

SCHEDULES

SCHEDULE 1

Section 2

THE ICRIIR, THE COMMISSIONERS AND ICRIIR OFFICERS

PART 1

THE ICRIIR

Status

- 1 The ICRIIR is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Powers

- 2 (1) The ICRIIR may do anything that it thinks necessary or expedient in connection with the exercise of its functions.
- (2) In particular, the ICRIIR may—
- (a) enter into contracts and other agreements (whether legally binding or not), and
 - (b) acquire and dispose of property (including land).
- (3) But the ICRIIR may not borrow money.
- (4) The ICRIIR may make payments of, or payments towards the provision of, any remuneration, pensions, allowances, gratuities or compensation payable to, or in respect of—
- (a) the Commissioners, and
 - (b) the ICRIIR officers.

Regulation and validity of proceedings

- 3 (1) The ICRIIR may regulate its own proceedings (including quorum).
- (2) The validity of any proceedings of the ICRIIR is not affected by—
- (a) any vacancy in the membership of the ICRIIR;
 - (b) any defect in the appointment of any Commissioner.

Delegation of functions and their exercise by the Commissioners

- 4 (1) Any function of the ICRIIR may be exercised on behalf of, and in the name of, the ICRIIR by—
- (a) a Commissioner, or
 - (b) an ICRIIR officer,

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who has been authorised (whether generally or specifically) by the ICRIR for that purpose.

- (2) Any functions conferred on a Commissioner (whether by this Act or otherwise) are to be treated as functions of the ICRIR exercisable by the Commissioner on behalf of, and in the name of, the ICRIR.
- (3) A function conferred on a Commissioner is to be exercisable by the ICRIR if—
 - (a) there is a vacancy in the office of that Commissioner, or
 - (b) that Commissioner is unable to exercise the function.
- (4) But that does not apply to function of the Chief Commissioner as a member of the immunity requests panel (including any function as chair of the panel).
- (5) If a function is exercisable by the ICRIR in accordance with sub-paragraph (3), the ICRIR may make arrangements under sub-paragraph (1) relating to the exercise of the function.

Seal and proof of documents

- 5 (1) The ICRIR may have a seal.
- (2) The application of the ICRIR's seal must be authenticated by the signature of at least one of the Commissioners
- (3) This paragraph does not prevent the ICRIR from acting otherwise than by a document under seal.
- (4) A document purporting to be duly executed under the seal of the ICRIR must be received in evidence and treated as so executed unless the contrary is shown.
- (5) A document purporting to be signed on behalf of the ICRIR by—
 - (a) at least one of the Commissioners, or
 - (b) any person who is authorised (generally or specially) for that purpose,must be received in evidence and treated as so signed unless the contrary is shown.

Accounts and audit

- 6 (1) The ICRIR must—
 - (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts must be prepared in accordance with any directions that are given by the Treasury.
- (3) The ICRIR must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General as soon as practicable after the end of the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on each statement of accounts,
 - (b) send a copy of each report and certified statement to the Secretary of State, and
 - (c) lay before Parliament a copy of each such report and certified statement.

PART 2

THE COMMISSIONERS

Number of Commissioners

- 7 The Secretary of State is to determine from time to time how many other Commissioners there are to be under section 2(3)(c) (which allows for there to be between one and five of them).

Appointment

- 8 (1) The Commissioners are to be appointed by the Secretary of State.
- (2) In exercising the power to appoint Commissioners, the Secretary of State must ensure that (as far as it is practicable) the Commissioners include one or more persons who have experience gained outside the United Kingdom that is relevant to the work of the ICRR.
- (3) A person may not be appointed as a Commissioner if—
- (a) the person has been sentenced to a term of imprisonment, or given a sentence of detention, of three months or more;
 - (b) the person is insolvent; or
 - (c) the person is disqualified from being a company director.
- (4) A person may not be appointed as the Chief Commissioner unless—
- (a) the person holds or has held high judicial office, and
 - (b) the Secretary of State has consulted—
 - (i) the relevant senior judge, and
 - (ii) such other persons as the Secretary of State considers appropriate.
- (5) A person's current or previous appointment as a Commissioner does not prevent the person from being appointed again as a Commissioner.
- (6) But a person who has been removed from office in accordance with paragraph 12(2) and (3) may not be appointed as a Commissioner.
- (7) A reference in this paragraph to a person being insolvent, or to being disqualified from being a company director, has the same meaning as in paragraph 12 (see paragraph 12(4) or (5)).
- (8) The following Orders apply to the Commissioners as they apply to constables—
- (a) the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (S.R. 1979/195);
 - (b) the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (S.I. 1975/1023);
 - (c) the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (S.S.I. 2013/50).
- (9) For the purposes of this paragraph—
- “high judicial office” means office as a judge of a kind listed in an entry in the first column of this table;

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“relevant senior judge”, in relation to a person who holds or has held an office listed in such an entry, means the person listed in the corresponding entry in the second column of this table; and, in the case of a person who has previously held two or more different kinds of high judicial office (but no longer holds any kind of high judicial office), the relevant senior judge is to be identified by reference to the kind of high judicial office which the person ceased to hold most recently—

<i>high judicial office</i>	<i>relevant senior judge</i>
Judge of the Supreme Court of the United Kingdom or Lord of Appeal in Ordinary	President of the Supreme Court of the United Kingdom
Judge of the Court of Appeal in Northern Ireland	The Lord Chief Justice of Northern Ireland
Judge of the High Court in Northern Ireland	The Lord Chief Justice of Northern Ireland
Judge of the Court of Appeal in England and Wales	The Lord Chief Justice of England and Wales
Judge of the High Court in England and Wales	The Lord Chief Justice of England and Wales
Judge of the Court of Session	The Lord President of the Court of Session

Person holding public elected position not to be a Commissioner

- 9 (1) A person who holds a relevant office may not be appointed as a Commissioner.
- (2) A person ceases to be a Commissioner if the person begins to hold a relevant office.
- (3) A reference in this Schedule to a person who holds a relevant office is a reference to a person who is—
- (a) a member of the Northern Ireland Assembly;
 - (b) a councillor (within the meaning of the Local Government Act (Northern Ireland) 2014 — see section 126(1) of that Act);
 - (c) a Member of Parliament;
 - (d) a member of a council established under—
 - (i) section 2 of the Local Government Act 1972 (councils in England outside London), or
 - (ii) paragraph 1(2) of Schedule 2 to that Act (London borough councils);
 - (e) a member of the Common Council of the City of London;
 - (f) a member of a council established under section 21 of the Local Government Act 1972 (councils in Wales);
 - (g) a member of the Scottish Parliament;
 - (h) a councillor of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
 - (i) a member of the Dáil Éireann (House of Representatives of Ireland);
 - (j) a member of the Seanad Éireann (Senate of Ireland);

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- (k) a member of a city council, county council or city and county council in Ireland;
- (l) a member of the European Parliament from any member State.

Terms of appointment of Commissioners

- 10 (1) The appointment of a person as a Commissioner is for a term which—
- (a) is of a duration, not exceeding five years, determined by the Secretary of State,
 - (b) begins with the day determined by the Secretary of State, and
 - (c) continues until its end, unless the person resigns before its end in accordance with paragraph 12(1) or (3).
- (2) The other terms of a person’s appointment as a Commissioner are to be determined by the Secretary of State.
- (3) The Secretary of State may pay a person compensation on ceasing to be a Commissioner if it appears to the Secretary of State that there are special circumstances which make it right for the person to receive the compensation.

Conflicts of interest

- 11 (1) The Secretary of State may require—
- (a) a Commissioner, or
 - (b) a person who is being considered for appointment as a Commissioner,
- to provide the Secretary of State with information about any relevant matter.
- (2) In this paragraph “relevant matter” means any matter which might reasonably be expected to—
- (a) give rise to a conflict of interest in respect of a person’s work as a Commissioner, or
 - (b) otherwise affect a person’s ability to carry out the work as a Commissioner fairly and impartially.

Resignation and removal of Commissioners

- 12 (1) A person ceases to be a Commissioner if the person gives the Secretary of State written notice of resignation.
- (2) The Secretary of State may call on a Commissioner to resign—
- (a) if the Commissioner is convicted of an offence and sentenced to a term of imprisonment;
 - (b) if the Commissioner is insolvent; or
 - (c) if the Commissioner is disqualified from being a company director.
- (3) If the Secretary of State calls on a Commissioner to resign, the Commissioner must resign—
- (a) on the date specified by the Secretary of State, or
 - (b) on any earlier date which the Commissioner agrees with the Secretary of State.
- (4) For the purposes of this paragraph a person is “insolvent” if—

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- (a) the person has become bankrupt or is an undischarged bankrupt;
 - (b) the person has become the subject of a bankruptcy restrictions order;
 - (c) a debt relief order or a debt relief restrictions order has been made in respect of the person;
 - (d) the person has made a composition or arrangement with his or her creditors, or granted a trust deed for his or her creditors;
 - (e) under the law of Scotland, the person’s estate has been sequestrated and the person has not been discharged.
- (5) For the purposes of this paragraph a person is “disqualified from being a company director” if the person is subject to—
- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)),
 - (b) any order, undertaking or other provision under the law of England and Wales or Scotland that has a corresponding effect,
 - (c) an order under Article 86(1) of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)), or
 - (d) any order, undertaking or other provision under the law of England and Wales or Scotland that has a corresponding effect.

