



# Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

## 2023 CHAPTER 41

### PART 2

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

##### *Admissibility of information provided to the ICRIR*

#### **7 Admissibility of material in criminal proceedings**

- (1) This section applies in relation to criminal proceedings brought against a person (D).
- (2) Compelled material obtained from D may not be used in evidence against D.
- (3) If D has made an application for immunity from prosecution, the following material may not be used in evidence against D—
  - (a) material provided by D to the ICRIR (including the immunity requests panel) in connection with the application;
  - (b) material obtained (directly or indirectly) as a result of material provided as mentioned in paragraph (a).
- (4) Subsection (2) does not apply in relation to proceedings against D for an offence under paragraph 8(1)(a) of Schedule 4 (distortion of evidence); and subsections (2) and (3) do not apply in relation to proceedings against D for an offence under section 27 (false statements).
- (5) Any other material provided by, or obtained from, D for the purposes of, or in connection with, the exercise of any of the ICRIR's functions may not be used in evidence against D unless exception 1 or 2 applies in relation to the material.
- (6) *Exception 1*: the material was provided to, or obtained by, an ICRIR officer designated under section 6(1) or (2).
- (7) *Exception 2*: the proceedings brought against D relate to—

---

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Section 7. (See end of Document for details)*

---

- (a) the exercise by the ICRIR of any function,
  - (b) any other conduct of the ICRIR,
  - (c) the conduct of any current or former Commissioner, ICRIR officer or ICRIR contractor,
  - (d) a person being appointed, or holding office, as a Commissioner, or
  - (e) a person being employed or seconded as, or being, an ICRIR officer.
- (8) Where subsection (4) or exception 1 or 2 applies in relation to the material, this section does not affect the application to that material of any other legislation or rule of law relating to admissibility.
- (9) No evidence relating to any material inadmissible against D may be adduced, and no question relating to any material inadmissible against D may be asked by or on behalf of the prosecution, unless evidence relating to that material is adduced, or a question relating to that material is asked, in the proceedings by or on behalf of D.
- (10) This section applies in relation to material, and evidence or questions relating to material—
- (a) whether the material is in the form in which it was provided or obtained, or in some other form;
  - (b) whether the material (in whatever form) is in the possession of the ICRIR or another person (whether obtained directly or indirectly from the ICRIR).
- (11) In this section—
- “compelled material” means anything that has been obtained by the ICRIR from a person through the exercise of the ICRIR’s powers under section 14;
  - “material inadmissible against D”, in relation to criminal proceedings brought against D, means material that, by virtue of subsections (2) to (7), may not be used in evidence against D;
  - “other material” means any material other than—
    - (a) compelled material obtained from D, and
    - (b) material provided by D as mentioned in subsection (3)(a).

---

**Commencement Information**

- I1** S. 7 not in force at Royal Assent, see **s. 63(4)**
- I2** S. 7(1)(2), (4)-(11) in force at 1.5.2024 by S.I. 2024/584, **reg. 2(e)** (with **regs. 3, 4**)

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Section 7.