
Committee Stage: Wednesday 29 June 2022

Northern Ireland Troubles (Legacy and Reconciliation) Bill (Amendment Paper)

This document lists all amendments tabled to the Northern Ireland Troubles (Legacy and Reconciliation) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional selection and grouping, which sets out the order in which the amendments will be debated.

CLAUSE 1; NEW CLAUSES RELATING TO PART 1; NEW SCHEDULES RELATING TO PART 1; CLAUSE 2; SCHEDULE 1; CLAUSES 3 TO 6; SCHEDULE 2; CLAUSES 7 TO 9; SCHEDULE 3; CLAUSES 10 TO 14; SCHEDULE 4; CLAUSES 15 TO 25; SCHEDULES 5 AND 6; CLAUSES 26 AND 27; SCHEDULE 7; CLAUSES 28 TO 32; NEW CLAUSES RELATING TO PART 2; NEW SCHEDULES RELATING TO PART 2

Simon Hoare

73

Clause 2, page 3, line 11, leave out "one, two or"

Member's explanatory statement

This amendment would require the ICIR to comprise three other Commissioners, in addition to the Chief Commissioner and the Commissioner for Investigations. It is linked to an amendment to leave out paragraph 6 of Schedule 1.

Simon Hoare

75

Clause 2, page 3, line 22, after "Troubles" insert "sexual offences linked to conduct forming part of the Troubles"

Member's explanatory statement

This amendment would include in the ICIR's functions referring Troubles-related sexual offences to prosecutors.

Simon Hoare

74

Clause 2, page 3, line 25, at end insert—

"(4A) At least one Commissioner should have significant international experience or expertise."

Simon Hoare 76

Clause 2, page 3, line 41, at end insert “and to the Northern Ireland Assembly and each House of Parliament”

Member’s explanatory statement

This amendment would require the ICRIIR to provide a copy of its annual reports to Parliament and the Northern Ireland Assembly.

Colum Eastwood 1
 Claire Hanna
 Stephen Farry

Page 3, line 4, leave out Clause 2

Simon Hoare 91

Schedule 1, page 48, line 34, leave out paragraph 6

Member’s explanatory statement

This amendment would require the ICRIIR to comprise three other Commissioners, in addition to the Chief Commissioner and the Commissioner for Investigations. It is linked to an amendment to Clause 2(3).

Peter Kyle 113
 Tonia Antoniazzi

Schedule 1, page 48, line 37, at end insert—

- “(1A) The Secretary of State must convene the appointments panel before appointing the Commissioners.
- (1B) In this Schedule “appointments panel” means—
- (a) the Attorney General for Northern Ireland,
 - (b) a member of the Commission for Victims and Survivors for Northern Ireland,
 - (c) the person who is the head of the Northern Ireland Civil Service, and
 - (d) a person with experience of managing major criminal investigations, appointed to the panel by the Northern Ireland Justice Minister.
- (1C) The appointments panel must make a recommendation in relation to the appointment of a Commissioner.
- (1D) Any such recommendation must be made with the agreement of all the members of the appointments panel.

- (1E) The Secretary of State must act in accordance with the recommendation of the appointments panel in appointing a person to be a Commissioner.”

Member’s explanatory statement

This amendment would require the Secretary of State to gain the approval of an appointments panel before appointing a commissioner.

Simon Hoare

92

Schedule 1, page 49, line 8, at end insert—

“(4A) The term of office of a person appointed as a Commissioner under paragraph 7(1) must not begin before—

- (a) the person has, in connection with the appointment, appeared before the relevant select committee of the House of Commons, and
- (b) the House of Commons has approved the appointment by resolution no earlier than 10 sitting days after the person appeared before the relevant select committee of the House of Commons.

(4B) Sub-paragraph (4A) does not apply if the person is appointed as a Commissioner on an acting basis, pending a further appointment being made.

(4C) The reference to the relevant select committee of the House of Commons—

- (a) includes the Northern Ireland Affairs Committee and the Justice Committee,
- (b) if the name of a Committee is changed, is a reference to that Committee by its new name, and
- (c) if the functions of those Committees (or substantially corresponding functions) become functions of a different Committee or Committees of the House of Commons, is to be treated as a reference to the Committee or Committees by which the functions are exercisable.

(4D) Any question arising under sub-paragraph (4C) is to be determined by the Speaker of the House of Commons.”