PART 3

THE CHIEF COMMISSIONER

Delegation of functions

- 13 (1) The Chief Commissioner may authorise—
- (a) any other Commissioner, or
 - (b) any ICRIR officer,
- to do any act which the Chief Commissioner may do.
- (2) But that does not apply to any act to be done by the Chief Commissioner as a member of the immunity requests panel (including any to be done as chair of the panel).
- (3) An authorisation under this paragraph may be given generally or specially.

PART 4

THE COMMISSIONER FOR INVESTIGATIONS

Delegation of functions

- 14 (1) The Commissioner for Investigations may authorise—
- (a) any other Commissioner, or
 - (b) any ICRIR officer,
- to do any act which the Commissioner for Investigations may do.

Status: This is the original version (as it was originally enacted).

- (2) But no authorisation under sub-paragraph (1) may be given in relation to any function of the Commissioner for Investigations under section 6(2).
- (3) An authorisation under this paragraph may be given generally or specially.

No limitation on trade union activity

- 15 The Commissioner for Investigations is not to be regarded as in police service for the purposes of—
- (a) Article 145 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (S.I. 1995/1980 (N.I. 12));
 - (b) Article 243 of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16));
 - (c) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992; or
 - (d) section 200 of the Employment Rights Act 1996.

PART 5

ICRIR OFFICERS

Employed ICRIR officers

- 16 The ICRIR is to determine—
- (a) the number of employed ICRIR officers; and
 - (b) the terms of their employment.

Seconded ICRIR officers

- 17 (1) Seconded ICRIR officers are under the direction and control of the ICRIR in the same way as employed ICRIR officers.
- (2) In the case of the secondment of a member of a police force to be a seconded ICRIR officer—
- (a) arrangements for the secondment are to be made with the chief officer of that police force; and
 - (b) the arrangements must provide for the ICRIR to pay the policing body responsible for that police force the amount that is specified in, or determined in accordance with, the arrangements.
- (3) If a seconded ICRIR officer is a constable in any police force, the powers and privileges which that person has by virtue of being a constable are not exercisable in Northern Ireland—
- (a) from the time when the person becomes an ICRIR officer;
 - (b) but are revived if the person—
 - (i) ceases to be an ICRIR officer, and
 - (ii) returns to service as a constable.
- (4) Sub-paragraph (3) ceases to apply to a person who resigns from, or otherwise ceases to hold, the office of constable.

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- (5) Service as a seconded ICRIR officer is—
- (a) relevant service for the purposes of section 27 of the Police (Northern Ireland) Act 1998 (members of the PSNI engaged on other police service), if the person seconded is a member of the PSNI,
 - (b) relevant service for the purposes of section 97 of the Police Act 1996 (police officers engaged on service outside their force), if the person seconded is a member of a police force as defined in section 101 of that Act), and
 - (c) temporary service outwith the Police Service of Scotland under section 15(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8), if the person seconded is a constable in the Police Service of Scotland.
- (6) If a member of the PSNI is a seconded ICRIR officer, the application of—
- (a) section 35 of the Police (Northern Ireland) Act 1998, or
 - (b) any provision under the law of England and Wales or Scotland that has a corresponding effect,
- to the person does not affect the person’s ability, as an ICRIR officer, to be a member of any trade union or association.
- (7) In this paragraph—
- “chief officer” means—
- (a) the Chief Constable of the PSNI, in the case of the secondment of a member of the PSNI, or
 - (b) the chief officer of a police force in Great Britain, in the case of the secondment of a member of the force;
- “police force” means—
- (a) the PSNI, or
 - (b) a police force in Great Britain;
- “policing body responsible for” a police force means—
- (a) in the case of the PSNI, the Northern Ireland Policing Board;
 - (b) in the case of a police force maintained under section 2 of the Police Act 1996, the Police and Crime Commissioner for the police area for which that force is maintained;
 - (c) in the case of the metropolitan police force, the Mayor’s Office for Policing and Crime;
 - (d) in the case of the City of London police force, the Common Council of the City of London as police authority for the City of London police area;
 - (e) in the case of the Police Service of Scotland, the Scottish Police Authority;
 - (f) in the case of the Ministry of Defence Police, the Secretary of State;
 - (g) in the case of the British Transport Police, the British Transport Police Authority.

Persons holding public elected positions not to be ICRIR officers

- 18 (1) A person who holds a relevant office may not become an ICRIR officer.
- (2) A person ceases to be an ICRIR officer if the person begins to hold a relevant office.

Status: This is the original version (as it was originally enacted).

- (3) For the meaning of references in this paragraph to holding a relevant office, see paragraph 9(3).
- (4) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 9).

Rehabilitation of offenders

- 19 (1) The following Orders apply to ICRIR officers as they apply to constables—
- (a) the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (S.R. 1979/195);
 - (b) the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (S.I. 1975/1023);
 - (c) the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (S.S.I. 2013/50).
- (2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 8(8)).

Liability for unlawful conduct

- 20 (1) The ICRIR may, in such cases and to such extent as appear to the ICRIR to be appropriate, pay—
- (a) any damages, or any costs or, in Scotland, expenses, awarded against an ICRIR officer in proceedings for any unlawful conduct of that ICRIR officer;
 - (b) any costs or, in Scotland, expenses incurred and not recovered by an ICRIR officer in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (2) The ICRIR may make arrangements for the legal representation of any ICRIR officer in any proceedings mentioned in sub-paragraph (1).
- (3) The Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (S.I. 1972/963 (N.I. 6)), and any provision under the law of England and Wales or Scotland that has a corresponding effect, does not require insurance to be effected by the ICRIR.
- (4) The ICRIR is liable for the unlawful conduct of a person which occurs when the person is acting, or purporting to act, as a seconded ICRIR officer in the same manner as an employer is liable in respect of unlawful conduct of employees in the course of their employment.
- (5) If the unlawful conduct is a tort, the ICRIR is accordingly to be treated as a joint tortfeasor.

No limitation on trade union activity

- 21 (1) An ICRIR officer is not to be regarded as in police service for the purposes of—
- (a) Article 145 of the Trade Union and Labour Relations (Northern Ireland) Order 1995;
 - (b) Article 243 of the Employment Rights (Northern Ireland) Order 1996;

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(c) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992; or

(d) section 200 of the Employment Rights Act 1996.

(2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 15).

Meaning of “employed” and “seconded” ICRIR officer

22 In this Part—

“employed ICRIR officer” means a person employed as an ICRIR officer under section 3(1);

“seconded ICRIR officer” means a person seconded as an ICRIR officer under section 3(2).

SCHEDULE 2

Section 6

OPERATIONAL POWERS OF ICRIR OFFICERS

Designations and designated ICRIR officers

1 In this Schedule—

“designated” means designated under section 6(1) or (2) (and “designation” is to be read accordingly);

“designated ICRIR officer” means an ICRIR officer who is designated;

“operational powers” means the powers and privileges which a designated ICRIR officer has by virtue of a designation;

“powers and privileges of an English and Welsh constable” means the powers and privileges of a constable if, and to the extent that, they are exercisable in England and Wales or the adjacent United Kingdom waters;

“powers and privileges of a Northern Ireland constable” means the powers and privileges of a constable if, and to the extent that, they are exercisable in Northern Ireland or the adjacent United Kingdom waters;

“powers and privileges of a Scottish constable” means the powers and privileges of a constable if, and to the extent that, they are exercisable in Scotland or the adjacent United Kingdom waters;

“United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea.

Effect of designation

2 (1) A designated ICRIR officer has—

(a) in Northern Ireland and the adjacent United Kingdom waters, all the powers and privileges of a Northern Ireland constable;

(b) in England and Wales and the adjacent United Kingdom waters, all the powers and privileges of an English and Welsh constable;

(c) in Scotland and the adjacent United Kingdom waters, all the powers and privileges of a Scottish constable.

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- (2) But that is subject to—
 - (a) section 6(3), and
 - (b) paragraphs 3 and 4.

