

Status: 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 1. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 4

SUPPLY OF INFORMATION: ENFORCEMENT

PART 1

FAILURE TO COMPLY WITH A NOTICE

Penalty for failure to comply

- 1 (1) The ICIR may require a person to pay a penalty if the ICIR is satisfied, on a balance of probabilities, that the person—
- (a) has failed to do anything that the person is required to do by a notice under section 14, and
 - (b) does not have a reasonable excuse for the failure.
- (2) A penalty—
- (a) may not exceed £5,000;
 - (b) is payable to the ICIR on demand.

Commencement Information

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

Notification of penalty decision

- 2 (1) If the ICIR decides to require a person to pay a penalty under this Part of this Schedule, the ICIR must give the person a penalty notice.
- (2) A penalty notice must—
- (a) be in writing,
 - (b) state the ICIR's reasons for deciding to require the person to pay a penalty,
 - (c) state the amount of the penalty,
 - (d) specify the date on which it is given,
 - (e) specify the date, at least 28 days after the date specified in the notice as the date on which it is given, before which the penalty must be paid,
 - (f) specify how a penalty must be paid,
 - (g) include an explanation of the steps that the person may take if the person objects to the penalty (including specifying the manner and form in which any notice of objection must be given to the ICIR), and

Status: 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 1. (See end of Document for details)

- (h) include an explanation of the steps the ICRIR may take to recover any unpaid penalty.

Commencement Information

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

Objection to penalty decision

- 3 (1) The recipient of a penalty notice (the “recipient”) may object to the penalty notice by giving a notice of objection to the ICRIR.
- (2) A notice of objection must—
- (a) be in writing,
 - (b) give the reasons for the objection,
 - (c) be given to the ICRIR in the manner and form specified in the penalty notice, and
 - (d) be given before the end of the period of 28 days beginning with the date specified in the penalty notice as the date on which it is given.
- (3) Where the ICRIR receives a notice of objection, the ICRIR must consider it and—
- (a) cancel the penalty,
 - (b) reduce the penalty,
 - (c) increase the penalty, or
 - (d) determine not to alter the penalty.
- (4) After deciding how to proceed under sub-paragraph (3), the ICRIR must notify the recipient of the decision in writing.
- (5) A notification under sub-paragraph (4) must be given before the end of the period of 70 days beginning with the date specified in the penalty notice as the date on which it is given, or such longer period as the ICRIR may agree with the recipient.
- (6) A notification under sub-paragraph (4), other than one notifying the recipient that the ICRIR has decided to cancel the penalty, must—
- (a) state the amount of the penalty following the ICRIR’s consideration of the notice of objection,
 - (b) state the ICRIR’s reasons for the decision under sub-paragraph (3),
 - (c) specify the date, at least 28 days after the date on which the notification is given, before which the penalty must be paid,
 - (d) specify how the penalty must be paid,
 - (e) include an explanation of the recipient’s rights of appeal, and
 - (f) include an explanation of the steps the ICRIR may take to recover any unpaid penalty.

Commencement Information

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

Status: 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 1. (See end of Document for details)

Appeals

- 4
- (1) A person (the “appellant”) may appeal to the court against a decision to require the person to pay a penalty under this Part of this Schedule.
 - (2) An appeal may be brought only if the appellant has given a notice of objection and the ICRIR has reduced, increased, or determined not to alter the penalty under paragraph 3(3).
 - (3) An appeal must be brought within the period of 28 days beginning with the date on which the person is notified of the ICRIR’s decision on the notice of objection under paragraph 3(4).
 - (4) On appeal, the court may—
 - (a) allow the appeal and cancel the penalty,
 - (b) allow the appeal and reduce the penalty, or
 - (c) dismiss the appeal.
 - (5) An appeal—
 - (a) is to be a re-hearing of the ICRIR’s decision to impose a penalty, and
 - (b) may be determined having regard to matters of which the ICRIR was unaware.
 - (6) Sub-paragraph (5)(a) has effect despite any provision of rules of court.
 - (7) In this regulation, a reference to “the court” is a reference—
 - (a) in Northern Ireland, to a county court,
 - (b) in England and Wales, to the county court, and
 - (c) in Scotland, to a sheriff.

Commencement Information

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

Enforcement of penalty

- 5
- (1) This paragraph applies where a sum is payable to the ICRIR as a penalty under this Part of this Schedule.
 - (2) In England and Wales, the penalty is recoverable as if it were payable under an order of the county court in England and Wales.
 - (3) In Scotland, the penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
 - (4) In Northern Ireland, the penalty is recoverable as if it were payable under an order of a county court in Northern Ireland.
 - (5) Where action is taken under this paragraph for the recovery of a sum payable as a penalty under this Part of this Schedule, the penalty is—
 - (a) in relation to England and Wales, to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc) as if it were a judgment entered in the county court;

Status: 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 1. (See end of Document for details)

- (b) in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)) (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order.

- (6) The ICRIR must pay into the Consolidated Fund any penalty paid or recovered under this Part of this Schedule.

Commencement Information

I5 Sch. 4 para. 5 not in force at Royal Assent, see s. 63(4)

Giving of notices

- 6 (1) The ICRIR may give a notice to any person by—
- (a) handing it to them,
 - (b) leaving it at their proper address, or
 - (c) sending it by post to that address.
- (2) A person’s proper address for the purposes of sub-paragraph (1) is—
- (a) where that person is a body corporate, the address of its registered office or principal office;
 - (b) where that person is a partnership or an unincorporated association or body, the address of its principal office;
 - (c) in any other case, that person’s last known address.

Commencement Information

I6 Sch. 4 para. 6 not in force at Royal Assent, see s. 63(4)

Interpretation

- 7 In this Part of this Schedule—
- “notice of objection” means a notice given under paragraph 3(1);
- “penalty notice” means a notice given under paragraph 2(1).

Commencement Information

I7 Sch. 4 para. 7 not in force at Royal Assent, see s. 63(4)

Status:

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 1.