under the Children (Scotland) Act 1995 or the Children’s Hearings (Scotland) Act 2011 (asp 1);

“protected material” means material provided to, or obtained by, the ICRIR for the purposes of, or in connection with, the exercise of any of its functions.

Commencement Information

I16 S. 8 not in force at Royal Assent, see s. 63(4)

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;
 - (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;

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- (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

117 S. 9 not in force at Royal Assent, see s. 63(4)

118 S. 9 in force at 1.5.2024 by S.I. 2024/584, reg. 2(f) (with regs. 3, 4)

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

- (1) A person may request a review of other harmful conduct forming part of the Troubles if that conduct caused that person to suffer serious physical or mental harm.
- (2) The Secretary of State may request a review of other harmful conduct forming part of the Troubles (whether or not it caused any person to suffer serious physical or mental harm).

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- (3) A request under this section may not be made after the end of the fifth year of the period of operation of the ICRIR.

Commencement Information

I19 S. 10 not in force at Royal Assent, see [s. 63\(4\)](#)

I20 S. 10 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(g\)](#) (with [regs. 3, 4](#))

11 Requests for reviews: general provision

- (1) A person making a request for a review may include in the request particular questions about the death, or other harmful conduct, to which the review will relate.
- (2) The Commissioner for Investigations is to decide—
- (a) the form and manner in which a request for a review is to be made;
 - (b) the circumstances (if any) in which a request for a review may be changed (including by changing particular questions included in the request) or withdrawn.
- (3) The Commissioner for Investigations may reject a request for a review that is not made in the required form or manner.
- (4) In a case where—
- (a) the ICRIR is carrying out a review of a death or other harmful conduct (whether following a request under section 9 or 10 or a decision by the ICRIR under section 12), and
 - (b) a request (or subsequent request) is made for a review relating to that death or that other harmful conduct,
- the Commissioner for Investigations is to decide how that request is to be dealt with.
- (5) The Commissioner for Investigations may (in particular) decide—
- (a) to reject that request (or subsequent request), or
 - (b) that, in a case where the ICRIR is carrying out the review following a request, the person or persons making the subsequent request are to be treated as if they had joined in the making of the earlier request.
- (6) In a case where—
- (a) the ICRIR has carried out a review of a death or other harmful conduct (whether following a request under section 9 or 10 or a decision by the ICRIR under section 12), and
 - (b) a request (or subsequent request) is made for a review relating to that death or that other harmful conduct,
- the Commissioner for Investigations is to decide how that request is to be dealt with.
- (7) In deciding how that request is to be dealt with, the Commissioner for Investigations—
- (a) must take into account the review that has already been carried out; and
 - (b) in particular, must ensure that the ICRIR does not do anything which duplicates any aspect of that review unless, in the ICRIR's view, the duplication is necessary.

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- (8) The Commissioner for Investigations may (in particular) decide to reject that request (or subsequent request).

Commencement Information

I21 S. 11 not in force at Royal Assent, see [s. 63\(4\)](#)

I22 S. 11 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(h\)](#) (with [regs. 3, 4](#))

PROSPECTIVE

12 Reviews in connection with requests for immunity from prosecution

- (1) This section applies if a person (P) makes a request under section 19 for the ICRIR to grant P immunity from prosecution.
- (2) The ICRIR may carry out a review of a death caused by conduct forming part of the Troubles if it appears to the Commissioner for Investigations that any relevant conduct by P—
- (a) caused the death, or
 - (b) relates to, or is otherwise connected with, other conduct (by P or another person) that caused the death.
- (3) The ICRIR may carry out a review of other harmful conduct forming part of the Troubles if it appears to the Commissioner for Investigations that any relevant conduct by P—
- (a) caused the physical or mental harm concerned, or
 - (b) relates to, or is otherwise connected with, other conduct (by P or another person) that caused the physical or mental harm concerned.
- (4) For the purposes of this section—
- (a) “relevant conduct by P” means conduct by P forming part of the Troubles that is relevant to P’s request for immunity from prosecution;
 - (b) relevant conduct by P is to be regarded as connected with other conduct, in particular, if all of that conduct formed part of the same event.

Commencement Information

I23 S. 12 not in force at Royal Assent, see [s. 63\(4\)](#)

13 Conduct of reviews

- (1) The Commissioner for Investigations must comply with the obligations imposed by the Human Rights Act 1998 when exercising functions under this section.
- (2) The Commissioner for Investigations has operational control over the conduct of reviews by the ICRIR, whether they have been—
- (a) requested under section 9 or 10, or
 - (b) decided on by the ICRIR under section 12.

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- (3) The following provisions of this section apply to the Commissioner for Investigations in exercising operational control over the conduct of reviews.
- (4) The Commissioner for Investigations must ensure that each review is carried out (but see subsection (10)).
- (5) The Commissioner for Investigations must ensure that each review, whether or not a criminal investigation forms part of the review, looks into all the circumstances of the death or other harmful conduct to which it relates, including any Troubles-related offences (whether serious or not) which relate to, or are otherwise connected with, that death or other harmful conduct.
- (6) The Commissioner for Investigations is to decide how and when different reviews are to be carried out, including by deciding—
 - (a) whether different reviews should be carried out in conjunction with each other;
 - (b) what steps are necessary in carrying out any review.
- (7) In particular, the Commissioner for Investigations is to decide whether a criminal investigation is to form part of a review.
- (8) In deciding what steps are necessary, the Commissioner for Investigations—
 - (a) must take into account any investigation that has previously been carried out by any other person into the death or other harmful conduct to which the review relates; and
 - (b) in particular, must ensure that the ICRIR does not do anything which duplicates any aspect of the previous investigation unless, in the ICRIR’s view, the duplication is necessary.
- (9) In deciding what steps are necessary, the Commissioner for Investigations must, in particular, have regard to the following matters so far as they are relevant—
 - (a) any particular questions included in a request for the review (see section 11(1));
 - (b) whether the review will, or is likely to, lead only to the production of a final report;
 - (c) any request made by a person (P) to the ICRIR to grant immunity from prosecution if it appears to the Commissioner for Investigations that any relevant conduct by P—
 - (i) caused the death, or physical or mental harm, to which the review relates, or
 - (ii) relates to, or is otherwise connected with, other conduct (by P or another person) that caused that death or other harmful conduct;
 - (d) whether information obtained through the review will be, or is likely to be, provided to a prosecutor.
- (10) A review is not to be carried out if—
 - (a) the Commissioner for Investigations decides, in the case of a request made by a person in accordance with section 9(2), that it is not appropriate for that person to make the request;
 - (b) the Commissioner for Investigations rejects the request in accordance with section 11(3), (5)(a) or (8).