Member’s explanatory statement

This amendment would require the appointment of Commissioners to be subject to parliamentary scrutiny and approval.

Stephen Farry
Claire Hanna
Colum Eastwood

60

Page 47, line 2, leave out Schedule 1

Colum Eastwood		2
Claire Hanna		
Stephen Farry		
Page 4, line 3, leave out Clause 3		

Simon Hoare		77
Clause 4, page 4, line 19, after "would" insert "reasonably"		

Simon Hoare		78
Clause 4, page 4, line 21, after "would" insert "reasonably"		

Simon Hoare		79
Clause 4, page 4, line 23, after "would" insert "reasonably"		

Colum Eastwood		3
Claire Hanna		
Stephen Farry		
Page 4, line 17, leave out Clause 4		

Simon Hoare		80
Clause 5, page 4, line 35, leave out "reasonably"		
Member's explanatory statement		
This amendment would remove a limitation on the material which the Commissioner of Investigations may require a relevant authority to make available to the ICRIR.		

Simon Hoare		81
Clause 5, page 4, line 38, leave out "may" and insert "must"		

Simon Hoare

82

Clause 5, page 5, line 1, leave out “, in the view of that authority, may” and insert “are”

Colum Eastwood
Claire Hanna
Stephen Farry

4

Page 4, line 30, leave out Clause 5

Colum Eastwood
Claire Hanna
Stephen Farry

5

Page 5, line 32, leave out Clause 6

Stephen Farry
Claire Hanna
Colum Eastwood

61

Page 55, line 30, leave out Schedule 2

Colum Eastwood
Claire Hanna
Stephen Farry

6

Page 6, line 4, leave out Clause 7

Colum Eastwood 7
Claire Hanna
Stephen Farry

Page 7, line 7, leave out Clause 8

Simon Hoare 83

Clause 9, page 7, line 43, leave out from "subsection (1)" to end of line 44

Member's explanatory statement

This amendment would remove the condition of appropriateness for another family member to make a request for a review where there are no close family members of the deceased.

Colum Eastwood 8
Claire Hanna
Stephen Farry

Page 7, line 38, leave out Clause 9

Stephen Farry 62
Claire Hanna
Colum Eastwood

Page 60, line 15, leave out Schedule 3

Colum Eastwood 9
Claire Hanna
Stephen Farry

Page 9, line 16, leave out Clause 10

Simon Hoare

84

Clause 11, page 9, line 35, at end insert—

“(3A) A request for a review may be re-submitted to accord with the form or manner required by the Commissioner for Investigations.”

Colum Eastwood
Claire Hanna
Stephen Farry

10

Page 9, line 25, leave out Clause 11

Colum Eastwood
Claire Hanna
Stephen Farry

11

Page 10, line 22, leave out Clause 12

Peter Kyle
Tonia Antoniazzi

111

Clause 13, page 11, line 10, at end insert—

“(3A) The Commissioner for Investigations must ensure that each review—

- (a) has access to all information, documents and other material held by Government Agencies that may be reasonably required for the exercise of the review,
- (b) establishes whether any forensic opportunities exist to identify those responsible for a potential Troubles-related offence,
- (c) identifies and engages any potential witnesses, members of the security forces or other persons who may be able to assist in identifying who is responsible for the Troubles-related offence,
- (d) is conducted with integrity and objectivity, conforming to nationally recognised standards,
- (e) does not overlook any investigative opportunities, and
- (f) identifies and shares investigative and organisational best practice.”

Member's explanatory statement

This amendment would ensure that any review conducted by the ICRIIR is carried out in line with the standards for Operation Kenova, the investigation into activities linked to an alleged British Army agent, known as Stakeknife.

Peter Kyle 112
Tonia Antoniazzi

Clause 13, page 11, line 15, at end insert—

“(4A) When exercising the powers conferred by subsection (4), the Commissioner for Investigations must ensure that each review is carried out in a timely manner.

Member's explanatory statement

See explanatory statement for Amendment 111.

Colum Eastwood 12
Claire Hanna
Stephen Farry

Page 10, line 43, leave out Clause 13

Colum Eastwood 13
Claire Hanna
Stephen Farry

Page 12, line 6, leave out Clause 14

Sir Jeffrey M Donaldson 95
Sammy Wilson
Gavin Robinson
Carla Lockhart
Mr Gregory Campbell
Ian Paisley
Jim Shannon Paul Girvan

Schedule 4, page 62, line 39, leave out “£1,000” and insert “£5,000”

Member's explanatory statement

This amendment would increase the penalty for failure to comply with a notice under section 14 requiring the supply of information to the Commissioner for Investigations.