Exercise of the powers and privileges of a Scottish constable

- 3 (1) A designated ICRIR officer may only exercise the powers and privileges of a Scottish constable in one or other of the following cases.
- (2) The first case is where—
 - (a) a Scottish general authorisation is in force, and
 - (b) the powers and privileges are exercised in accordance with that authorisation.
 - (3) The second case is where—
 - (a) a Scottish operational authorisation is in force in relation to a particular operation, and
 - (b) the powers and privileges are exercised—
 - (i) in connection with that operation, and
 - (ii) in accordance with that authorisation.
 - (4) In this paragraph—
 - “Scottish general authorisation” means an agreement between—
 - (a) the Commissioner for Investigations, and
 - (b) the Scottish Ministers,about the exercise of the powers and privileges of Scottish constables by designated ICRIR officers;
 - “Scottish operational authorisation” means an agreement between—
 - (a) the Commissioner for Investigations, and
 - (b) an officer in the Police Service of Scotland who is at or above the rank of Assistant Chief Constable,about the exercise of the powers and privileges of Scottish constables by designated ICRIR officers in connection with a particular operation.

Limitations

- 4 (1) A designation may be made subject to any limitations specified in the designation.
- (2) In particular, a designation may include—
 - (a) limitations on which operational powers the designated ICRIR officer has;
 - (b) limitations on the purposes for which the designated ICRIR officer may exercise operational powers which that person has.
 - (3) This paragraph does not apply to the designation of the Commissioner for Investigations under section 6(1).

Duration of designation

- 5 (1) A designation has effect without limitation of time, unless the designation specifies a period for which it is to have effect.

- (2) But that is subject to any modification or withdrawal of the designation.
- (3) This paragraph does not apply to the designation of the Commissioner for Investigations under section 6(1).

Evidence of designation

- 6 (1) A designated ICRIR officer must produce evidence of the designation if—
- (a) that ICRIR officer exercises, or purports to exercise, any operational power in relation to another person in reliance on the designation, and
 - (b) the other person requests that ICRIR officer to produce such evidence.
- (2) If the designated ICRIR officer fails to produce such evidence, that failure does not make the exercise of the operational power invalid.

Territorial restrictions

- 7 Any power or privilege of a constable is, when exercisable by a designated ICRIR officer, subject to any territorial restrictions on its exercise to which it is subject when exercisable by a constable.

Powers exercisable under warrant

- 8 (1) This paragraph applies to legislation if it provides for the issuing of warrants which authorise a constable to exercise any power or privilege of a constable.
- (2) For the purpose of enabling a designated ICRIR officer to exercise that power or privilege, the legislation has effect as if the designated ICRIR officer were a constable.

Direction and control of ICRIR officers exercising powers in Scotland

- 9 The ICRIR must ensure that any instruction given by the Lord Advocate or procurator fiscal in relation to the investigation of offences is complied with when designated ICRIR officers are exercising the powers and privileges of Scottish constables.

Modification of references

- 10 If a power or privilege of a constable is exercisable by any ICRIR officer, a reference to a constable in any legislation which relates to that power or privilege is to be taken to be, or to include, a reference to any ICRIR officer by whom that power or privilege is exercisable.

Assaulting a designated ICRIR officer

- 11 (1) Any person who assaults—
- (a) a designated ICRIR officer in the execution of that ICRIR officer's duty, or
 - (b) a person assisting a designated ICRIR officer in the execution of that ICRIR officer's duty,
- is guilty of an offence.

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- (2) Sub-paragraph (1)(a) does not apply to an assault on a designated ICRIR officer under the law of England and Wales (instead see section 1 of the Emergency Workers (Offences) Act 2018).
- (3) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 2 years or to a fine, or to both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (c) on summary conviction in England and Wales, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both;
 - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both.
- (4) In this paragraph, the references to the execution of the duty of a designated ICRIR officer are references to—
- (a) the exercise of a power or privilege conferred by the designation of the ICRIR officer;
 - (b) the performance of a duty imposed by the designation of the ICRIR officer.

Resisting, obstructing or impeding a designated ICRIR officer

- 12 (1) Any person who resists, obstructs or impedes—
- (a) a designated ICRIR officer in the execution of that ICRIR officer's duty, or
 - (b) a person assisting a designated ICRIR officer in the execution of that ICRIR officer's duty,
- is guilty of an offence.
- (2) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 2 years or to a fine, or to both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (c) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 3 on the standard scale, or to both;
 - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both.
- (3) In this paragraph, the references to the execution of the duty of a designated ICRIR officer are references to—
- (a) the exercise of a power or privilege conferred by the designation of the ICRIR officer;
 - (b) the performance of a duty imposed by the designation of the ICRIR officer.

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- (4) In relation to an offence committed before the commencement of section 280(2) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), the reference in sub-paragraph (2)(c) to 51 weeks is to be read as a reference to one month.

Impersonating a designated ICRIR officer

- 13 (1) Any person (P) who, with intent to deceive—
- (a) impersonates a designated ICRIR officer,
 - (b) makes any statement or does any act calculated falsely to suggest that P is a designated ICRIR officer, or
 - (c) makes any statement or does any act calculated falsely to suggest that P has powers as a designated ICRIR officer that exceed the powers that P actually has,
- is guilty of an offence.
- (2) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both;
 - (c) on summary conviction in England and Wales, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both;
 - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 4 on the standard scale.

Regulations

- 14 (1) The power of a national authority under section 58(2) to make consequential provision includes power to make such provision as the appropriate authority considers appropriate in consequence of—
- (a) designated ICRIR officers, or
 - (b) a description of designated ICRIR officers,
- having the powers and privileges of constables in accordance with this Schedule.
- (2) That provision may (in particular)—
- (a) provide for designated ICRIR officers to benefit from exemptions or other protection in respect of the exercise of operational powers;
 - (b) provide for the disclosure of information to, or the doing of other things in relation to, designated ICRIR officers;
 - (c) confer functions on ICRIR officers or any other person;
 - (d) provide for a class of ICRIR officers (whether identified by reference to a grade or pay scale or otherwise) to be treated as the equivalent of one or more ranks of the PSNI;
 - (e) apply (with or without modifications) any legislation or description of legislation.

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).

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.

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.

Status: This is the original version (as it was originally enacted).

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.

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.

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.

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

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(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.

SCHEDULE 4

Section 14

SUPPLY OF INFORMATION: ENFORCEMENT

PART 1

FAILURE TO COMPLY WITH A NOTICE

Penalty for failure to comply

- 1 (1) The ICRIR may require a person to pay a penalty if the ICRIR 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 ICRIR on demand.

Notification of penalty decision

- 2 (1) If the ICRIR decides to require a person to pay a penalty under this Part of this Schedule, the ICRIR must give the person a penalty notice.
- (2) A penalty notice must—
 - (a) be in writing,
 - (b) state the ICRIR’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 ICRIR), and
 - (h) include an explanation of the steps the ICRIR may take to recover any unpaid penalty.

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.

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- (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.

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—

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- (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.

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;
 - (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.

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.

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).

PART 2

DISTORTION OR SUPPRESSION OF EVIDENCE ETC

Distorting evidence etc

- 8 (1) A person is guilty of an offence if the person does anything that is intended to have the effect of—
- (a) distorting or otherwise altering any evidence, document or other thing that is produced or provided to the Commissioner for Investigations in accordance with a notice under section 14, or
 - (b) preventing any evidence, document or other thing from being produced or provided to the Commissioner for Investigations in accordance with a notice under section 14.
- (2) A person is guilty of an offence if the person does anything that the person knows or believes is likely to have the effect described in sub-paragraph (1)(a) or (b).

Suppression of evidence etc

- 9 (1) A person is guilty of an offence if the person—
- (a) intentionally suppresses or conceals, or
 - (b) intentionally alters or destroys,
- a document that is, and that the person knows or believes to be, a relevant document.
- (2) For that purpose a document is a “relevant document” if it is likely that the Commissioner for Investigations would (if aware of its existence) wish to be provided with it.

Institution of proceedings

- 10 Proceedings for an offence under paragraph 8 or 9 may be instituted—
- (a) in England and Wales, only by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Penalties

- 11 (1) A person who is guilty of an offence under this Part of this Schedule is liable on summary conviction to a fine not exceeding level three on the standard scale or to imprisonment for a term not exceeding the relevant maximum, or to both.
- (2) In this Part of this Schedule “relevant maximum” means—
- (a) in Northern Ireland, six months;

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- (b) in England and Wales, 51 weeks;
 - (c) in Scotland, 12 months.
- (3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), the reference in sub-paragraph (2)(b) to 51 weeks is to be read as a reference to six months.

SCHEDULE 5

Section 19

NO IMMUNITY IN CERTAIN CIRCUMSTANCES

PART 1

SEXUAL OFFENCE, EXISTING CONVICTION OR ONGOING PROSECUTION

Application of this Part

- 1 This Part of this Schedule applies if—
- (a) a person (P) has requested the ICRIR to grant P immunity from prosecution (the “current request”) under section 19 and conditions A to C are met, but
 - (b) this Schedule prohibits a grant of immunity for an identified possible offence (see paragraphs 2 and 3).