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (11) Subsection (1) does not limit the duty of the Commissioner for Investigations to comply with the obligations imposed by the Human Rights Act 1998 when exercising other functions.
- (12) For the purposes of this section—
- (a) an offence is to be regarded as connected with a death or other harmful conduct, in particular, if the offence formed part of the same event as that death or other harmful conduct;
 - (b) “relevant conduct by P” means conduct by P forming part of the Troubles that is relevant to P’s request for immunity from prosecution.

Commencement Information

I24 S. 13 not in force at Royal Assent, see **s. 63(4)**

I25 S. 13(1)(2)(a), (3)-(8), (9)(a)(b)(d)(10)(11)(12)(a) in force at 1.5.2024 by S.I. 2024/584, **reg. 2(i)** (with regs. 3, 4)

14 Supply of information

- (1) The Commissioner for Investigations may exercise the powers conferred by subsections (2) and (3) for the purposes of, or in connection with, the exercise of the review function.
- (2) The Commissioner for Investigations may by notice require a person to attend at a time and place stated in the notice—
- (a) to provide information;
 - (b) to produce any documents in the person’s custody or under the person’s control;
 - (c) to produce any other thing in the person’s custody or under the person’s control for inspection, examination or testing.
- (3) The Commissioner for Investigations may by notice require a person, within such period as appears to that Commissioner to be reasonable—
- (a) to provide evidence in the form of a written statement;
 - (b) to provide any documents in the person’s custody or under the person’s control;
 - (c) to produce any other thing in the person’s custody or under the person’s control for inspection, examination or testing.
- (4) A notice under this section must—
- (a) explain the possible consequences of not complying with the notice;
 - (b) indicate what the recipient of the notice should do to make a claim under subsection (5).
- (5) A claim by a person that—
- (a) the person is unable to comply with a notice under this section, or
 - (b) it is not reasonable in all the circumstances to require the person to comply with such a notice,
- is to be determined by the Commissioner for Investigations, who may revoke or vary the notice on that ground (or leave it unchanged).

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (6) In deciding whether to revoke or vary a notice on the ground mentioned in subsection (5)(b), the Commissioner for Investigations must consider the public interest in the information in question being obtained, having regard to the likely importance of the information.
- (7) A claim by a relevant authority that the ICRIR—
- (a) would breach section 4(1)(a) or (b) if the person given a notice under subsection (2) or (3) was required to comply with the notice, but
 - (b) would not breach section 4(1)(a) or (b) if a different person nominated by the relevant authority were instead required to comply with that notice,
- is to be determined by the Commissioner for Investigations, who may vary the notice, so as to require the nominated person to comply with it, or revoke the notice (or leave it unchanged).
- (8) For the purposes of this section a thing is under a person’s control if it is in the person’s possession or if the person has a right to possession of it.
- (9) Schedule 4 makes provision about enforcement of notices under this section.

Commencement Information

I26 S. 14 not in force at Royal Assent, see [s. 63\(4\)](#)

I27 S. 14 in force at 1.5.2024 by [S.I. 2024/584, reg. 2\(j\)](#) (with [regs. 3, 4](#))

15 Production of reports on the findings of reviews

- (1) This section applies where—
- (a) a review of a death that was caused by conduct forming part of the Troubles, or
 - (b) a review of other harmful conduct forming part of the Troubles,
- has been carried out.
- (2) The Chief Commissioner must produce a final report on the findings of the review in accordance with this section.
- (3) If particular questions were included in the request for a review (see section 11(1)), the final report must include—
- (a) the ICRIR’s response to those questions, if and to the extent that it has been practicable to respond to them in carrying out the review in accordance with section 13;
 - (b) for each question to which it has not been practicable to respond, a statement of that outcome.
- (4) The final report must include a statement of the manner in which the review was carried out.

Commencement Information

I28 S. 15 not in force at Royal Assent, see [s. 63\(4\)](#)

I29 S. 15 in force at 1.5.2024 by [S.I. 2024/584, reg. 2\(k\)](#) (with [regs. 3, 4](#))

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

16 Consultation on reports

- (1) In the case of a review of a death or of other harmful conduct carried out following a request made under section 9 or 10, the Chief Commissioner must, before producing the final report—
 - (a) give a draft of the report to the person who requested the review; and
 - (b) allow the person to make representations about the report during the applicable response period.
- (2) In the case of a review of a death carried out following a request made under section 9 or following a decision made by the ICRIIR under section 12(2), the Chief Commissioner must, before producing the final report—
 - (a) give a draft of the report to—
 - (i) any relevant family members of the person to whose death the review relates,
 - (ii) any relevant family members of any other persons killed in the relevant event, and
 - (iii) any person who suffered serious physical or mental harm in the relevant event or, where such a person has subsequently died, any relevant family members of the person, and
 - (b) allow those persons to make representations about the report during the applicable response period.
- (3) In the case of a review of other harmful conduct carried out following a request made under section 10 or following a decision made by the ICRIIR under section 12(3), the Chief Commissioner must, before producing the final report—
 - (a) give a draft of the report to—
 - (i) any relevant family members of any persons killed in the relevant event, and
 - (ii) any person who suffered serious physical or mental harm in the relevant event or, where such a person has subsequently died, any relevant family members of the person, and
 - (b) allow those persons to make representations about the report during the applicable response period.
- (4) In the case of any review, if it is proposed to include in the final report material criticising an individual, the Chief Commissioner must, before producing the report—
 - (a) give a copy of that material to the individual; and
 - (b) allow the individual to make representations about that material during the applicable response period.
- (5) In the case of any review, if it is proposed to include in the final report material criticising a public authority, the Chief Commissioner must, before producing the report—
 - (a) give a copy of that material to the public authority or to a person who, in the Chief Commissioner's view, currently has responsibility for the public authority; and
 - (b) allow that public authority or person to make representations about that material during the applicable response period.
- (6) The Chief Commissioner must not produce the final report until after—
 - (a) any applicable response period has ended, or