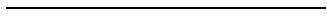
Stephen Farry
 Claire Hanna
 Colum Eastwood
 Page 62, line 28, leave out Schedule 4

63



Colum Eastwood
 Stephen Farry
 Claire Hanna
 Page 13, line 4, leave out Clause 15

14



Colum Eastwood
 Stephen Farry
 Claire Hanna
 Page 14, line 38, leave out Clause 16

15



Colum Eastwood
 Stephen Farry
 Claire Hanna
 Page 15, line 19, leave out Clause 17

16



Sir Jeffrey M Donaldson
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon
 Paul Girvan
 Clause 18, page 16, line 10, leave out "A to C" and insert "A to D"

96

Member's explanatory statement

This is a paving amendment for Amendment 98.

Sir Jeffrey M Donaldson 97
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 18, page 16, line 30, at end insert—

“(6) If Condition C is not met because P’s account is found by the panel to be not true to the best of P’s knowledge and belief, the Chief Commissioner must direct the Commissioner for Investigations to submit a prosecution file to the Public Prosecution Service for consideration and direction.”

Member's explanatory statement

This amendment is intended to reduce the risk of claimants deliberately misleading the panel.

Sir Jeffrey M Donaldson 98
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 18, page 16, line 30, at end insert—

“(6A) Condition D: P has not fled the jurisdiction of any court in the United Kingdom [or Ireland] after being arrested or charged or being the subject of a warrant issued in connection with any Troubles-related offence.”

Member's explanatory statement

This amendment is intended to prevent the grant of immunity to any person subject to active proceedings who has moved abroad to escape prosecution.

Sir Jeffrey M Donaldson 99
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 18, page 16, line 31, leave out “A to C” and insert “A to D”

Member's explanatory statement

This amendment is consequential on Amendment 98.

Simon Hoare 85

Clause 18, page 16, line 37, after “offences” insert “excluding rape and other serious sexual offences”

Member’s explanatory statement

This amendment would exclude rape and other serious sexual offences from immunity from prosecution.

Sir Jeffrey M Donaldson 100
Sammy Wilson
Gavin Robinson
Carla Lockhart
Mr Gregory Campbell
Ian Paisley
Jim Shannon Paul Girvan

Clause 18, page 16, line 38, leave out subsections (9) to (12)

Member’s explanatory statement

This probing amendment is one of a series removing general immunity from the Bill.

Peter Kyle 115
Tonia Antoniazzi
Sir Jeffrey M Donaldson
Sammy Wilson
Gavin Robinson
Ian Paisley

Clause 18, page 17, line 7, at end insert—

“(12A) But certain offences of sexual violence listed in Schedule (Exempt offences) must not be treated as within the scope of immunity from prosecution.”

Member’s explanatory statement

This amendment is linked to NS1.

Sir Jeffrey M Donaldson 101
Sammy Wilson
Gavin Robinson
Carla Lockhart
Mr Gregory Campbell
Ian Paisley
Jim Shannon Paul Girvan

Clause 18, page 17, leave out lines 13 and 14

Member’s explanatory statement

This probing amendment is one of a series removing general immunity from the Bill.

Sir Jeffrey M Donaldson 102
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 18, page 17, leave out lines 21 and 22

Member's explanatory statement

This probing amendment is one of a series removing general immunity from the Bill.

Sir Jeffrey M Donaldson 119
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 18, page 17, line 24, at end insert—

“(16A) Nothing in this Act confers any immunity from prosecution (after immunity has been granted to P) if P commits an offence under section 1 (encouragement of terrorism) of the Terrorism Act 2006 or section (Offence of glorifying terrorism: Northern Ireland) of this Act.”

Colum Eastwood 17
 Stephen Farry
 Claire Hanna

Page 16, line 9, leave out Clause 18

Colum Eastwood 18
 Stephen Farry
 Claire Hanna

Page 17, line 25, leave out Clause 19

Simon Hoare 86
 Sir Jeffrey M Donaldson
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley Jim Shannon Paul Girvan

Clause 20, page 19, line 1, leave out subsection (4)

Member's explanatory statement

This amendment is intended to remove the possibility of immunity being granted solely on the basis of a perpetrator's claims made with no corroboration.

