



# Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

## 2023 CHAPTER 41

### PART 2 U.K.

#### THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

##### *Reviews of deaths and other harmful conduct*

#### 16 Consultation on reports U.K.

- (1) In the case of a review of a death or of other harmful conduct carried out following a request made under section 9 or 10, the Chief Commissioner must, before producing the final report—
  - (a) give a draft of the report to the person who requested the review; and
  - (b) allow the person to make representations about the report during the applicable response period.
- (2) In the case of a review of a death carried out following a request made under section 9 or following a decision made by the ICRIR under section 12(2), the Chief Commissioner must, before producing the final report—
  - (a) give a draft of the report to—
    - (i) any relevant family members of the person to whose death the review relates,
    - (ii) any relevant family members of any other persons killed in the relevant event, and
    - (iii) any person who suffered serious physical or mental harm in the relevant event or, where such a person has subsequently died, any relevant family members of the person, and
  - (b) allow those persons to make representations about the report during the applicable response period.

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Section 16. (See end of Document for details)*

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- (3) In the case of a review of other harmful conduct carried out following a request made under section 10 or following a decision made by the ICRIR under section 12(3), the Chief Commissioner must, before producing the final report—
  - (a) give a draft of the report to—
    - (i) any relevant family members of any persons killed in the relevant event, and
    - (ii) any person who suffered serious physical or mental harm in the relevant event or, where such a person has subsequently died, any relevant family members of the person, and
  - (b) allow those persons to make representations about the report during the applicable response period.
- (4) In the case of any review, if it is proposed to include in the final report material criticising an individual, the Chief Commissioner must, before producing the report—
  - (a) give a copy of that material to the individual; and
  - (b) allow the individual to make representations about that material during the applicable response period.
- (5) In the case of any review, if it is proposed to include in the final report material criticising a public authority, the Chief Commissioner must, before producing the report—
  - (a) give a copy of that material to the public authority or to a person who, in the Chief Commissioner’s view, currently has responsibility for the public authority; and
  - (b) allow that public authority or person to make representations about that material during the applicable response period.
- (6) The Chief Commissioner must not produce the final report until after—
  - (a) any applicable response period has ended, or
  - (b) all of the applicable response periods have ended (where two or more persons are consulted and those periods end on different days).
- (7) If the Chief Commissioner considers that it would not be in the public interest for material included in a draft of the report to appear in the final report, the Chief Commissioner may exclude that material from the final report.
- (8) The Chief Commissioner must take account of any representations made by a person in accordance with the consultation provisions when the Chief Commissioner is deciding under subsection (7) whether to exclude any material.
- (9) If the Chief Commissioner has consulted a person, this section does not require the Chief Commissioner to give that person a draft of any revised version of the final report or any material included in it.
- (10) If this section requires the Chief Commissioner to give a draft of the final report to two or more persons, this section does not require the Chief Commissioner to give the same draft to all of those persons.
- (11) In this section—

“applicable response period”, in relation to a person who is consulted, means—

  - (a) the period of 30 days beginning with the day on which the draft is given to the person, or

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- (b) if the Chief Commissioner is satisfied that there is good reason to extend the period, such longer period as the Chief Commissioner determines;
- “consultation provisions” means subsections (1) to (5);
- “consulted” means given a draft of a report or other material, and allowed to make representations, in accordance with the consultation provisions;
- “material criticising a public authority” means material which, in the Chief Commissioner’s view, constitutes significant criticism of a public authority (and that material may consist of or include criticism of one or more individuals, whether living or not);
- “relevant family member” has the meaning given in Part 2 of Schedule 3;
- “material criticising an individual” means material which, in the Chief Commissioner’s view, constitutes significant criticism of a living individual who was involved in the conduct forming part of the Troubles, or other harmful conduct forming part of the Troubles, to which a review relates;
- “relevant event”, in relation to the final report on the findings of a review of a death or other harmful conduct, means the event in which that death, or other harmful conduct, occurred.

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**Commencement Information**

- I1** S. 16 not in force at Royal Assent, see [s. 63\(4\)](#)
- I2** S. 16 in force at 1.5.2024 by [S.I. 2024/584](#), [reg. 2\(1\)](#) (with [regs. 3, 4](#))

**Changes to legislation:**

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