Prohibition of grant of immunity: sexual offences

- 2 (1) A grant of immunity for an identified possible offence is prohibited if it is—
- (a) a sexual offence, or
 - (b) an inchoate offence relating to a sexual offence.
- (2) For the purposes of this paragraph “sexual offence” includes—
- (a) rape;
 - (b) any offence committed by—
 - (i) sexual assault,
 - (ii) sexual activity, or
 - (iii) causing or inciting another person to engage in sexual activity;
 - (c) any offence relating to indecent images of children.
- (3) For the purposes of this paragraph “inchoate offence relating to a sexual offence” includes an offence of—
- (a) attempting to commit a sexual offence;
 - (b) conspiracy to commit a sexual offence;
 - (c) incitement to commit a sexual offence;
 - (d) aiding, abetting, counselling or procuring the commission of a sexual offence.
- (4) The Secretary of State may, by regulations, make provision about the meaning of—
- (a) “sexual offence”, or

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(b) “inchoate offence relating to a sexual offence”;

for the purposes of this Part of this Schedule (including provision specifying offences which are to comprise, or to be included in, that definition).

(5) Regulations under this paragraph are subject to negative procedure.

Prohibition of grant of immunity: conviction or ongoing prosecution

- 3 (1) A grant of immunity for an identified possible offence is prohibited if—
- (a) P has a conviction for the identified possible offence,
 - (b) P is being prosecuted for the identified possible offence, or
 - (c) P is being prosecuted for any other offence (whether or not a Troubles-related offence), and the immunity requests panel is satisfied that granting P immunity from prosecution for the identified possible offence would risk having, or would have, a prejudicial effect on that prosecution.
- (2) For the purposes of this paragraph—
- (a) P is “being prosecuted for” an offence if a public prosecution of P for the offence has begun and is continuing;
 - (b) a “public prosecution” means any prosecution other than a private prosecution;
 - (c) a public prosecution of P for an offence “has begun” if a prosecutor has made the decision to prosecute P for that offence;
 - (d) the circumstances in which a public prosecution of P is to be regarded as continuing include circumstances where the trial which forms part of the prosecution ends without P being convicted or acquitted or any other verdict being given and either—
 - (i) the period for the prosecution to seek a retrial is continuing (without a retrial having been sought), or
 - (ii) the prosecution have sought a retrial;
 - (e) the circumstances in which a public prosecution of P is to be regarded as not continuing include—
 - (i) circumstances where the trial which forms part of the prosecution ends with P being convicted or acquitted or with another verdict being given, and
 - (ii) circumstances where the trial ends without P being convicted or acquitted or any other verdict being given and the period for the prosecution to seek a retrial ends without a retrial having been sought.

Grant of immunity prohibited for all identified possible offences

- 4 (1) If this Schedule prohibits a grant of immunity for all of the identified possible offences, the ICRR must not grant P immunity from prosecution in relation to the current request.
- (2) Accordingly, section 19(1) and (7) to (16) do not apply in relation to the current request.

Status: This is the original version (as it was originally enacted).

Grant of immunity prohibited for some identified possible offences

- 5 (1) This paragraph applies if this Schedule prohibits a grant of immunity for some (but not all) of the identified possible offences.
- (2) The immunity requests panel must not decide under section 19(7) that P should be granted immunity from prosecution for—
- (a) any identified possible offence for which this Schedule prohibits a grant of immunity, or
 - (b) a description of offences that includes any identified possible offence for which this Schedule prohibits a grant of immunity.
- (3) The ICIR must not grant P immunity from prosecution for any identified possible offence for which this Schedule prohibits a grant of immunity.
- (4) Section 19(7) to (13) have effect subject to this paragraph.

PART 2

NEW REQUEST FOR IMMUNITY AFTER REVOCATION OF PREVIOUS GRANT

- 6 (1) This paragraph applies where—
- (a) under section 26, a court revokes immunity from prosecution granted to a person (P) (the “revoked immunity”),
 - (b) P requests the ICIR to grant P immunity from prosecution (the “new request”),
 - (c) the new request—
 - (i) is made before the revocation and is not concluded at the time of the revocation, or
 - (ii) is made after the revocation, and
 - (d) conditions A to C in section 19 are met in relation to the new request.
- (2) When dealing with the new request, the duty of the immunity requests panel to decide (under section 19(7)) what immunity should be granted to P has effect subject to sub-paragraphs (3) and (4).
- (3) The panel must not decide that P should be granted immunity from prosecution for any identified possible offence which was also within the scope of the revoked immunity.
- (4) When the panel is determining under section 19(9) or (11)(b) a description of offences for which P should be granted immunity from prosecution, the panel must frame the description so that it does not consist of, or include, one or more offences which were also within the scope of the revoked immunity.
- (5) If the panel decides in accordance with sub-paragraphs (3) and (4) that there are no offences for which P should be granted immunity—
- (a) the panel must decide that P should not be granted immunity from prosecution, and
 - (b) the ICIR must not grant P immunity from prosecution (and accordingly section 19(1) does not apply).

- (6) For the purposes of this paragraph the new request is “concluded” when the ICRIR gives P written notice of the outcome of the request in accordance with section 19(13)(a).

SCHEDULE 6

Section 30

PERMITTED DISCLOSURES OF INFORMATION

PART 1

DISCLOSURES THAT ARE “PERMITTED”

Introduction

- 1 Paragraphs 2 to 5 set out which disclosures of information are “permitted” for the purposes of section 30(3).

Disclosure of any information to the Secretary of State

- 2 A disclosure of any information by the ICRIR to the Secretary of State is permitted.

Disclosure of sensitive information to certain recipients

- 3 (1) A disclosure of sensitive information by the ICRIR to a person listed in subparagraph (2) is permitted if—
- (a) the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, and
 - (b) the disclosure is made after the end of the relevant 10 day period.
- (2) The persons to whom a disclosure is permitted under this paragraph are—
- (a) the Director of Public Prosecutions for Northern Ireland;
 - (b) the Director of Public Prosecutions;
 - (c) the Lord Advocate;
 - (d) a member of the PSNI;
 - (e) a member of a police force in Great Britain;
 - (f) a coroner in Northern Ireland or England and Wales who is—
 - (i) a judge of the High Court in Northern Ireland,
 - (ii) a judge of the High Court in England and Wales,
 - (iii) a county court judge in Northern Ireland, or
 - (iv) a Circuit judge in England and Wales;
 - (g) a sheriff in Scotland, if the disclosure is made in respect of an inquiry into a death being, or to be, held under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2).
- (3) In this paragraph “relevant 10 day period” (in relation to a proposed disclosure notified to the Secretary of State) means the period of ten working days beginning with the day on which notification of the proposed disclosure is given under subparagraph (1).

Status: This is the original version (as it was originally enacted).

- (4) For that purpose “working day” means any day other than—
- (a) a Saturday or a Sunday,
 - (b) Christmas Day or Good Friday, or
 - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Disclosure of sensitive information notified in advance to the Secretary of State

- 4 (1) A disclosure of sensitive information by the ICRIR is permitted if—
- (a) the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, and
 - (b) the Secretary of State notifies the Commissioner for Investigations that the proposed disclosure is permitted.
- (2) The Secretary of State must respond to a notification by the Commissioner for Investigations under this paragraph within the relevant decision period, by notifying that Commissioner that the proposed disclosure either—
- (a) is permitted, or
 - (b) is prohibited.
- (3) But the Secretary of State may notify the Commissioner for Investigations that the proposed disclosure is prohibited only if, in the Secretary of State’s view, the disclosure of the sensitive information would risk prejudicing, or would prejudice, the national security interests of the United Kingdom.
- (4) If the Secretary of State notifies the Commissioner for Investigations that the proposed disclosure is prohibited—
- (a) the Secretary of State must consider whether reasons for prohibiting it can be given without disclosing information which would risk prejudicing, or would prejudice, the national security interests of the United Kingdom; and
 - (b) if they can be given, the Secretary of State must give those reasons to the Commissioner for Investigations.

Disclosure of protected international information notified in advance to the Secretary of State

- 5 (1) A disclosure of protected international information by the ICRIR is permitted if—
- (a) the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, and
 - (b) the Secretary of State notifies the Commissioner for Investigations that the proposed disclosure is permitted.
- (2) The Secretary of State must respond to a notification by the Commissioner for Investigations under this paragraph within the relevant decision period, by notifying that Commissioner that the proposed disclosure either—
- (a) is permitted, or
 - (b) is prohibited.
- (3) But the Secretary of State may notify the Commissioner for Investigations that the proposed disclosure is prohibited only if, in the Secretary of State’s view, the disclosure of the protected international information would, or would be likely to, damage international relations.

The “relevant decision period”

- 6 (1) In paragraph 4 or 5 “relevant decision period” (in relation to a proposed disclosure notified to the Secretary of State) means—
- (a) the period of 60 days beginning with the day on which the Commissioner for Investigations notifies the Secretary of State of the proposed disclosure, or
 - (b) any reasonable longer period which the Secretary of State specifies, in notice given to the Commissioner for Investigations during that 60 day period, as the period which the Secretary of State wishes to take in order to make a decision whether to permit or prohibit the proposed disclosure.
- (2) But if the court directs the Secretary of State to remake a decision—
- (a) on an appeal under paragraph 9, or
 - (b) on any further appeal,
- “relevant decision period” means the period for remaking that decision in compliance with that direction.