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (b) all of the applicable response periods have ended (where two or more persons are consulted and those periods end on different days).
- (7) If the Chief Commissioner considers that it would not be in the public interest for material included in a draft of the report to appear in the final report, the Chief Commissioner may exclude that material from the final report.
- (8) The Chief Commissioner must take account of any representations made by a person in accordance with the consultation provisions when the Chief Commissioner is deciding under subsection (7) whether to exclude any material.
- (9) If the Chief Commissioner has consulted a person, this section does not require the Chief Commissioner to give that person a draft of any revised version of the final report or any material included in it.
- (10) If this section requires the Chief Commissioner to give a draft of the final report to two or more persons, this section does not require the Chief Commissioner to give the same draft to all of those persons.
- (11) In this section—
- “applicable response period”, in relation to a person who is consulted, means—
- (a) the period of 30 days beginning with the day on which the draft is given to the person, or
- (b) if the Chief Commissioner is satisfied that there is good reason to extend the period, such longer period as the Chief Commissioner determines;
- “consultation provisions” means subsections (1) to (5);
- “consulted” means given a draft of a report or other material, and allowed to make representations, in accordance with the consultation provisions;
- “material criticising a public authority” means material which, in the Chief Commissioner’s view, constitutes significant criticism of a public authority (and that material may consist of or include criticism of one or more individuals, whether living or not);
- “relevant family member” has the meaning given in Part 2 of Schedule 3;
- “material criticising an individual” means material which, in the Chief Commissioner’s view, constitutes significant criticism of a living individual who was involved in the conduct forming part of the Troubles, or other harmful conduct forming part of the Troubles, to which a review relates;
- “relevant event”, in relation to the final report on the findings of a review of a death or other harmful conduct, means the event in which that death, or other harmful conduct, occurred.

Commencement Information

I30 S. 16 not in force at Royal Assent, see s. 63(4)

I31 S. 16 in force at 1.5.2024 by S.I. 2024/584, reg. 2(1) (with regs. 3, 4)

17 Issuing and publication of reports

- (1) This section applies where the Chief Commissioner produces the final report on the findings of a review in accordance with section 15.

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (2) If the review was carried out following a request made under section 9 or 10, the Chief Commissioner must—
 - (a) give the final report to the person who requested the review, and
 - (b) publish the final report.
- (3) If the review was carried out following a decision by the ICRIR under section 12, the Chief Commissioner may publish the final report.
- (4) When deciding whether to publish the final report in such a case, the ICRIR must (in particular) take into account the views of—
 - (a) any relevant family members of any person killed in the relevant event, and
 - (b) any person who suffered serious physical or mental harm in the relevant event or, where such a person has subsequently died, any relevant family members of the person.
- (5) The ICRIR must take such steps as it considers reasonable to identify, and obtain the views of, the persons referred to in subsection (4)(a) and (b).
- (6) If a final report is not published in such a case, the Chief Commissioner must publish the statement of the manner in which the review was carried out that is included in the final report in accordance with section 15(3).
- (7) It is for the Chief Commissioner to decide the manner in which a final report, or statement of the manner in which a review was carried out, is published.
- (8) The Chief Commissioner may give the designated persons under Part 4 summaries of any final reports which are not published.
- (9) In this section—

“relevant event”, in relation to the final report on the findings of a review of a death or other harmful conduct, means the event in which that death, or other harmful conduct, occurred;

“relevant family member” has the meaning given in Part 2 of Schedule 3.

Commencement Information

I32 S. 17 not in force at Royal Assent, see s. 63(4)

I33 S. 17(1)(2)(7) in force at 1.5.2024 by S.I. 2024/584, reg. 2(m) (with regs. 3, 4)

18 Reports: general provision

- (1) The Chief Commissioner must comply with sections 15 to 17 as soon as is practicable after the review has been carried out.
- (2) But subsection (1) does not apply to—
 - (a) producing under section 15, and giving and publishing under section 17(2) and (3), the final report on the findings of an excepted review, or
 - (b) publishing under section 17(6) the statement of the manner in which an excepted review was carried out.
- (3) For that purpose an “excepted review” is—
 - (a) a review of a death that was caused by conduct forming part of the Troubles, or

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (b) a review of other harmful conduct forming part of the Troubles, if the Commissioner for Investigations refers any of that conduct to a prosecutor under section 25 (the “relevant conduct”).
- (4) Instead, in such a case, the final report is not to be produced and published, or the statement is not to be published, unless and until—
- (a) the prosecutor has made a decision not to prosecute P for any relevant offence, or
 - (b) if the prosecutor has made a decision to prosecute P for any relevant offence or offences, the public prosecution or prosecutions are no longer continuing.
- (5) Section 16 or 17 and this section do not require the Chief Commissioner—
- (a) to give a copy of a draft of a final report, material which it is proposed to include in a final report, or a final report, to any person, or
 - (b) to publish a final report or statement of the manner in which a review was carried out,
- unless (and until) the Chief Commissioner can do so in accordance with sections 4(1) and 30(2).
- (6) Paragraph 8 of Schedule 6 makes provision about—
- (a) other material that must be included in a final report, and
 - (b) circumstances in which a new final report must be produced.
- (7) Paragraph 3(2)(d) and (e) of Schedule 5 (certain circumstances in which a public prosecution is, or is not, continuing) apply for the purposes of this section.
- (8) In this section—
- “P” means the person who carried out the relevant conduct;
- “relevant offence”, in relation to a referral to a prosecutor under section 25, means—
- (a) a suspected offence notified to the prosecutor under section 25 in connection with the referral, and
 - (b) any other offence which the relevant conduct constitutes.

Commencement Information

I34 S. 18 not in force at Royal Assent, see **s. 63(4)**

I35 S. 18(1)(2)(a), (3)-(8) in force at 1.5.2024 by S.I. 2024/584, **reg. 2(n)** (with **regs. 3, 4**)

Immunity from prosecution

19 Immunity from prosecution

- (1) The ICIR must grant a person (P) immunity from prosecution if conditions A to C are met.
- (2) *Condition A*: P has requested the ICIR to grant P immunity from prosecution.
- (3) *Condition B*: the immunity requests panel is satisfied that the ICIR is in possession of an account (“P’s account”) that—
 - (a) has been given by P,

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (b) describes conduct by P which is, or includes, conduct forming part of the Troubles (“P’s disclosed conduct”), and
 - (c) is true to the best of P’s knowledge and belief.
- (4) P’s account may consist of, or include, information which has previously been given by P (whether directly to the ICRIR or otherwise) if, or to the extent that, the immunity requests panel is satisfied that the information is true to the best of P’s knowledge and belief.
- (5) *Condition C*: the immunity requests panel is satisfied that P’s disclosed conduct would tend to expose P—
 - (a) to a criminal investigation of, or
 - (b) to prosecution for,one or more particular serious or connected Troubles-related offences identified by the panel (the “identified possible offences”).
- (6) In deciding whether condition C is met, the immunity requests panel must disregard—
 - (a) the effects of sections 38 to 41, and
 - (b) any other law that might or would prevent a prosecution of P for an offence from being begun or continued (for example abuse of process — but see paragraph 3 of Schedule 5).
- (7) Where conditions A to C are met, the immunity requests panel must decide whether P should be granted—
 - (a) specific immunity from prosecution,
 - (b) general immunity from prosecution, or
 - (c) specific and general immunity from prosecution.
- (8) “Specific immunity from prosecution” is immunity from prosecution for all of the identified possible offences.
- (9) “General immunity from prosecution” is immunity from prosecution for all serious or connected Troubles-related offences which are within a description determined by the immunity requests panel.
- (10) In that case, the description of offences must—
 - (a) be framed by reference to P’s disclosed conduct, and
 - (b) consist of, or include, all of the identified possible offences.
- (11) “Specific and general immunity from prosecution” is immunity from prosecution for—
 - (a) all of the identified possible offences, and
 - (b) all serious or connected Troubles-related offences which are within a description determined by the immunity requests panel.
- (12) In that case, the description of offences must be framed by reference to P’s disclosed conduct.
- (13) The ICRIR—
 - (a) must give P written notice of the outcome of P’s request for immunity from prosecution; and
 - (b) must (where the outcome is that P is to be granted immunity) grant P—
 - (i) specific immunity from prosecution,

