



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 2

THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

Immunity from prosecution

19 Immunity from prosecution

- (1) The ICIR must grant a person (P) immunity from prosecution if conditions A to C are met.
- (2) *Condition A:* P has requested the ICIR to grant P immunity from prosecution.
- (3) *Condition B:* the immunity requests panel is satisfied that the ICIR is in possession of an account (“P’s account”) that—
 - (a) has been given by P,
 - (b) describes conduct by P which is, or includes, conduct forming part of the Troubles (“P’s disclosed conduct”), and
 - (c) is true to the best of P’s knowledge and belief.
- (4) P’s account may consist of, or include, information which has previously been given by P (whether directly to the ICIR or otherwise) if, or to the extent that, the immunity requests panel is satisfied that the information is true to the best of P’s knowledge and belief.
- (5) *Condition C:* the immunity requests panel is satisfied that P’s disclosed conduct would tend to expose P—
 - (a) to a criminal investigation of, or
 - (b) to prosecution for,

Status: Point in time view as at 01/05/2024.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Section 19. (See end of Document for details)

- one or more particular serious or connected Troubles-related offences identified by the panel (the “identified possible offences”).
- (6) In deciding whether condition C is met, the immunity requests panel must disregard—
 - (a) the effects of sections 38 to 41, and
 - (b) any other law that might or would prevent a prosecution of P for an offence from being begun or continued (for example abuse of process — but see paragraph 3 of Schedule 5).
 - (7) Where conditions A to C are met, the immunity requests panel must decide whether P should be granted—
 - (a) specific immunity from prosecution,
 - (b) general immunity from prosecution, or
 - (c) specific and general immunity from prosecution.
 - (8) “Specific immunity from prosecution” is immunity from prosecution for all of the identified possible offences.
 - (9) “General immunity from prosecution” is immunity from prosecution for all serious or connected Troubles-related offences which are within a description determined by the immunity requests panel.
 - (10) In that case, the description of offences must—
 - (a) be framed by reference to P’s disclosed conduct, and
 - (b) consist of, or include, all of the identified possible offences.
 - (11) “Specific and general immunity from prosecution” is immunity from prosecution for—
 - (a) all of the identified possible offences, and
 - (b) all serious or connected Troubles-related offences which are within a description determined by the immunity requests panel.
 - (12) In that case, the description of offences must be framed by reference to P’s disclosed conduct.
 - (13) The ICRIR—
 - (a) must give P written notice of the outcome of P’s request for immunity from prosecution; and
 - (b) must (where the outcome is that P is to be granted immunity) grant P—
 - (i) specific immunity from prosecution,
 - (ii) general immunity from prosecution, or
 - (iii) specific and general immunity from prosecution,
 as decided by the immunity requests panel.
 - (14) Immunity from prosecution may not be revoked, except by a court under section 26.
 - (15) A reference in any other provision of this Act to an offence for which a person (P) has been granted immunity from prosecution is a reference to an offence which is within the scope of—
 - (a) specific immunity from prosecution,
 - (b) general immunity from prosecution, or
 - (c) specific and general immunity from prosecution,
 that has been granted to P in accordance with this section.

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(16) Section 39 sets out the effects of a grant of immunity from prosecution.

(17) This section is subject to Schedule 5.

Commencement Information

I1 S. 19 not in force at Royal Assent, see [s. 63\(4\)](#)

I2 [S. 19\(17\)](#) in force at 1.12.2023 for specified purposes by [S.I. 2023/1293, reg. 2\(j\)](#)

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