PART 2

DECISIONS TO PROHIBIT DISCLOSURES OF SENSITIVE INFORMATION IN FINAL REPORTS

Application of this Part

- 7 This Part of this Schedule applies if—
- (a) it was proposed to disclose sensitive information in a final report (the “proposed disclosure”),
 - (b) the Commissioner for Investigations notified the Secretary of State of the proposed disclosure in accordance with paragraph 4(1)(a), and
 - (c) the Secretary of State decided to prohibit the proposed disclosure in the final report (the “affected report”).

Affected report to include statement of Secretary of State’s decision

- 8 (1) The affected report must include a statement that the Secretary of State decided to prohibit the proposed disclosure.
- (2) The statement must also set out any reasons for prohibiting the disclosure which the Secretary of State gives in accordance with paragraph 4(4).
- (3) In a case where—
- (a) the affected report includes a statement relating to the proposed disclosure in accordance with this paragraph,
 - (b) an initial appeal is brought against the Secretary of State’s decision not to permit the proposed disclosure, and
 - (c) the Secretary of State remakes the decision in accordance with a direction given by the court,
- a new final report relating to the death or other Troubles-related circumstances must be produced in accordance with section 15.

Initial appeals

- 9 (1) In this Part of this Schedule “initial appeal” means an appeal to the relevant court against the Secretary of State’s decision not to permit the proposed disclosure in the affected report.
- (2) The function of the relevant court on an initial appeal is to review the Secretary of State’s decision not to permit the proposed disclosure.
- (3) In determining an initial appeal, the relevant court must apply the principles applicable on an application for judicial review or, in Scotland, an application to the supervisory jurisdiction of the Court of Session.
- (4) On an initial appeal—
- (a) the court has the power to quash the Secretary of State’s decision;
 - (b) if the court quashes the decision, it must direct the Secretary of State to remake the decision within—
 - (i) the period of 60 days beginning with the day on which the court gives the direction, or
 - (ii) any reasonable longer period which the court specifies (after considering any representations made by a party to the proceedings).
- (5) If the court does not exercise that power to quash the decision, it must dismiss the appeal.

Bringing an initial appeal

- 10 (1) An initial appeal may be brought by—
- (a) the person who requested the review to which the affected report relates, or
 - (b) a person who would be eligible to request a review (see paragraph 13(3)).
- (2) An initial appeal must be brought within the period of 28 days beginning with the day on which the affected report is published under section 17.

Further appeal against an initial appeal

- 11 (1) This paragraph applies if the relevant court has determined an initial appeal.
- (2) The person who brought the initial appeal may bring an appeal in the appeal court against the determination of the initial appeal (a “further appeal”).
- (3) But that person may bring the further appeal only with the leave of—
- (a) the relevant court which determined the initial appeal, or
 - (b) the appeal court.
- (4) The court may not give such leave unless satisfied that—
- (a) the further appeal would raise some important point of principle or practice, or
 - (b) there is some other compelling reason for the further appeal to be heard.

Application of the Justice and Security Act 2013

- 12 (1) Any proceedings on an initial appeal or a further appeal (including any proceedings before the Supreme Court) are to be treated as section 6 proceedings (within the meaning of the JSA 2013) for the purposes of sections 8 to 14 of the JSA 2013.
- (2) Sections 8 to 14 of the JSA 2013 apply in relation to proceedings treated as section 6 proceedings by sub-paragraph (1) as if—
- (a) the Secretary of State were the relevant person, and
 - (b) the references to the interests of national security in sections 8, 11 and 13 of the JSA 2013 were references to the interests of national security or the interests of the international relations of the United Kingdom.
- (3) But sections 8 to 14 of the JSA 2013, and rules of court relating to section 6 proceedings, do not prevent an appeal under this paragraph from being considered in the presence of—
- (a) the Commissioner for Investigations,
 - (b) another ICRIR officer nominated by the Commissioner for Investigations, or
 - (c) a legal representative of the ICRIR.

Interpretation

- 13 (1) In this Part of this Schedule—
- “affected report” has the meaning given in paragraph 7(c);
- “appeal court” means—
- (a) the Court of Appeal in Northern Ireland,
 - (b) the Court of Appeal in England and Wales, or
 - (c) the Inner House of the Court of Session;
- “further appeal” has the meaning given in paragraph 11;
- “initial appeal” has the meaning given in paragraph 9;
- “JSA 2013” means the Justice and Security Act 2013;
- “proposed disclosure” has the meaning given in paragraph 7(a);
- “relevant court” means—
- (a) the High Court in Northern Ireland,
 - (b) the High Court in England and Wales, or
 - (c) the Outer House of the Court of Session.
- (2) Expressions used in this Part of this Schedule and in sections 9 to 15 have the same meanings in this Part as in those sections.
- (3) For the purposes of bringing an initial appeal a person “would be eligible to request a review” if, at the time of bringing the initial appeal, the person would be entitled to make a request under—
- (a) section 9 for a review of the death to which the affected report relates, or
 - (b) section 10 for a review of the other Troubles-related circumstances to which the affected report relates;
- and, in determining whether the person would be entitled to make the request, the fact that a review has already been requested must be ignored.

Status: This is the original version (as it was originally enacted).

- (4) The following provisions apply to a determination (for the purposes of sub-paragraph (3)) of whether a person would be entitled to make a request under section 9.
- (5) In the case of a request under section 9(2), it is for the relevant court (rather than the Commissioner for Investigations) to decide the person's entitlement to make the request (and accordingly section 9(7) does not apply).
- (6) In determining for the purposes of this Schedule whether a person is, under Schedule 3, a close family member of D, paragraph 1(2) of Schedule 3 has effect as if the following provision were substituted for paragraph (f)—
 - “(f) was a step-parent of D on the day of D's death or is a step-parent of D on—
 - (i) the day on which the request for the review is made, or
 - (ii) the day when the initial appeal is brought;”.

SCHEDULE 7

Section 30

OFFENCES RELATING TO DISCLOSURE OF INFORMATION

Current and former Commissioners, ICRIR officers and ICRIR contractors

- 1 (1) A person who is, or has ceased to be, a Commissioner, ICRIR officer or ICRIR contractor commits an offence if—
 - (a) the person discloses information which the person obtained as a Commissioner, ICRIR officer or ICRIR contractor, and
 - (b) the disclosure would, if it had been made by the ICRIR, have constituted a breach of a relevant prohibition on disclosure.
- (2) It does not matter whether the disclosure of information occurs within or outside the United Kingdom.
- (3) This paragraph does not apply to the communication of information by a person to another person in that other person's capacity as a Commissioner, ICRIR officer, or ICRIR contractor.
- (4) It is a defence for a person charged with an offence under this paragraph to prove that at the time of the alleged offence the person did not know, and had no reasonable cause to believe, that the disclosure would, if it had been made by the ICRIR, have constituted a breach of a relevant prohibition on disclosure.

Penalties

- 2 A person guilty of an offence under this Schedule 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;

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- (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.

Interpretation

3 In this Schedule—

“relevant prohibition on disclosure” is a prohibition on disclosure of information imposed by section 30(2)—

- (a) where any of prohibitions A to C applies (see section 30(4) to (6)), or
- (b) where prohibition D applies (see section 30(7)) because the disclosure contravenes the duty imposed by section 4(1)(a) or (b).

SCHEDULE 8

Section 32

IDENTIFICATION OF SENSITIVE, PREJUDICIAL OR PROTECTED INTERNATIONAL INFORMATION

PART 1

THE ICRIR: IDENTIFICATION OF SENSITIVE OR PREJUDICIAL INFORMATION

- 1 (1) The Commissioner for Investigations must, from time to time, identify any information held by the ICRIR which (in that Commissioner's opinion) is—
- (a) sensitive information, or
 - (b) prejudicial information.
- (2) That duty does not require the Commissioner for Investigations to identify information as sensitive information, or as prejudicial information, if (in accordance with paragraph 2 or 3) a relevant authority has notified the Commissioner for Investigations that that authority has identified the information as that kind of information.

PART 2

RELEVANT AUTHORITIES: IDENTIFICATION OF SENSITIVE OR PREJUDICIAL INFORMATION

Information made available by a relevant authority

- 2 (1) This paragraph applies if a relevant authority is proposing to make any information available to the ICRIR (whether in accordance with section 5 or otherwise).
- (2) The relevant authority must identify any of the information which, in the relevant authority's opinion, is—
- (a) sensitive information, or
 - (b) prejudicial information.

Status: This is the original version (as it was originally enacted).

- (3) When making the information available to the ICRIR, the relevant authority must notify the Commissioner for Investigations of any of the information which the relevant authority has identified in accordance with this paragraph.