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (ii) general immunity from prosecution, or
 - (iii) specific and general immunity from prosecution,
- as decided by the immunity requests panel.
- (14) Immunity from prosecution may not be revoked, except by a court under section 26.
- (15) A reference in any other provision of this Act to an offence for which a person (P) has been granted immunity from prosecution is a reference to an offence which is within the scope of—
- (a) specific immunity from prosecution,
 - (b) general immunity from prosecution, or
 - (c) specific and general immunity from prosecution,
- that has been granted to P in accordance with this section.
- (16) Section 39 sets out the effects of a grant of immunity from prosecution.
- (17) This section is subject to Schedule 5.

Commencement Information

I36 S. 19 not in force at Royal Assent, see [s. 63\(4\)](#)

I37 S. 19(17) in force at 1.12.2023 for specified purposes by [S.I. 2023/1293, reg. 2\(j\)](#)

PROSPECTIVE

20 Requests for immunity: procedural matters

- (1) A request by a person (P) for a grant of immunity that is made after the end of the fifth year of the period of operation of the ICRIR is not valid unless, when the request is made, the ICRIR is carrying out a review that relates to—
- (a) relevant conduct by P, or
 - (b) other conduct which relates to, or is otherwise connected to, relevant conduct by P (including where the other conduct forms part of the same event as relevant conduct by P).
- (2) The Secretary of State may make rules about the procedures for—
- (a) making requests for grants of immunity from prosecution;
 - (b) dealing with requests for grants of immunity from prosecution.
- (3) Subject to any rules, the Chief Commissioner is to determine the procedures for—
- (a) making requests for grants of immunity from prosecution;
 - (b) dealing with requests for grants of immunity from prosecution.
- (4) A request for a grant of immunity is not valid if it is not made in accordance with any applicable procedure that—
- (a) is in rules, or
 - (b) has been determined by the Chief Commissioner.
- (5) It is for the Chief Commissioner to decide whether a request that has been made is valid.

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (6) Rules under this section are to be made by statutory instrument; and a statutory instrument containing the rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) If the Chief Commissioner is unable to exercise some or all of the immunity functions, generally or in particular circumstances, the Chief Commissioner may nominate another person—
 - (a) to temporarily exercise the immunity functions so far as the Chief Commissioner is unable to exercise them, and
 - (b) to be a temporary member of, and to temporarily chair, the immunity requests panel so far as those functions are panel functions.
- (8) But the Secretary of State may nominate a person under subsection (7) if the Chief Commissioner is unable to make a nomination.
- (9) A person may not be nominated under subsection (7) if the person—
 - (a) would be disqualified from appointment as a Commissioner by paragraph 8(3) of Schedule 1 (imprisonment, insolvency or disqualification from being a company director), or
 - (b) does not hold, and has not held, high judicial office (within the meaning of paragraph 8 of Schedule 1).
- (10) This Act is to apply to the exercise of immunity functions by a person appointed under subsection (7) as if the functions were being exercised by the Chief Commissioner.
- (11) In this section—

“immunity functions” means—

 - (a) the function conferred by subsection (5), and
 - (b) panel functions;

“panel functions” means functions of the Chief Commissioner as a member or the chair of the immunity requests panel.
- (12) For the purposes of this section “relevant conduct by P” is conduct by P forming part of the Troubles that is relevant to P’s request for immunity from prosecution.

Commencement Information

I38 S. 20 not in force at Royal Assent, see [s. 63\(4\)](#)

PROSPECTIVE

21 Determining a request for immunity

- (1) This section applies if a person (P) makes a request under section 19 for the ICRIR to grant P immunity from prosecution.
- (2) The ICRIR must take reasonable steps to obtain any information which the Commissioner for Investigations knows or believes is relevant to the question of the truth of P’s account.

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (3) In forming a view on the truth of P’s account, the immunity requests panel must take into account any information obtained under subsection (2) and any other information in the possession of the ICRIR that is relevant (including information which P has previously given to a person other than the ICRIR).
- (4) That includes information obtained through—
- (a) any review carried out under section 13, or
 - (b) any investigation that has previously been carried out by any other person.
- (5) Where—
- (a) it would have been possible for the ICRIR to carry out a review under section 12 in consequence of P’s request for immunity from prosecution, and
 - (b) the ICRIR did not decide to carry out the review,
- that does not prevent the immunity requests panel from forming a view on the truth of an account given by P.
- (6) The Chief Commissioner must give guidance about when conditions B and C set out in section 19(3) to (5) are met.
- (7) The Chief Commissioner may, in particular, give guidance about ascertaining—
- (a) whether an account of a person’s conduct is true to the best of a person’s knowledge and belief;
 - (b) whether conduct is possible criminal conduct;
 - (c) whether information is an account of possible criminal conduct.
- (8) The Chief Commissioner must give guidance about—
- (a) the making of decisions in accordance with section 19(7) whether P should be granted—
 - (i) specific immunity from prosecution,
 - (ii) general immunity from prosecution, or
 - (iii) specific and general immunity from prosecution;
 - (b) the determination of descriptions of offences for the purposes of—
 - (i) a grant of general immunity from prosecution (see section 19(9)), or
 - (ii) a grant of specific and general immunity from prosecution (see section 19(11)).
- (9) The immunity requests panel must take account of guidance given under subsection (6) or (8) when exercising functions to which it relates.
- (10) In this section—
- “P’s account” has the same meaning as in section 19;
- “possible criminal conduct” means conduct that would tend to expose a person—
- (a) to a criminal investigation of, or
 - (b) to prosecution for,
- a Troubles-related offence.

