



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 4

MEMORIALISING THE TROUBLES

49 Oral history

- (1) The designated persons must secure that—
 - (a) within the initial period—
 - (i) a study is carried out of Troubles-related oral history records contained in current collections in Northern Ireland, and
 - (ii) the current collections are analysed to identify groups and communities in Northern Ireland that are under-represented in the current collections;
 - (b) Troubles-related oral history records are created, and are collected and preserved in Northern Ireland, especially oral history records which recount the personal experience of persons in groups and communities in Northern Ireland that are under-represented in current collections;
 - (c) public engagement with Troubles-related oral history records in Northern Ireland is encouraged and facilitated, including by such records becoming more publicly accessible;
 - (d) a catalogue of publicly accessible Troubles-related oral history records is—
 - (i) produced and kept up to date, and
 - (ii) made available on a website which the public can use without charge.
- (2) In complying with subsection (1)(b), the designated persons must, in particular, secure that appropriate assistance (including training and resources) is provided to persons with an interest in creating, collecting or preserving Troubles-related oral history records.

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- (3) In complying with subsection (1)(c), the designated persons must, in particular, secure that events and services intended to encourage and facilitate public engagement with Troubles-related oral history records in Northern Ireland are arranged.
- (4) The designated persons may exercise the functions under subsection (1) in relation to oral history records about events and conduct before or after the period of the Troubles; and, if and to the extent that they do so, this section applies to such records as it applies to Troubles-related oral history records.
- (5) For the purposes of this section a group or community in Northern Ireland is under-represented in current collections if the oral history records in current collections do not appropriately reflect the prevalence of that group or community in Northern Ireland society during the period of the Troubles.
- (6) In this section—
- “current collection” means a collection existing immediately before the specified day;
 - “oral history record about events and conduct before or after the period of the Troubles” means a record (in any form) which—
 - (a) recounts personal experience relating to any of the events and conduct before or after the period of the Troubles, (including any effect which it has had on a person, whenever the effect occurred), and
 - (b) is of lasting historical significance;
 - “period of the Troubles” means the period—
 - (a) beginning with 1 January 1966, and
 - (b) ending with 10 April 1998;
 - “publicly accessible” means accessible by the public or by a section of the public (including where the access is available by arrangement, on the basis of a subscription or membership, or on payment);
 - “Troubles-related oral history record” means a record (in any form) which—
 - (a) recounts personal experience relating to the Troubles, (including any effect which the Troubles have had on a person, whenever the effect occurred), and
 - (b) is of lasting historical significance,
 whether the personal experience (or effect) relates to the Troubles generally or to any aspect or aspects of the Troubles.
- (7) For the purposes of this section it does not matter whether an oral history record is made by, or received from, a person in the United Kingdom, Ireland or elsewhere.

50 The memorialisation strategy

- (1) The designated persons must secure that—
- (a) a study of relevant memorialisation activities that are being carried out immediately before the specified day (“current memorialisation activities”) is undertaken;
 - (b) recommendations about the initiation and carrying out of relevant memorialisation activities (“new memorialisation activities”) are made;
 - (c) a report (a “memorialisation strategy”) which sets out—
 - (i) the findings of the study, and

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- (ii) the recommendations,
 - is produced and published within the initial period;
 - (d) a copy of the memorialisation strategy is given to the Secretary of State as soon as practicable after it is produced.
- (2) A “relevant memorialisation activity” is an activity that is carried out in Northern Ireland for the purpose of marking, commemorating, or providing information or education about—
 - (a) events and conduct that formed part of the Troubles and occurred in Northern Ireland, or
 - (b) events and conduct before or after the Troubles that occurred in Northern Ireland,(whether or not it also relates to any other events and conduct that formed part of the Troubles or any other events and conduct before or after the Troubles).
- (3) It is for the designated persons to decide whether, and to what extent, the study and recommendations should cover relevant memorialisation activities that relate to events and conduct before or after the Troubles.
- (4) The process by which the study is carried out and the recommendations are made must provide for consideration to be given to the following matters—
 - (a) how relevant memorialisation activities currently, or will in the future, promote reconciliation in Northern Ireland;
 - (b) how relevant memorialisation activities currently are, or will in the future be, relevant to people living in Northern Ireland;
 - (c) appropriate non-UK memorialisation activities.
- (5) In particular, consideration must be given to whether the establishment of a new museum, memorial or similar project should be recommended.
- (6) The process by which the study is carried out and the recommendations are made must enable the public and other interested persons to contribute to the process.
- (7) In particular, the process must include opportunities for the public and other interested persons—
 - (a) to suggest current memorialisation activities that should form part of the study;
 - (b) to comment on current memorialisation activities;
 - (c) to suggest new memorialisation activities.
- (8) In this section “appropriate non-UK memorialisation activity” means an activity—
 - (a) which is undertaken outside the United Kingdom to mark, commemorate, or provide information or education about past events or conduct, and
 - (b) which appears to the designated persons to be appropriate to consider in carrying out the study and making the recommendations.

