

Status: Point in time view as at 01/12/2023. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, SCHEDULE 3. (See end of Document for details)

SCHEDULES

VALID FROM 01/05/2024

SCHEDULE 3

Section 9

FAMILY MEMBERS

PART 1

CLOSE FAMILY MEMBERS

Meaning of “close family member”

- 1 (1) This Part of this Schedule applies for the purposes of—
- (a) section 9, and
 - (b) Part 2 of this Schedule,
- to determine whether one person (F) is a close family member of another person (D).
- (2) F is a close family member of D if F—
- (a) was the spouse, civil partner or co-habitee of D on the day of D’s death,
 - (b) is a child of D,
 - (c) is a parent of D,
 - (d) is a brother or sister of D,
 - (e) is a step-child of D,
 - (f) was a step-parent of D on the day of D’s death or is a step-parent of D on the day on which the request for the relevant review is made,
 - (g) is a half-brother or half-sister of D, or
 - (h) is a step-brother or step-sister of D.
- (3) Paragraphs 2 to 5 set out the meanings of “co-habitee”, “step-child”, “step-parent”, “step-brother” and “step-sister” for the purposes of this paragraph.
- (4) In this paragraph “relevant review” means—
- (a) the review for which a request is made (where this Part of this Schedule applies for the purposes of section 9), or
 - (b) the review to which the final report relates (where this Part of this Schedule applies for the purposes of Part 2 of this Schedule).

Commencement Information

- II** Sch. 3 para. 1 not in force at Royal Assent, see **s. 63(4)**

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Co-habitee

- 2 F was the “co-habitee” of D on the day of D’s death if—
- (a) on that day F was living in the same household as D in a relationship with D corresponding to marriage or to civil partnership, and
 - (b) F had been doing so for a period of at least two years ending with that day.

Commencement Information

I2 Sch. 3 para. 2 not in force at Royal Assent, see [s. 63\(4\)](#)

Step-child

- 3 F is a “step-child” of D if F is a child of a person—
- (a) who was the spouse, civil partner or co-habitee of D on the day of D’s death, or
 - (b) who had ceased to be the spouse, civil partner or co-habitee of D on any day within the period of two years ending with the day of D’s death.

Commencement Information

I3 Sch. 3 para. 3 not in force at Royal Assent, see [s. 63\(4\)](#)

Step-parent

- 4 F was, or is, a “step-parent” of D on a particular day if F—
- (a) was, or is, the spouse, civil partner or co-habitee of a parent of D on that day, or
 - (b) had ceased to be the spouse, civil partner or co-habitee of a parent of D on any day within the period of two years ending with that day.

Commencement Information

I4 Sch. 3 para. 4 not in force at Royal Assent, see [s. 63\(4\)](#)

Step-brother or step-sister

- 5 F is the “step-brother” or “step-sister” of D if F is a child of a person—
- (a) who was the spouse, civil partner or co-habitee of a parent of D on day of D’s death, or
 - (b) who had ceased to be the spouse, partner or co-habitee of a parent of D on any day within the period of two years ending with the day of D’s death.

Commencement Information

I5 Sch. 3 para. 5 not in force at Royal Assent, see [s. 63\(4\)](#)

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Interpretation

- 6 For the purposes of paragraph 3, 4 or 5, one person (A) is, or was, the co-habitee of another person (B) at a particular time if—
- (a) at that time A is, or was, living in the same household as B in a relationship with B corresponding to marriage or to civil partnership, and
 - (b) A has been, or had been, doing so for a period of at least two years ending with that day.

Commencement Information

- I6** Sch. 3 para. 6 not in force at Royal Assent, see [s. 63\(4\)](#)

PART 2

RELEVANT FAMILY MEMBERS

Meaning of “relevant family member”

- 7 (1) This Part of this Schedule applies for the purposes of section 15 or 17 to determine whether one person (F) is a relevant family member of another person (D) who is—
- (a) in the case of a review of a death—
 - (i) the person to whose death the review relates,
 - (ii) another person killed in the relevant event, or
 - (iii) a person who suffered serious physical or mental harm in the relevant event and who has subsequently died; or
 - (b) in the case of a review of other harmful conduct—
 - (i) a person killed in the relevant event, or
 - (ii) a person who suffered serious physical or mental harm in the relevant event and who has subsequently died.
- (2) F is a relevant family member of D if—
- (a) F is a close family member of D whom the ICRIR has identified after taking such steps as the ICRIR considers reasonable, or
 - (b) in a case where no close family members have been identified after taking such steps, F is another member of the family of D whom the ICRIR—
 - (i) has identified after taking such steps as the ICRIR considers reasonable, and
 - (ii) considers it appropriate to be given the opportunity to make representations under section 16(2) or (3) or section 17(4).
- (3) In this paragraph “relevant event” has the same meaning as in section 15 or 17.

Commencement Information

- I7** Sch. 3 para. 7 not in force at Royal Assent, see [s. 63\(4\)](#)

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