Commencement Information

I39 S. 21 not in force at Royal Assent, see s. 63(4)

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

PROSPECTIVE

22 The immunity requests panel

- (1) The immunity requests panel is to consist of—
 - (a) the Chief Commissioner, and
 - (b) two ICRIR officers nominated by the Chief Commissioner.
- (2) The immunity requests panel is to be chaired by the Chief Commissioner.
- (3) The Chief Commissioner—
 - (a) may remove an ICRIR officer from the panel;
 - (b) may nominate a different ICRIR officer to be a temporary member of the panel if an ICRIR officer who is a member of the panel is unable to act (and is not removed from the panel).
- (4) For provision about the nomination of a person to act temporarily instead of the Chief Commissioner, see section 20(7).
- (5) An ICRIR officer may not become or remain a member of the panel (under subsection (1) or (3)) unless the officer—
 - (a) is a member of the Bar of Northern Ireland, or a solicitor of the Court of Judicature of Northern Ireland, of at least ten years' standing,
 - (b) satisfies the judicial-appointment eligibility condition on a ten-year basis (see Part 2 of the Tribunals, Courts and Enforcement Act 2007), or
 - (c) is an advocate or solicitor in Scotland of at least ten years' standing.
- (6) In employing and seconding persons to be ICRIR officers, the ICRIR must ensure that the ICRIR officers include at least two persons who are qualified to serve on the panel in accordance with subsection (5).
- (7) The functions conferred on the immunity requests panel (whether by this Act or otherwise) are to be treated as functions of the ICRIR exercisable by the immunity requests panel on behalf of, and in the name of, the ICRIR.

Commencement Information

I40 S. 22 not in force at Royal Assent, see s. 63(4)

23 Personal statements by persons affected by deaths etc

- (1) This section applies in relation to—
 - (a) each review of a death which the ICRIR carries out following a request made under section 9;
 - (b) each review of other harmful conduct which the ICRIR carries out following a request made under section 10;
 - (c) each request for immunity from prosecution that is made under section 19 (whether or not the ICRIR carries out a review following a decision made under section 12(2) or (3), and whether or not the ICRIR has made such a decision).

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (2) The Chief Commissioner must give an eligible person an opportunity to provide a personal statement to the ICRIR.
- (3) If an eligible person provides a personal statement, the Chief Commissioner must give that person an opportunity to supplement the statement.
- (4) In this section “personal statement” means a statement by an eligible person about the way in which, and degree to which, the Troubles-related events have affected and continue to affect—
 - (a) that person, and
 - (b) other relevant persons (if, and to the extent that, the person providing the statement is aware of, and wishes the statement to deal with, the effect on those persons).
- (5) The definitions in subsection (6) are to be used for the purposes of this section in cases where this section applies—
 - (a) in relation to a review of a death which the ICRIR carries out following a request made under section 9, or
 - (b) in relation to a request for immunity from prosecution that is made under section 19—
 - (i) where the ICRIR carries out a review of a death following a decision made under section 12(2), or
 - (ii) where, if the ICRIR were to carry out a review in connection with the request for immunity, it would be a review of a death following a decision made under section 12(2).
- (6) In any of those cases—

“eligible person” means—

 - (a) each known close family member of the deceased (and Part 1 of Schedule 3 is to apply for the purpose of determining who is a close family member), or
 - (b) if there are no known close family members, each other known family member of the deceased to whom the Chief Commissioner considers it is appropriate to give an opportunity to provide a personal statement;

and here “known” means known to the ICRIR by virtue of any of its other functions;

“other relevant person” means—

 - (a) a member of the family of the person to whose death the review relates;
 - (b) a member of the family of any other person killed in the relevant event;
 - (c) a person who suffered serious physical or mental harm in the relevant event and has subsequently died;
 - (d) members of the family of a person falling within paragraph (c);

“Troubles-related events” means—

 - (a) the death to which the review relates, and
 - (b) the relevant event (which has the same meaning as in section 16(2)).
- (7) The definitions in subsection (8) are to be used for the purposes of this section in cases where this section applies—
 - (a) in relation to a review of other harmful conduct which the ICRIR carries out following a request made under section 10, or

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (b) in relation to a request for immunity from prosecution that is made under section 19—
- (i) where the ICRIR carries out a review of other harmful conduct following a decision made under section 12(3), or
 - (ii) where, if the ICRIR were to carry out a review in connection with the request for immunity, it would be a review of other harmful conduct following a decision made under section 12(3).
- (8) In any of those cases—
- “eligible person” means—
- (a) each known close family member of the injured person (and Part 1 of Schedule 3 is to apply for the purpose of determining who is a close family member), or
 - (b) if there are no known close family members, each other known family member of the injured person to whom the Chief Commissioner considers it is appropriate to give an opportunity to provide a personal statement;
- and here “injured person” means the person who was caused the physical or mental harm by the other harmful conduct concerned; and “known” means known to the ICRIR by virtue of any of its other functions;
- “other relevant person” means—
- (a) a member of the family of any person killed in the relevant event;
 - (b) a person who suffered serious physical or mental harm in the relevant event and has subsequently died;
 - (c) members of the family of a person falling within paragraph (b);
- “Troubles-related events” means—
- (a) the other harmful conduct to which the review relates, and
 - (b) the relevant event (which has the same meaning as in section 16(3)).

Commencement Information

I41 S. 23 not in force at Royal Assent, see [s. 63\(4\)](#)

I42 S. 23(1)(a)(b), (2)-(4), (5)(a)(6)(7)(a)(8) in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(p\)](#) (with [regs. 3, 4](#))

24 Publication of personal statements

- (1) This section applies where—
- (a) an eligible person provides a personal statement in accordance with section 23, and
 - (b) the person notifies the Chief Commissioner that the person wishes the personal statement to be published by the Chief Commissioner.
- (2) The Chief Commissioner must publish the personal statement.
- (3) But that duty does not apply if publication of the personal statement—
- (a) would breach section 4(1) or 30(2), or
 - (b) would, in the Chief Commissioner’s view, be contrary to the public interest.