Information made available by other persons

- 3 (1) This paragraph applies if a person other than a relevant authority—
- (a) is proposing to make any information available to the ICRIR, or
 - (b) has made any information available to the ICRIR.
- (2) A relevant authority may identify any of the information which (in the relevant authority's opinion) is—
- (a) sensitive information, or
 - (b) prejudicial information.
- (3) The relevant authority must notify the Commissioner for Investigations of any of the information which that relevant authority has identified in accordance with this paragraph.

Notifications under this Schedule

- 4 A notification of information under paragraph 2 or 3 must include a statement of whether, in the relevant authority's opinion, the information would, if disclosed generally, be—
- (a) sensitive information,
 - (b) prejudicial information, or
 - (c) information of both of those kinds.

PART 3

SECRETARY OF STATE: IDENTIFICATION OF PROTECTED INTERNATIONAL INFORMATION

- 5 The Secretary of State may notify the Commissioner for Investigations of—
- (a) any information held by the ICRIR, or
 - (b) any information which any person is proposing to make available to the ICRIR,
- which, in the Secretary of State's opinion, is protected international information.

SCHEDULE 9

Section 43

DETERMINATION OF WHETHER THE PROHIBITION ON CIVIL ACTIONS APPLIES

Actions that contravene a section 43 prohibition

- 1 In this Schedule a reference to an action that contravenes a section 43 prohibition is a reference to a relevant Troubles-related civil action that—
- (a) is being continued in contravention of the prohibition in section 43(1), or
 - (b) has been brought in contravention of the prohibition in subsection 43(2).

Status: This is the original version (as it was originally enacted).

Right of the Secretary of State to intervene

- 2 (1) This paragraph applies to an action if—
- (a) sufficient evidence is adduced to raise an issue as to whether it is an action that contravenes a section 43 prohibition, or
 - (b) it otherwise appears to the court that it may be an action that contravenes a section 43 prohibition.
- (2) The Secretary of State is entitled to be given notice, in accordance with rules of court, that it may be an action that contravenes a section 43 prohibition.
- (3) The Secretary of State (or a person nominated by the Secretary of State) is entitled, on giving notice in accordance with rules of court, to be joined as a party to the action.
- (4) Notice under sub-paragraph (3) may be given at any time during proceedings relating to the action.
- (5) A person who has been made a party to the action as the result of a notice under sub-paragraph (3) may take part in proceedings so far as they concern the question of whether it is an action that contravenes a section 43 prohibition.

Determination by the court

- 3 (1) This paragraph applies to an action if sufficient evidence is adduced to raise an issue as to whether it is an action that contravenes a section 43 prohibition.
- (2) The court must determine the question of whether it is an action that contravenes a section 43 prohibition in accordance with this paragraph.
- (3) The court must assume that it is an action that contravenes the section 43 prohibition unless it is proved that the action does not do so.
- (4) If the court determines that it is an action that contravenes the section 43 prohibition, the court must dismiss the action.
- (5) But the powers of a court in relation to the determination or recovery of costs (in Northern Ireland or England and Wales) or expenses (in Scotland) of the action are not affected by that obligation to dismiss the action.
- (6) Accordingly, the court may comply with that obligation by dismissing the action subject to determination or recovery of costs or expenses.
- (7) The court—
- (a) must determine the question of whether it is an action that contravenes a section 43 prohibition before considering any other question arising in the action;
 - (b) must not, in the proceedings to determine the question of whether it is an action that contravenes a section 43 prohibition, consider any other question arising in the action.
- (8) But sub-paragraph (7) is subject to the following exceptions—
- (a) the court may consider—
 - (i) the question of whether it is an action that contravenes a section 43 prohibition, and
 - (ii) any question of limitation law arising in the action, in the same proceedings;

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- (b) the court need not comply with sub-paragraph (7)(a), or with sub-paragraph (7)(b), if the court considers that there are exceptional reasons for not complying with it.
- (9) In this paragraph “question of limitation law” means a question relating to—
- (a) the Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11)),
 - (b) the Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5)),
 - (c) the Limitation Act 1980,
 - (d) the Foreign Limitation Periods Act 1984,
 - (e) the Prescription and Limitation (Scotland) Act 1973,
 - (f) section 190 of the Merchant Shipping Act 1995, or
 - (g) any other legislation relating to limitation of actions.

Appeals etc

- 4
- (1) This paragraph applies if, in accordance with paragraph 3, the court determines the question of whether an action contravenes a section 43 prohibition.
 - (2) Section 43 does not stop any proceedings which relate to, or arise out of, the determination, including any appeal or proceedings for costs (in Northern Ireland or England and Wales) or expenses (in Scotland), from being begun or continued.

SCHEDULE 10

Section 43

CIVIL ACTIONS TO WHICH THE 2008 MEDIATION DIRECTIVE APPLIES

Prohibition on continuing or bringing actions which involved prior cross-border mediation

- 1
- (1) Section 43(1) and (2) do not apply to any action which involved prior cross-border mediation.
 - (2) Accordingly, in relation to such an action, section 43 has effect as if subsections (1) and (2) were replaced with these provisions—
 - “(1) An action which involved prior cross-border mediation that was brought on or after the later of—
 - (a) the end of the relevant post-mediation period, and
 - (b) the day of the First Reading in the House of Commons of the Bill for this Act,may not be continued on or after the day on which section 43 comes into force.
 - (2) An action which involved prior cross-border mediation may not be brought on or after the day on which section 43 comes into force, unless the action is brought before the end of the relevant post-mediation period.”
 - (3) A reference in section 43(7) or (8) to section 43(1) or (2) accordingly includes a reference to the corresponding provision contained in sub-paragraph (2).

Interpretation

- 2 (1) In this Schedule (including the modification of section 43 made by paragraph 1(2))—
- “action which involved prior cross-border mediation” means a relevant Troubles-related civil action if the matter in dispute in the action has been subject to cross-border mediation in accordance with transitional EU law;
- “relevant post-mediation period”, in relation to such an action, means the period of eight weeks after the cross-border mediation ends;
- “2008 Mediation Directive” means [Directive 2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.
- (2) “Relevant Troubles-related civil action” has the same meaning as in section 43.
- (3) The “matter in dispute” in a relevant Troubles-related civil action is the claim (referred to in section 43(4)) which arises out of conduct forming part of the Troubles and which the action is to determine.
- (4) The matter in dispute has been “subject to cross-border mediation in accordance with transitional EU law” if it is within case A or case B below.
- (5) *Case A*: a case where the 2008 Mediation Directive applies to the matter in dispute by virtue of point (i) or (ii) of Article 69(1)(b) of the EU withdrawal agreement (cases where, before the end of the transition period, the parties had agreed, or been ordered, to use mediation).
- (6) In such a case, the “cross-border mediation ends” when the mediation referred to in point (i) or (ii) of Article 69(1)(b) ends.
- (7) *Case B*: a case where—
- (a) the 2008 Mediation Directive applies to the matter in dispute by virtue of point (iii) of Article 69(1)(b) of the EU withdrawal agreement (cases where, before the end of the transition period, a court had invited the parties to use mediation), and
- (b) mediation of the matter in dispute starts (whether it starts before, on, or after the day of the First Reading in the House of Commons of the Bill for this Act, including where it starts on or after the day on which section 43 comes into force).
- (8) In such a case, the “cross-border mediation ends” when that mediation ends.
- (9) A mediation—
- (a) “starts” when it would have started for the purposes of the corresponding limitation provision;
- (b) “ends” when it would have ended for the purposes of the corresponding limitation provision.
- (10) The “corresponding limitation provision” is—
- (a) Article 51A of the Limitation (Northern Ireland) Order 1989 ([S.I. 1989/1339 \(N.I. 11\)](#)) (see, in particular, Article 51A(3) of that Order), if—
- (i) that Order,
- (ii) the Foreign Limitation Periods (Northern Ireland) Order 1985 ([S.I. 1985/754 \(N.I. 5\)](#)), or
- (iii) the Merchant Shipping Act 1995,

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- is the limitation legislation that is ordinarily applicable;
- (b) section 33A of the Limitation Act 1980 (see section 33A(6) to (8) of that Act), if—
- (i) that Act, or
 - (ii) the Merchant Shipping Act 1995,
- is the limitation legislation that is ordinarily applicable;
- (c) section 1A of the Foreign Limitation Periods Act 1984 (see section 1A(5) to (7) of that Act), if that Act is the limitation legislation that is ordinarily applicable;
- (d) section 19F of the Prescription and Limitation (Scotland) Act 1973 (see, in particular, section 19F(3) of that Act), if—
- (i) that Act, or
 - (ii) the Merchant Shipping Act 1995,
- is the limitation legislation that is ordinarily applicable.
- (11) Accordingly—
- (a) Article 51A of the 1989 Order, section 33A of the 1980 Act, and section 1A of the 1984 Act (which were repealed by Schedule 1 to the 2019 Regulations) continue to have effect for the purposes of this Schedule (in addition to the purposes for which they continue to have effect under regulation 5 of the 2019 Regulations);
 - (b) section 19F of the 1973 Act (which was repealed by regulation 2 of the the 2020 Regulations) continues to have effect for the purposes of this Schedule (in addition to the purposes for which it continues to have effect under regulation 7 of the 2020 Regulations).
- (12) An Order or Act is “the limitation legislation that is ordinarily applicable” if the time limit for bringing the action which involved prior cross-border mediation was, or would be (in the absence of section 43), given in that Order or Act (see section 43(6)).
- (13) The “2019 Regulations” are the Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469).
- (14) The “2020 Regulations” are the Civil and Family Justice (EU Exit) (Scotland) (Amendment etc) Regulations 2020 (S.S.I. 2020/441).

