



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 2

THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

Biometric material

35 Biometric material

- (1) The Secretary of State may by regulations—
 - (a) designate a collection of biometric material, or part of such a collection, for the purposes of this section;
 - (b) provide for biometric material in designated collections not to be destroyed if destruction of the material would otherwise be required by any of the destruction provisions;
 - (c) provide for preserved material to be retained;
 - (d) provide for preserved material to be used for the purposes of, or in connection with, the exercise of any ICRIR function except the function of producing the historical record;
 - (e) provide for preserved material to be destroyed.
- (2) If regulations provide for the retention of preserved material, the Secretary of State must, by regulations, require—
 - (a) that periodic reviews of the need to retain the material are carried out by the ICRIR;
 - (b) that the material is destroyed by no later than the end of a reasonable period after the conclusion of the ICRIR's work (see section 31(1)) in connection with functions other than producing the historical record.
- (3) Regulations made under this section are subject to negative procedure.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Section 35. (See end of Document for details)

(4) In this section—

“biometric material” means a record of—

- (a) a DNA profile based on a DNA sample taken before 31 October 2013, or
- (b) fingerprints taken before 31 October 2013;

“destruction provisions” means—

- (a) Article 63B of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),
- (b) Article 64 of the Police and Criminal Evidence (Northern Ireland) Order 1989,
- (c) any provision of Part 1 of Schedule 8 to the Terrorism Act 2000 which requires the destruction of biometric material,
- (d) paragraph 8 of Schedule 4 to the International Criminal Court Act 2001,
- (e) any provision of sections 18 to 18E of the Counter-Terrorism Act 2008 which requires the destruction of biometric material,
- (f) any provision of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 which requires the destruction of biometric material,
- (g) section 18G of the Criminal Procedure (Scotland) Act 1995, and
- (h) section 18(3) to (5) of the Criminal Procedure (Scotland) Act 1995 as applied by paragraph 7 of Schedule 4 to the International Criminal Court (Scotland) Act 2001 (asp 21);

“preserved material” means biometric material in a designated collection which, by virtue of regulations made under subsection (1)(b), has not been destroyed (as would otherwise have been required by any of the destruction provisions).

Commencement Information

- I1** S. 35 not in force at Royal Assent, see **s. 63(4)**
- I2** S. 35 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(f)**

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Section 35.