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (4) If it is possible to do so, the Chief Commissioner must instead produce an edited version of the personal statement which can be published without—
- (a) breaching section 4(1) or 30(2), or
 - (b) being, in the Chief Commissioner’s view, contrary to the public interest.
- (5) But the Chief Commissioner must not publish an edited version unless the person who provided the personal statement agrees to the publication of that version.
- (6) The Chief Commissioner does not breach the duties imposed by subsections (2) and (4) if the Chief Commissioner—
- (a) wishes to publish an edited version in accordance with subsection (4),
 - (b) is not able to obtain the agreement to publication of an edited version from the person who provided the personal statement, and
 - (c) accordingly does not publish the personal statement or any edited version.
- (7) The duties imposed by subsections (2) and (4) do not apply if, and for as long as, section 18(2) to (4) has the effect of suspending the duty to publish any final report that is related to the personal statement.
- (8) If the Chief Commissioner—
- (a) intends to publish an edited version of the personal statement in accordance with subsection (4), or
 - (b) intends to publish neither—
 - (i) the personal statement because subsection (3) applies, nor
 - (ii) any edited version of the personal statement because it is not possible to do so in accordance with subsection (4),
- the Chief Commissioner must give to the person who provided the personal statement the reasons for taking that course of action.
- (9) A reference in this section—
- (a) to a personal statement includes anything which supplements a personal statement;
 - (b) to an edited version of a personal statement includes a version of the statement which has been redacted.
- (10) For the purposes of this section a final report is “related to” a personal statement if—
- (a) the statement is provided in a case where section 23 applies in relation to—
 - (i) a review which the ICRIR carries out following a request made under section 9 or 10, or
 - (ii) a request for immunity from prosecution where the ICRIR carries out a review following a decision made under section 12(2) or (3), and
 - (b) the final report is the final report of the findings of that review.

Commencement Information

I43 S. 24 not in force at Royal Assent, see **s. 63(4)**

I44 S. 24(1)-(9), (10)(a)(i)(b) in force at 1.5.2024 by S.I. 2024/584, **reg. 2(q)** (with **regs. 3, 4**)

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

Information for prosecutors

25 Information for prosecutors

- (1) This section applies where—
 - (a) a review of a death that was caused by conduct forming part of the Troubles, or
 - (b) a review of other harmful conduct forming part of the Troubles,has been carried out.
- (2) If the Commissioner for Investigations considers there is evidence that relevant conduct constitutes an offence under the law of Northern Ireland by an individual whose identity is known to the Commissioner, the Commissioner—
 - (a) may refer the conduct to the Director of Public Prosecutions for Northern Ireland, and
 - (b) if the conduct is referred, must notify that prosecutor of the offence concerned.
- (3) If the Commissioner for Investigations considers there is evidence that relevant conduct constitutes an offence under the law of England and Wales by an individual whose identity is known to the Commissioner, the Commissioner—
 - (a) may refer the conduct to the Director of Public Prosecutions (for England and Wales), and
 - (b) if the conduct is referred, must notify that prosecutor of the offence concerned.
- (4) If the Commissioner for Investigations considers there is evidence that relevant conduct constitutes an offence under the law of Scotland by an individual whose identity is known to the Commissioner, the Commissioner may—
 - (a) refer the conduct to the Lord Advocate, and
 - (b) notify that prosecutor of the offence concerned.
- (5) The Lord Advocate may direct the Commissioner for Investigations to exercise the power of referral and notification in accordance with subsection (4); and the Commissioner must comply with any direction that is given unless the person concerned has been granted immunity from prosecution under section 19 for the offence concerned.
- (6) In any case where the Commissioner for Investigations refers conduct to a prosecutor under this section, the Commissioner—
 - (a) must give the prosecutor such information and material relating to the relevant conduct as the Commissioner considers appropriate; and
 - (b) must, if requested to do so by the prosecutor—
 - (i) obtain such information or material relating to the relevant conduct as it is practicable to obtain, and
 - (ii) give the information or material obtained to the prosecutor.
- (7) In this section—
 - “prosecutor” means—
 - (a) the Director of Public Prosecutions for Northern Ireland,
 - (b) the Director of Public Prosecutions (for England and Wales), or
 - (c) the Lord Advocate;
 - “relevant conduct” means—

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (a) the conduct which caused the death, or the other harmful conduct, to which the review relates (the “main conduct”), and
- (b) any other conduct that relates to, or is otherwise connected with, the main conduct;

and for this purpose other conduct is to be regarded as connected with the main conduct, in particular, if all of that conduct formed part of the same event.

Commencement Information

I45 S. 25 not in force at Royal Assent, see [s. 63\(4\)](#)

I46 S. 25 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(r\)](#) (with [regs. 3, 4](#))

PROSPECTIVE

Grants of immunity: revocation and false statements

26 Subsequent convictions: revocation of immunity

- (1) If—
- (a) a person is convicted of an offence under section 27,
 - (b) that offence was committed in the course of requesting the ICRIIR to grant the person immunity from prosecution under section 19, and
 - (c) the person was granted the immunity from prosecution,
- the court which sentences the person for the offence must revoke that grant of immunity from prosecution.
- (2) If—
- (a) a person is convicted of a terrorist offence or an offence with a terrorist connection, and
 - (b) the person had been granted immunity from prosecution under section 19 before the offence was committed,
- the court which sentences the person for that offence must revoke every grant of immunity from prosecution under section 19 given to the person before the offence was committed.
- (3) For the purposes of subsection (2) a person is convicted of “a terrorist offence or an offence with a terrorist connection” if—
- (a) the person is convicted of an offence by a court in Northern Ireland and either—
 - (i) the offence is listed in Schedule 1A to the Counter-Terrorism Act 2008, or
 - (ii) the court determines under section 30(2) of that Act that the offence has a terrorist connection;
 - (b) the person is convicted of an offence by a court in England and Wales and either—
 - (i) the offence is listed in Schedule A1 to the Sentencing Code, or
 - (ii) the court determines under section 69 of the Sentencing Code that the offence has a terrorist connection;

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Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (c) the person is convicted of an offence by a court in Scotland and either—
 - (i) the offence is listed in Schedule 1A to the Counter-Terrorism Act 2008, or
 - (ii) section 31 of that Act applies to the offence (offences with a terrorist connection in Scotland).
- (4) Where—
 - (a) an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, and
 - (b) a grant of immunity from prosecution is given at any time during that period, that grant of immunity from prosecution is to be regarded for the purposes of subsection (2) as having been given before the offence was committed.
- (5) A revocation of immunity under this section—
 - (a) has immediate effect;
 - (b) does not prevent a person making a further request for immunity under section 19 (but see Part 2 of Schedule 5 for provision about requests that overlap with revoked immunities).

Commencement Information

I47 S. 26 not in force at Royal Assent, see s. 63(4)

27 False statements: offence

- (1) A person commits an offence by making a false statement to the ICRIR in connection with any of its functions under sections 19 to 22.
- (2) For the purposes of this section—
 - (a) a person makes a false statement by—
 - (i) making a statement which the person knows to be false in a material respect, or
 - (ii) recklessly making a statement which is false in a material respect;
 - (b) “making a statement” includes giving an account in connection with a request for immunity under section 19.
- (3) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (c) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine or both;
 - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both.
- (4) Proceedings for an offence under this section may be instituted—
 - (a) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland;

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (b) in England and Wales, only by or with the consent of the Director of Public Prosecutions.