Sir Jeffrey M Donaldson 105
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 20, page 19, leave out lines 23 and 24

Member's explanatory statement

This probing amendment is one a series removing general immunity from the Bill.

Sir Jeffrey M Donaldson 106
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 20, page 19, leave out lines 26 and 27

Member's explanatory statement

This probing amendment is one a series removing general immunity from the Bill.

Colum Eastwood 19
 Stephen Farry
 Claire Hanna

Page 18, line 36, leave out Clause 20

Simon Hoare	87
Clause 21, page 19, line 41, at end insert— “(2A) The same panel membership must hear the whole of an immunity request.”	
Simon Hoare	88
Clause 21, page 20, line 3, at end insert— “(3A) Where a panel has been reconstituted in accordance with subsection (3), the reconstituted panel must hear the whole immunity request afresh.”	
Colum Eastwood Stephen Farry Claire Hanna	20
Page 19, line 37, leave out Clause 21	
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Colum Eastwood Stephen Farry Claire Hanna	21
Page 20, line 18, leave out Clause 22	
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Simon Hoare	89
Clause 23, page 21, line 6, leave out “reasonable”	
Simon Hoare	90
Clause 23, page 21, line 16, leave out paragraphs (4) and (5)	

Colum Eastwood 22
Stephen Farry
Claire Hanna

Page 21, line 3, leave out Clause 23

Colum Eastwood 23
Stephen Farry
Claire Hanna

Page 22, line 1, leave out Clause 24

Colum Eastwood 24
Stephen Farry
Claire Hanna

Page 22, line 8, leave out Clause 25

Stephen Farry 64
Claire Hanna
Colum Eastwood

Page 66, line 27, leave out Schedule 5

Stephen Farry 65
Claire Hanna
Colum Eastwood

Page 72, line 1, leave out Schedule 6

Colum Eastwood
Stephen Farry
Claire Hanna

Page 22, line 37, leave out Clause 26

25

Colum Eastwood
Stephen Farry
Claire Hanna

Page 23, line 17, leave out Clause 27

26

Stephen Farry
Claire Hanna
Colum Eastwood

Page 73, line 1, leave out Schedule 7

66

Colum Eastwood
Stephen Farry
Claire Hanna

Page 23, line 20, leave out Clause 28

27

Colum Eastwood
Stephen Farry
Claire Hanna

Page 24, line 3, leave out Clause 29

28

Colum Eastwood 29
Stephen Farry
Claire Hanna

Page 24, line 36, leave out Clause 30

Colum Eastwood 30
Stephen Farry
Claire Hanna

Page 25, line 41, leave out Clause 31

Colum Eastwood 31
Stephen Farry
Claire Hanna

Page 26, line 2, leave out Clause 32

Peter Kyle NS1
Tonia Antoniazzi
Sir Jeffrey M Donaldson
Sammy Wilson
Gavin Robinson
Ian Paisley

To move the following Schedule—

“Exempt Offences

- 1 The following offences are not to be treated as within the scope of immunity from prosecution (see section 18 (12A)).
- 2 An offence under any provision of the Sexual Offences Act 1956.
- 3 An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards child under 14).
- 4 An offence under section 54 of the Criminal Law Act 1977 (inciting child under 16 to commit incest).

- 5 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).
- 6 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).
- 7 An offence under any provision of the Sexual Offences Act 2003.
- 8 An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images).
- 9 An offence under section 62 of the Coroners and Justice Act 2009 (possession of prohibited images of children).
- 10 An offence under section 33 of the Criminal Justice and Courts Act 2015 (disclosing private sexual photographs and films with intent to cause distress).
- 11 An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).
- 12 An offence at common law of outraging public decency.
- 13 A reference in paragraphs 2 to 14 to an offence ("offence A") includes—
 - (a) a reference to an attempt to commit offence A,
 - (b) a reference to a conspiracy to commit offence A,
 - (c) a reference to incitement to commit offence A,
 - (d) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed, and
 - (e) a reference to aiding and abetting, counselling or procuring the commission of offence A."

Member's explanatory statement

This new schedule would exclude sexual offences from being granted immunity, and is linked to Amendment 115.