51 Response to the memorialisation strategy

- (1) The Secretary of State must—
 - (a) consider, and decide a response to, each of the recommendations made in the memorialisation strategy;

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- (b) produce and publish a document which sets out the response to each of the recommendations, including (as appropriate)—
 - (i) the action the Secretary of State proposes to take in response, or
 - (ii) the Secretary of State’s reasons for not taking any action in response.
- (2) The Secretary of State must—
 - (a) comply with that requirement before the end of the period of one year beginning with the day on which the copy of the strategy is given in accordance with section 50(1)(d),
 - (b) consult relevant organisations in the course of considering each recommendation, and
 - (c) consult such Northern Ireland departments as the Secretary of State considers appropriate on the proposed action, or reasons for not taking action, before deciding a response to each recommendation.
- (3) In this section “recommendations” means recommendations about the initiation and carrying out of new memorialisation activities.

52 Academic research

- (1) The designated persons must secure that—
 - (a) terms of reference are set for academic research into the Troubles;
 - (b) academic research is carried out in accordance with those terms of reference;
 - (c) the terms of reference are set within the initial period;
 - (d) the researchers produce a report on the outcome of the academic research (the “academic report”);
 - (e) the academic report is published and a copy of it is given to the Secretary of State before the end of the seventh year of the period of operation of the ICRIIR.
- (2) The designated persons must use their best endeavours to make arrangements under which one of the UKRI’s Councils is to undertake, or participate in, activities which enable, or assist, the designated persons to comply with the duties imposed by subsection (1)(a) to (d).
- (3) The researchers must carry out their work—
 - (a) independently of the influence of any other persons, and
 - (b) otherwise in such ways as will secure the confidence of the people of Northern Ireland in them and their work.
- (4) The terms of reference may—
 - (a) provide for academic research to be carried out into events and conduct before or after the Troubles, and
 - (b) make provision about criteria for identifying the kinds of events and conduct before or after the Troubles into which the academic research is to be carried out.
- (5) The terms of reference must require the researchers to take account of ICRIIR reports in carrying out the academic research.
- (6) The terms of reference—

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- (a) must require the academic research to include the production of an analysis of patterns and themes emerging from the relevant events and conduct into which the academic research is carried out, including (in particular) an analysis of women’s and girls’ experience of those events, and
 - (b) may include provision about criteria for identifying the kinds of relevant events and conduct that the researchers are to take into account for the purposes of producing that analysis.
- (7) The terms of reference must require the researchers to carry out a statistical analysis of—
- (a) all ICRIR reports relating to a death, and
 - (b) the historical record.
- (8) That analysis must, in particular, set out, to the extent possible from the ICRIR reports and historical record—
- (a) the number of deaths (resulting from conduct forming part of the Troubles) recorded in those reports and that record,
 - (b) an overview of the biographical attributes of the deceased (including by age range and community background), and
 - (c) an overview of the circumstances of the deaths (including when and where they occurred, and the involvement of any body or proscribed organisation).
- (9) In this section—
- “ICRIR reports” means—
 - (a) the final reports published in accordance with section 17, and
 - (b) any final reports of which summaries are given in accordance with section 17;
 - “proscribed organisation” means an organisation that has been proscribed at any time under terrorism legislation in the United Kingdom;
 - “relevant events and conduct” means—
 - (a) events and conduct forming part of the Troubles, and
 - (b) events and conduct before or after the Troubles;
 - “researchers” means the persons carrying out the academic research into the Troubles and producing the report;
 - “UKRI’s Council” means any of the Councils of United Kingdom Research and Innovation provided for by or under section 92 of the Higher Education and Research Act 2017.

53 Annual reports

- (1) The designated persons must—
- (a) produce, for each reporting period, a report on the progress made in carrying out the Troubles-related work programme during the reporting period concerned (an “annual report”);
 - (b) publish each annual report as soon as practicable after it is produced;
 - (c) give a copy of each annual report to the Secretary of State at least two weeks before the report is published.
- (2) In this section “reporting period” means—
- (a) the initial period, and

- (b) each subsequent period of one year beginning immediately after the end of a reporting period.