Commencement Information

I48 S. 27 not in force at Royal Assent, see s. 63(4)

The historical record of deaths

28 Production of the historical record

- (1) The historical record is to consist of a single document which gives an account of the circumstances in which each of the relevant deaths occurred.
- (2) The ICRIR must take all reasonable steps—
 - (a) to identify all deaths that were caused by conduct forming part of the Troubles, and
 - (b) to identify and obtain—
 - (i) the information about the relevant deaths that is publicly available, and
 - (ii) other information about the relevant deaths which the ICRIR considers is likely to be of use in producing the historical record.
- (3) The ICRIR may request a person to provide information in connection with the production of the historical record.
- (4) But the ICRIR may not request information that relates to the relevant death, or to the relevant event, to be provided by—
 - (a) a member of the family of the deceased person,
 - (b) a person who suffered physical or mental harm as a result of the relevant event, or
 - (c) a member of the family of a person—
 - (i) whose death was caused by conduct forming part of the relevant event, or
 - (ii) who was caused physical or mental harm by conduct forming part of the relevant event.
- (5) That does not prevent the ICRIR from making a request to a person in their capacity as the holder of an employment, office or other position.
- (6) A person may provide information if requested to do so by the ICRIR, but only if the provision of the information would not breach—
 - (a) any obligation of confidence owed by the person, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (7) When deciding whether it is reasonable to take a particular step for the purposes of subsection (2)(a) or (b), the ICRIR may, in particular, take into account whether that step would, in the ICRIR's view, involve disproportionate effort or cost.
- (8) In this section—

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

“relevant deaths” means those deaths which the ICRIR identifies, after taking all reasonable steps in accordance with subsection (2)(a), as deaths that were caused by conduct forming part of the Troubles, except those deaths for which reviews are carried out under section 13;

“relevant event” means an event in which a relevant death occurred.

Commencement Information

I49 S. 28 not in force at Royal Assent, see [s. 63\(4\)](#)

I50 S. 28 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(s\)](#) (with [regs. 3, 4](#))

29 Publication of the historical record

- (1) The ICRIR must publish the historical record.
- (2) It is for the ICRIR to decide the manner in which the historical record is to be published.
- (3) This section does not require the ICRIR to publish the historical record unless (and until) it can do so in accordance with sections [4\(1\)](#) and [30\(2\)](#).

Commencement Information

I51 S. 29 not in force at Royal Assent, see [s. 63\(4\)](#)

I52 S. 29 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(t\)](#) (with [regs. 3, 4](#))

Information

30 Disclosure of information: general power and prohibitions

- (1) The ICRIR may disclose any information held by the ICRIR to any other person.
- (2) A disclosure of information by the ICRIR (under this section or any other power or duty) must not be made if any of prohibitions A to F applies to the disclosure or information concerned.
- (3) But prohibitions A to D do not apply to a disclosure of information if it is permitted by Schedule 6.
- (4) *Prohibition A*: the Commissioner for Investigations has identified the information as sensitive information (see paragraph 1 of Schedule 8).
- (5) *Prohibition B*: a relevant authority has notified the Commissioner for Investigations that the information has been identified as sensitive information (see paragraph 2 or 3 of Schedule 8).
- (6) *Prohibition C*: the Secretary of State has notified the Commissioner for Investigations that the information has been identified as protected international information (see paragraph 5 of Schedule 8).
- (7) *Prohibition D*: the ICRIR would otherwise contravene the duty imposed by section [4\(1\)](#) by making the disclosure.

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (8) *Prohibition E*: the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the power or duty which authorises or requires the disclosure).

Here “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).

- (9) *Prohibition F*: the disclosure is prohibited by Parts 1 to 7, and Chapter 1 of Part 9, of the Investigatory Powers Act 2016.
- (10) Schedule 6 sets out which disclosures are permitted for the purposes of this section and makes provision about decisions to prohibit disclosures of sensitive information in final reports by the ICRIR.
- (11) Schedule 7 sets out offences relating to disclosure of information.

Commencement Information

I53 S. 30 not in force at Royal Assent, see [s. 63\(4\)](#)

I54 S. 30 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(u\)](#) (with [regs. 3, 4](#))

31 The ICRIR’s use of information obtained by it

- (1) Information that has been obtained by the ICRIR—
- (a) under section 5, or
 - (b) through the exercise of police powers,
- may be used by the ICRIR for the purposes of, or in connection with, the exercise of any function of the ICRIR except the function of producing the historical record.
- (2) Information that has been obtained by the ICRIR under section 14 may be used by the ICRIR only for the purposes of, or in connection with, the exercise of the review function.
- (3) Subsections (1) and (2) do not authorise the ICRIR to disclose information to any other person.
- (4) Subsections (1) and (2) do not apply to any information once it has been—
- (a) contained in a final report produced in accordance with section 15, or
 - (b) published by the ICRIR (otherwise than in a final report) in accordance with the provisions of this Act.
- (5) This section does not limit the application of section 4.
- (6) In this section “police powers” means powers and privileges of a constable which the Commissioner for Investigations, or any other ICRIR officer, has by virtue of a designation under section 6.

Commencement Information

I55 S. 31 not in force at Royal Assent, see [s. 63\(4\)](#)

I56 S. 31 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(v\)](#) (with [regs. 3, 4](#))

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

32 Identifying information that is subject to additional safeguards

Schedule 8 makes provision about the identification of sensitive, prejudicial or protected international information.

Commencement Information

I57 S. 32 not in force at Royal Assent, see [s. 63\(4\)](#)

I58 S. 32 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(w\)](#) (with [regs. 3, 4](#))

33 Guidance and protocols relating to information

- (1) The Secretary of State may give guidance about the identification of sensitive information to—
 - (a) the ICIR;
 - (b) the Chief Constable of the PSNI;
 - (c) chief officers of police forces in Great Britain;
 - (d) the Police Ombudsman for Northern Ireland;
 - (e) the Director General of the Independent Office for Police Conduct;
 - (f) the Police Investigations and Review Commissioner;
 - (g) Northern Ireland departments;
 - (h) the Scottish Ministers.
- (2) If a person is given guidance under subsection (1), the person must have regard to it in identifying information as sensitive information in accordance with Schedule 8.
- (3) The Secretary of State may give guidance to the ICIR about the exercise of its functions in accordance with section 4(1)(a).
- (4) The ICIR must have regard to any guidance given under subsection (3) in exercising the functions to which the guidance relates.
- (5) An information disclosure protocol may be agreed between—
 - (a) the Commissioner for Investigations, and
 - (b) one or more of—
 - (i) the relevant authorities, and
 - (ii) the persons listed in paragraph 3(2) of Schedule 6.
- (6) An “information disclosure protocol” is a document dealing with a framework for the disclosure of information by, or to, the ICIR.