SCHEDULE 11

Section 44

INVESTIGATIONS, INQUESTS AND INQUIRIES IN ENGLAND AND WALES AND SCOTLAND

PART 1

ENGLAND AND WALES: INVESTIGATIONS AND INQUESTS

Coroners and Justice Act 2009

- 1 (1) After section 11 of the Coroners and Justice Act 2009 insert—

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“Deaths related to the Northern Ireland Troubles

11A Investigations and inquests into Troubles-related deaths

Schedule 1A makes provision about investigations and inquests into Troubles-related deaths.”

(2) After Schedule 1 to that Act insert—

“SCHEDULE
1A

INVESTIGATIONS AND INQUESTS INTO TROUBLES-RELATED DEATHS

Obligatory discontinuance of existing investigations and inquests

- 1 (1) This paragraph applies to an investigation into a death that resulted directly from the Troubles if, on 1 May 2024, a senior coroner was under a duty to conduct the investigation unless, on that day, the only part of the investigation that remains to be carried out is the coroner or any jury making the determination and any findings required by section 10, or something subsequent to that.
- (2) On and after that day a coroner must not progress the conduct of—
 - (a) the investigation, or
 - (b) the inquest.
- (3) As soon as practicable on or after that day, the senior coroner who is responsible for conducting the investigation must discontinue—
 - (a) the investigation, and
 - (b) the inquest, including by discharging any jury that has been summoned.
- (4) Any enactment which requires a senior coroner to conduct an investigation or hold an inquest is subject to this paragraph.

New investigations and inquests

- 2 (1) This paragraph applies on and after the day on which paragraph 1(2) of Schedule 11 to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force.
- (2) The duty under section 1(1) is not to begin to apply to a senior coroner in respect of a death that resulted directly from the Troubles.
- (3) A senior coroner (A) must not make a request under section 2 for another senior coroner (B) to conduct an investigation into a death that resulted directly from the Troubles; and B must not agree to such a request.
- (4) The Chief Coroner must not give a direction under section 1(5) or 3 to a senior coroner to conduct an investigation into a death that resulted directly from the Troubles.

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Interpretation

- 3 (1) For the purposes of this Schedule a death “resulted directly from the Troubles” if—
- (a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from of an act of violence or force, and
 - (b) the act of violence or force was conduct forming part of the Troubles.
- (2) In this paragraph “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).
- (3) In this Schedule—
- “inquest” means the inquest that forms part of an investigation;
 - “investigation” means an investigation under this Part.”

Coroners Act 1988

- 2 (1) In section 13 of the Coroners Act 1988 (order to hold investigation), after subsection (4) insert—
- “(5) This section does not apply in relation to a death that resulted directly from the Troubles (which has the same meaning as in Schedule 1A to the Coroners and Justice Act 2009 — see paragraph 4 of that Schedule).”
- (2) The repeal of the Coroners Act 1988 in Part 1 of Schedule 23 to the Coroners and Justice Act 2009 applies to section 13(5) of the 1988 Act as it applies to the other provisions of that Act.

PART 2

SCOTLAND: INQUIRIES AND INVESTIGATIONS

Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

- 3 (1) After section 7 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2) insert—

“Deaths related to the Northern Ireland Troubles

7A Inquiries and investigations into Troubles-related deaths

Schedule A1 makes provision about inquiries and investigations into Troubles-related deaths.”

- (2) Before Schedule 1 to that Act insert—

“SCHEDULE
A1

INQUIRIES AND INVESTIGATIONS INTO TROUBLES-RELATED DEATHS

Obligatory discontinuance of existing inquiries and investigations

- 1 (1) This paragraph applies to an inquiry into a death that resulted directly from the Troubles if it was initiated before 1 May 2024, unless, on that day, the only part of the inquiry that remains to be carried out is the sheriff making the determination required by section 26, or something subsequent to that.
- (2) On and after that day, the sheriff must not progress the conduct of the inquiry.
- (3) As soon as practicable on or after that day, the sheriff must discontinue the inquiry.
- (4) If this paragraph applies to an inquiry—
- (a) on and after 1 May 2024, the procurator fiscal must not progress conduct of the investigation into that death required by section 1(1)(a), and
 - (b) as soon as practicable on or after that day, the procurator fiscal must discontinue the investigation (if it has been begun).
- (5) Section 1(1) (procurator fiscal to investigate death and arrange inquiry) and section 1(2) (sheriff to conduct inquiry) are subject to this paragraph.

New inquiries and investigations

- 2 On and after the day the day on which paragraph 3 of Schedule 11 to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force—
- (a) the Lord Advocate must not exercise the functions conferred by section 4, 6 or 7 so as to cause an inquiry to be held into any death that resulted directly from the Troubles;
 - (b) the procurator fiscal must not give the sheriff notice under section 15(1) that an inquiry is to be held into any death that resulted directly from the Troubles; and
 - (c) further inquiry proceedings must not be held in accordance with section 30(2) in relation to a death that resulted directly from the Troubles.

Interpretation

- 3 (1) For the purposes of this Schedule a death “resulted directly from the Troubles” if—
- (a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from of an act of violence or force, and

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- (b) the act of violence or force was conduct forming part of the Troubles.
- (2) In this paragraph “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).
- (3) For the purposes of this Schedule an inquiry is “initiated” by the procurator fiscal giving the sheriff notice under section 15(1) that the inquiry is to be held.”

SCHEDULE 12

Section 48

PRISONER RELEASE

Amendment and saving of legislation

- 1 (1) The Northern Ireland (Sentences) Act 1998 is amended in accordance with this Schedule.
- (2) Those amendments do not apply in relation to any application for a declaration made to the Commissioners under section 3(1) of the Northern Ireland (Sentences) Act 1998 before this Schedule comes into force.

Qualifying offences: offences committed between 1966 and 1973

- 2 (1) Section 3 (applications to the Sentence Review Commissioners) is amended in accordance with this paragraph.
- (2) After subsection (6) insert—
 - “(6A) An offence is a qualifying offence if—
 - (a) subsection (7) or (7A) applies to the offence, and
 - (b) the prisoner was convicted of the offence—
 - (i) before the day on which section 19(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 came into force, or
 - (ii) on or after that day by virtue of a public prosecution begun before that day.
 - (6B) For the purposes of subsection (6A)—
 - (a) “public prosecution” means any prosecution other than a private prosecution;
 - (b) a public prosecution of a person for an offence is “begun” when a prosecutor makes the decision to prosecute that person for that offence.”
- (3) In subsection (7)—
 - (a) in the opening words, for “A qualifying offence is” substitute “This subsection applies to”;
 - (b) in paragraph (a), after “committed” insert “on or after 8 August 1973 and”.

Status: This is the original version (as it was originally enacted).

(4) After subsection (7) insert—

“(7A) This subsection applies to an offence which—

- (a) was committed on or after 1 January 1966 and before 8 August 1973,
- (b) arose out of any conduct forming part of the Troubles, and
- (c) is certified by the Director of Public Prosecutions for Northern Ireland as an offence which, if it had been committed in Northern Ireland on 8 August 1973, would have been a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1973.

(7B) In deciding whether an offence would have been a scheduled offence, the Director of Public Prosecutions for Northern Ireland must ignore the possibility of a certificate by the Attorney General for Northern Ireland that the offence was not to be treated as a scheduled offence.”

Offences equivalent to qualifying offences: offences committed between 1966 and 1973

3 (1) In Schedule 3 (sentences passed outside Northern Ireland), paragraph 2 (equivalent offences) is amended in accordance with this paragraph.

(2) Before sub-paragraph (1) insert—

“(A1) An offence is equivalent to a qualifying offence if—

- (a) sub-paragraph (1) or (1A) applies to the offence, and
- (b) the prisoner was convicted of the offence—
 - (i) before the day on which section 19(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 came into force, or
 - (ii) on or after that day by virtue of a public prosecution begun before that day.

(A2) For the purposes of sub-paragraph (A1)—

- (a) “public prosecution” means any prosecution other than a private prosecution;
- (b) a public prosecution of a person for an offence is “begun” when a prosecutor makes the decision to prosecute that person for that offence.”