54 Carrying out the Troubles-related work programme

- (1) When carrying out the Troubles-related work programme, the designated persons must have regard to the need to ensure that—
 - (a) there is support from different communities in Northern Ireland for the way in which that programme is carried out,
 - (b) a variety of views of the Troubles is taken into account in carrying out that programme, and
 - (c) that programme is carried out in a way that promotes—
 - (i) reconciliation,
 - (ii) anti-sectarianism, and
 - (iii) non-recurrence of political and sectarian hostility between people in Northern Ireland.
- (2) When carrying out the Troubles-related work programme, the designated persons must have regard to the views given to them by any advisory forum (see section 55) in accordance with the arrangements under which it is established.
- (3) The designated persons may make arrangements about the way in which each of them will exercise its functions to secure that the Troubles-related work programme is carried out (“operational arrangements”).
- (4) The designated persons must publish any current operational arrangements as soon as practicable after they are made or amended (or after the specified day, in the case of any operational arrangements made before that day and not already published).

55 The advisory forum

- (1) The designated persons must use their best endeavours to establish an advisory forum consisting of other persons.
- (2) In establishing an advisory forum, the designated persons must have regard to—
 - (a) the need to ensure that the membership of the advisory forum includes persons who represent the views of victims and survivors of events and conduct forming part of the Troubles (whether or not they also represent the views of other persons);
 - (b) the need to ensure that the membership of the advisory forum is balanced as respects those members who are associated with the different communities in Northern Ireland.
- (3) The duties imposed on the designated persons by subsections (1) and (2) do not apply if—
 - (a) those persons have taken the actions required by those duties before the specified day, and
 - (b) an advisory forum established by those persons in compliance with those duties is in existence immediately before the specified day.
- (4) The designated persons must publish any current arrangements under which any advisory forum is established (including publishing the membership of the forum) as

soon as practicable after the arrangements are made or amended (or after the specified day, in the case of any arrangements made before that day and not already published).

56 Designated persons and funding

- (1) The Secretary of State may, by regulations, designate a person for the purposes of this Part if the Secretary of State is satisfied that the person would make a significant contribution to the performance of the functions which are imposed by sections 49, 50 and 52.
- (2) When deciding whether to designate a person, the Secretary of State must—
 - (a) have regard to whether the person is supported by different communities in Northern Ireland and will act independently of the influence of any other persons; and
 - (b) consult relevant organisations about the proposed designation.
- (3) Regulations under this section may provide—
 - (a) that a power of direction is not to be exercised to give a designated person, a member or officer of that person, or any staff assisting that person, a direction relating to functions under this Part;
 - (b) for the staff assisting a designated person to assist in the exercise of the person's functions under this Part;
 - (c) that a designated person is required to perform only a particular function or an aspect of a function.
- (4) Regulations under this section are subject to negative procedure.
- (5) The Secretary of State may make payments or provide other resources to, or in respect of, the designated persons in connection with the exercise of functions under this Part.

57 Interpretation of this Part

- (1) In this Part—
 - “designated persons” means the persons designated by the Secretary of State in regulations made under section 56;
 - “different communities in Northern Ireland” means communities in Northern Ireland—
 - (a) which had or have differing views on the constitutional status of Northern Ireland, or
 - (b) between which there was or is political or sectarian hostility;
 - “events and conduct before or after the Troubles” has the meaning given in subsections (2) to (4);
 - “initial period” means the period of one year beginning with the specified day;
 - “relevant organisation” means an organisation that the Secretary of State considers to have expertise in carrying out, promoting or otherwise facilitating activities that are intended to encourage reconciliation or anti-sectarianism;
 - “specified day” means the day specified in regulations made by the Secretary of State for the purposes of commencing the Troubles-related work programme;

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“Troubles-related work programme” means the functions which are imposed on the designated persons by sections 49, 50 and 52.

- (2) “Events and conduct before or after the Troubles” means the events and conduct that related to Northern Ireland affairs and occurred—
 - (a) before 1 January 1966, or
 - (b) after 10 April 1998.
- (3) That includes events and conduct at those times which were connected with—
 - (a) preventing,
 - (b) investigating, or
 - (c) otherwise dealing with the consequences of,other events and conduct relating to Northern Ireland affairs.
- (4) For the purposes of this section it does not matter if an event or conduct occurred in Northern Ireland, in another part of the United Kingdom, or elsewhere.
- (5) Section 1 includes provision about the meaning of “conduct” and “Northern Ireland affairs”.
- (6) Where this Part requires one or more persons to publish a document, it is for the person or persons to decide the manner in which the document is to be published.