Commencement Information

I59 S. 33 not in force at Royal Assent, see [s. 63\(4\)](#)

I60 S. 33(1)(3)(5)(6) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(d\)](#)

I61 S. 33(2)(4) in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(x\)](#) (with [regs. 3, 4](#))

34 Regulations about the holding and handling of information

- (1) The Secretary of State may, by regulations, make provision about the holding and handling of information by the ICIR.

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (2) The regulations may (in particular)—
- (a) make provision about notifications to be given by the ICRIR in respect of information held by the ICRIR;
 - (b) make provision about measures for holding and handling information securely (including physical, electronic, organisational or systemic measures);
 - (c) in relation to information which is to cease to be held by the ICRIR, make provision about the destruction or transfer of the information;
 - (d) make provision about guidance or consultation;
 - (e) confer functions on the Secretary of State or any other person (as well as on the ICRIR);
 - (f) create criminal offences.
- (3) The information about which the regulations may make provision includes information which (in accordance with Schedule 8)—
- (a) the Commissioner for Investigations has identified as prejudicial information or sensitive information,
 - (b) a relevant authority has identified as, and notified the Commissioner for Investigations as being, prejudicial information or sensitive information, or
 - (c) the Secretary of State has identified as, and notified the Commissioner for Investigations as being, protected international information.
- (4) A criminal offence created under subsection (2)(f)—
- (a) may only apply to the conduct of a person who is or has been—
 - (i) a Commissioner,
 - (ii) an ICRIR officer, or
 - (iii) an ICRIR contractor;
 - (b) may not impose a penalty that is greater than a penalty that may be imposed for an offence under Schedule 7.
- (5) Regulations under this section are subject to negative procedure.

Commencement Information

I62 S. 34 not in force at Royal Assent, see **s. 63(4)**

I63 S. 34 in force at 1.12.2023 by **S.I. 2023/1293, reg. 2(e)**

Biometric material

35 Biometric material

- (1) The Secretary of State may by regulations—
- (a) designate a collection of biometric material, or part of such a collection, for the purposes of this section;
 - (b) provide for biometric material in designated collections not to be destroyed if destruction of the material would otherwise be required by any of the destruction provisions;
 - (c) provide for preserved material to be retained;

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Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

- (d) provide for preserved material to be used for the purposes of, or in connection with, the exercise of any ICRIR function except the function of producing the historical record;
 - (e) provide for preserved material to be destroyed.
- (2) If regulations provide for the retention of preserved material, the Secretary of State must, by regulations, require—
- (a) that periodic reviews of the need to retain the material are carried out by the ICRIR;
 - (b) that the material is destroyed by no later than the end of a reasonable period after the conclusion of the ICRIR’s work (see section 31(1)) in connection with functions other than producing the historical record.
- (3) Regulations made under this section are subject to negative procedure.
- (4) In this section—
- “biometric material” means a record of—
 - (a) a DNA profile based on a DNA sample taken before 31 October 2013, or
 - (b) fingerprints taken before 31 October 2013;
 - “destruction provisions” means—
 - (a) Article 63B of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),
 - (b) Article 64 of the Police and Criminal Evidence (Northern Ireland) Order 1989,
 - (c) any provision of Part 1 of Schedule 8 to the Terrorism Act 2000 which requires the destruction of biometric material,
 - (d) paragraph 8 of Schedule 4 to the International Criminal Court Act 2001,
 - (e) any provision of sections 18 to 18E of the Counter-Terrorism Act 2008 which requires the destruction of biometric material,
 - (f) any provision of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 which requires the destruction of biometric material,
 - (g) section 18G of the Criminal Procedure (Scotland) Act 1995, and
 - (h) section 18(3) to (5) of the Criminal Procedure (Scotland) Act 1995 as applied by paragraph 7 of Schedule 4 to the International Criminal Court (Scotland) Act 2001 (asp 21);
 - “preserved material” means biometric material in a designated collection which, by virtue of regulations made under subsection (1)(b), has not been destroyed (as would otherwise have been required by any of the destruction provisions).

Commencement Information

I64 S. 35 not in force at Royal Assent, see s. 63(4)

I65 S. 35 in force at 1.12.2023 by S.I. 2023/1293, reg. 2(f)

Status: Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2. (See end of Document for details)

Supplementary

36 Review of the performance of the ICRIR’s functions

- (1) The Secretary of State must carry out a review of the performance by the ICRIR of the functions conferred by section 2(5).
- (2) The Secretary of State must carry out the review by the end of the third year of the period of operation of the ICRIR.
- (3) The Secretary of State must lay a copy of the review before Parliament.

Commencement Information

- I66** S. 36 not in force at Royal Assent, see [s. 63\(4\)](#)
I67 S. 36 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(y\)](#) (with [regs. 3, 4](#))

37 Conclusion of the work of the ICRIR

- (1) The Secretary of State may, by regulations, make provision for winding up the ICRIR if the Secretary of State is satisfied that the need for the ICRIR to exercise the functions conferred by section 2(5) has ceased.
- (2) Regulations under subsection (1) may, in particular, make provision for the transfer of property, rights and liabilities (whether or not otherwise capable of being transferred), including any acquired or arising after the regulations are made.
- (3) Regulations under subsection (1) may, in particular, repeal or otherwise amend any provision of this Part other than—
 - (a) this section;
 - (b) Schedule 7 and the following provisions (which relate to the offence in paragraph 1 of that Schedule)—
 - (i) section 4(1)(a) and (b);
 - (ii) section 30(2) to (7), (10) and (11);
 - (iii) Schedule 6.
- (4) The consequential provision that may (by virtue of section 59(9)(b)) be made by regulations under subsection (1) includes consequential amendments of—
 - (a) Part 4 or 5 of this Act, or
 - (b) any legislation other than this Act (whenever passed or made).
- (5) The Secretary of State must consult the required consultees, and take into account the annual reports produced by the ICRIR (see section 2(10)) and the Secretary of State’s review of the ICRIR’s functions (see section 36)—
 - (a) when deciding whether to exercise the power to make regulations conferred by this section; and
 - (b) before making regulations under this section.
- (6) Regulations under this section are subject to affirmative procedure.
- (7) If a draft of an instrument containing regulations under this section would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of

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Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

- (8) In this section “required consultees” means—
- (a) the ICRIR, and
 - (b) any other person the Secretary of State considers it appropriate to consult.

Commencement Information

I68 S. 37 not in force at Royal Assent, see [s. 63\(4\)](#)

I69 S. 37 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(z\)](#) (with [regs. 3, 4](#))

Status:

Point in time view as at 01/05/2024. This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 2.