(3) In sub-paragraph (1)—

- (a) for “An offence is equivalent to a qualifying offence if it” substitute “This sub-paragraph applies to an offence which”;
- (b) in paragraph (a), after “committed” insert “on or after 8 August 1973 and”;
- (c) for paragraph (b) substitute—
 - “(b) arose out of any conduct forming part of the Troubles, and”.

(4) After sub-paragraph (1)—

“(1A) This sub-paragraph applies to an offence which—

- (a) was committed on or after 1 January 1966 and before 8 August 1973,
- (b) arose out of any conduct forming part of the Troubles, and

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- (c) is certified by the appropriate Law Officer as an offence which, if it had been committed in Northern Ireland on 8 August 1973, would have been a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1973.”

(5) In sub-paragraph (2), after “sub-paragraph (1)(c)” insert “or (1A)(c)”.

Interpretation of the 1998 Act

4 After section 13 insert—

“13A Interpretation: conduct forming part of the Troubles

In this Act “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).”

SCHEDULE 13

Section 58

AMENDMENTS

PART 1

THE ICRIR

Prosecution of Offences Act 1985

1 (1) Section 3 of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions) is amended in accordance with this paragraph.

(2) In subsection (2)—

(a) after paragraph (ac) insert—

“(ad) to take over the conduct of any criminal proceedings instituted in England and Wales by the ICRIR;”;

(b) after paragraph (bc) insert—

“(bd) where it appears to the Director appropriate to do so, to institute and have the conduct of any criminal proceedings in England and Wales relating to a review by the ICRIR;”;

(c) after paragraph (ee) insert—

“(ef) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on matters relating to—

(i) a review by the ICRIR; or

(ii) criminal proceedings instituted in England and Wales relating to a review by the ICRIR;”.

(3) In subsection (3), after the definition of “the court” insert—

““ICRIR” means the Independent Commission for Reconciliation and Information Recovery;”.

Status: This is the original version (as it was originally enacted).

Northern Ireland Act 1998

- 2 (1) The Northern Ireland Act 1998 is amended in accordance with this paragraph.
- (2) In section 75(3) (statutory equality duty on public authorities), after paragraph (b) insert—
- “(ba) the Independent Commission for Reconciliation and Information Recovery;”.
- (3) In section 76(7) (discrimination by public authorities), after paragraph (c) insert—
- “(ca) the Independent Commission for Reconciliation and Information Recovery;”.

Police (Northern Ireland) Act 1998

- 3 After section 60ZC of the Police (Northern Ireland) Act 1998 insert—

“60ZD The Independent Commission for Reconciliation and Information Recovery

- (1) An agreement for the establishment in relation to ICRIR officers of procedures corresponding or similar to any of those established by virtue of this Part may, with the approval of the Secretary of State, be made between the Ombudsman and the ICRIR.
- (2) Where no such procedures are in force in relation to the ICRIR, the Secretary of State may by order establish such procedures.
- (3) An agreement under this section may at any time be varied or terminated with the approval of the Secretary of State.
- (4) Before making an order under this section the Secretary of State must consult—
- (a) the Ombudsman; and
- (b) the ICRIR.
- (5) Nothing in any other statutory provision prevents the ICRIR from carrying into effect procedures established by virtue of this section.
- (6) No such procedures shall have effect in relation to anything done by an ICRIR officer outside Northern Ireland.
- (7) In this section—
- “ICRIR” means the Independent Commission for Reconciliation and Information Recovery;
- “ICRIR officer” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

Freedom of Information Act 2000

- 4 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), Part 6 (other public bodies and offices: general), at the appropriate place insert—
- “The Independent Commission for Reconciliation and Information Recovery.”

Justice (Northern Ireland) Act 2002

- 5 (1) Section 31 of the Justice (Northern Ireland) Act 2002 is amended in accordance with this paragraph.
- (2) After subsection (1) insert—
- “(1A) The Director must take over conduct of all criminal proceedings which are instituted in Northern Ireland by the ICRIR.”
- (3) In subsection (5), after “forces” insert “and to the ICRIR”.
- (4) After subsection (6) insert—
- “(7) In this section “ICRIR” means the Independent Commission for Reconciliation and Information Recovery.”

Police Reform Act 2002

- 6 After section 26E of the Police Reform Act 2002 insert—

“26F The Independent Commission for Reconciliation and Information Recovery

- (1) The Director General and the ICRIR may enter into an agreement for the establishment, in relation to ICRIR officers, of procedures corresponding or similar to those provided for by or under this Part.
- (2) Where no such agreement is in force, the Secretary of State may by regulations establish such procedures.
- (3) An agreement under this section must not be made, varied or terminated except with the approval of the Secretary of State.
- (4) Before making regulations under this section the Secretary of State must consult—
- (a) the Director General; and
- (b) the ICRIR.
- (5) Nothing in any other statutory provision prevents the ICRIR from carrying into effect procedures established by virtue of this section.
- (6) An agreement or regulations under this section may contain provision for enabling the Director General to bring and present, or otherwise participate or intervene in, any proceedings that are identified by the agreement as disciplinary proceedings in relation to ICRIR officers.
- (7) Procedures established in accordance with an agreement under this section, or by regulations under this section, have no effect in relation to anything done outside England and Wales by any ICRIR officer.
- (8) In this section—
- “ICRIR” means the Independent Commission for Reconciliation and Information Recovery;
- “ICRIR officer” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

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Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007

- 7 (1) Article 4 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 ([S.I. 2007/1098](#)) (agreements to establish complaints procedures) is amended as follows.
- (2) After paragraph (4) insert—
- “(4A) The Commissioner and the ICIRIR may enter into an agreement to establish and maintain procedures which correspond to or are similar to those contained in Chapter 2 of Part 1 of the Act in relation to complaints made about the acts or omissions of the ICRIR and ICRIR officers.”
- (3) In paragraph (7), after sub-paragraph (d) insert—
- “(e) any statement made by a person who is, or has been, an ICRIR officer about the terms and conditions of their service;”.
- (4) In paragraph (14), after sub-paragraph (b) insert—
- “(c) “ICRIR” means the Independent Commission for Reconciliation and Information Recovery;
- (d) “ICRIR officer” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013

- 8 (1) The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 ([S.I. 2013/602](#)) is amended as follows.
- (2) In article 3 (agreements to investigate serious incidents), after paragraph (17) insert—
- “(17A) The Commissioner and the Independent Commission for Reconciliation and Information Recovery (the “ICRIR”) may enter into an agreement for the Commissioner to investigate and report, where requested to do so by the ICRIR, on any serious incident involving the ICRIR.
- (17B) A “serious incident involving the ICRIR” has the same meaning as a “serious incident involving the police” in section 41B of the 2006 Act except that “a person serving with the police” means an ICRIR officer (which has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023).”
- (3) In article 4 (investigation of crimes and deaths), after sub-paragraph (h) insert—
- “(i) an ICRIR officer (which has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023).”

Investigatory Powers Act 2016

- 9 In section 58 of the Investigatory Powers Act 2016 (section 57: meaning of excepted disclosure), in subsection (4), after paragraph (d) insert—
- “(e) a disclosure made to the Independent Commission for Reconciliation and Information Recovery for the purpose of facilitating the carrying out of any of the functions of the

Status: This is the original version (as it was originally enacted).

Independent Commission for Reconciliation and Information Recovery.”

Data Protection Act 2018

- 10 In Schedule 18 to the Data Protection Act 2018, in paragraph 3 (records relating to a caution or conviction whose production must not be required in connection with employment etc), in sub-paragraph (2), after paragraph (f) insert—
- “(fa) the Independent Commission for Reconciliation and Information Recovery;”.

Sentencing Act 2020

- 11 In section 379 of the Sentencing Act 2020, in the table in subsection (1), at the appropriate place insert—

“Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

section 26	revocation of immunity under that Act	making of false statements”
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PART 2

LIMITATION OF LEGAL PROCEEDINGS

Prescription and Limitation (Scotland) Act 1973

- 12 After section 23B of the Prescription and Limitation (Scotland) Act 1973 insert—

“23C Actions relating to the Northern Ireland Troubles

This Act has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

Limitation Act 1980

- 13 After section 27C of the Limitation Act 1980 insert—

“27D Actions relating to the Northern Ireland Troubles

This Act has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

Foreign Limitation Periods Act 1984

- 14 After section 4 of the Foreign Limitation Periods Act 1984 insert—

“4A Actions relating to the Northern Ireland Troubles

This Act has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

Status: This is the original version (as it was originally enacted).

Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5))

- 15 After Article 5 of the Foreign Limitation Periods (Northern Ireland) Order 1985 (S.I. 1985/754 (N.I. 5)) insert—

Actions relating to the Northern Ireland Troubles

- “5A This Order has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))

- 16 After Article 73 of the Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11)) insert—

Actions relating to the Northern Ireland Troubles

- “73A This Order has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

Merchant Shipping Act 1995

- 17 In section 190 of the Merchant Shipping Act 1995 (time limit for proceedings against ship owner or ships), after subsection (6) insert—

- “(7) This section has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”