CLAUSES 33 TO 38; SCHEDULES 8 AND 9; CLAUSE 39; SCHEDULE 10; CLAUSES 40 AND 41; SCHEDULE 11; NEW CLAUSES RELATING TO PART 3; NEW SCHEDULES RELATING TO PART 3; CLAUSES 42 TO 50; NEW CLAUSES RELATING TO PART 4; NEW SCHEDULES RELATING TO PART 4; CLAUSE 51; SCHEDULE 12; CLAUSES 52 TO 57; NEW CLAUSES RELATING TO PART 5; NEW SCHEDULES RELATING TO PART 5; REMAINING PROCEEDINGS ON THE BILL

Claire Hanna
Stephen Farry
Colum Eastwood

32

Page 26, line 39, leave out Clause 33

Peter Kyle 114
Tonia Antoniazzi

Clause 34, page 27, line 19, at end insert—

“(2A) But enforcement action may be taken against P to prevent P from seeking to profit from their conduct in relation to that offence (see section (Grant of immunity: criminal memoirs etc)).”

Member’s explanatory statement

This paving amendment is linked to NC2 which is intended to prevent a person who is granted immunity under this Act from profiting from the from the conduct which they received immunity for.

Sir Jeffrey M Donaldson 107
Sammy Wilson
Gavin Robinson
Carla Lockhart
Mr Gregory Campbell
Ian Paisley
Jim Shannon Paul Girvan

Clause 34, page 27, line 19, at end insert—

“(3) But any sentencing decision in respect of a serious offence committed by P after 10 April 1998 may take into account the panel’s findings on any relevant serious Troubles-related offence committed by P”.

Member’s explanatory statement

This amendment is intended to allow the offences for which immunity has been granted to be taken into account in sentencing for post-Trouble offences.

Claire Hanna 33
Stephen Farry
Colum Eastwood

Page 27, line 14, leave out Clause 34

Claire Hanna 34
Stephen Farry
Colum Eastwood

Page 27, line 20, leave out Clause 35

Claire Hanna 35
 Stephen Farry
 Colum Eastwood

Page 27, line 37, leave out Clause 36

Sir Jeffrey M Donaldson 121
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 37, page 28, line 11, at end insert ",or

(d) a file relating to P in respect of an offence is submitted to the Public Prosecution Service.

(2A) But if no prosecution of P is directed on the basis of the file submitted to the Public Prosecution Service for Northern Ireland, the case relating to P should be returned to the ICRIR for investigation in accordance with this Part."

Member's explanatory statement

The purpose of this amendment is to treat as criminal enforcement action the passing of a file to the Public Prosecution Service for Northern Ireland.

Sir Jeffrey M Donaldson 122
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 37, page 28, line 17, at end insert—

“(3A) For the purposes of subsection (3), a criminal prosecution of P is to be treated as having begun when a file relating to the criminal investigation into P’s conduct has already been submitted to the Public Prosecution Service on or before the day that section 33 comes into force.

(3B) But if no prosecution of P is directed on the basis of the file submitted to the Public Prosecution Service for Northern Ireland, the case relating to P should be returned to the ICRIR for investigation in accordance with this Part.”

Member's explanatory statement

The purpose of this amendment is to treat a public prosecution as having begun when the file is passed to the Public Prosecution Service for Northern Ireland.

Claire Hanna
Stephen Farry
Colum Eastwood

36

Page 28, line 3, leave out Clause 37

Claire Hanna
Stephen Farry
Colum Eastwood

37

Page 28, line 35, leave out Clause 38

Stephen Farry
Claire Hanna
Colum Eastwood

67

Page 74, line 16, leave out Schedule 8

Stephen Farry
Claire Hanna
Colum Eastwood

68

Page 76, line 9, leave out Schedule 9

Peter Kyle
Tonia Antoniazzi

116

Clause 39, page 30, leave out lines 15 to 42

Member's explanatory statement

This amendment would remove the provisions inserted into the Coroners Act (Northern Ireland) 1959 that require the closure of existing Troubles related inquests in Northern Ireland.

Claire Hanna
Stephen Farry
Colum Eastwood

38

Page 30, line 13, leave out Clause 39

Peter Kyle
Tonia Antoniazzi

117

Schedule 10, page 79, leave out lines 4 to 39

Member's explanatory statement

This amendment would remove the provisions inserted into the Coroners and Justice Act 2009 that require the closure of existing Troubles related inquests in England.

Peter Kyle
Tonia Antoniazzi

118

Schedule 10, page 81, leave out from line 18 to line 16 on page 82

Member's explanatory statement

This amendment would remove the provisions inserted into the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 that require the closure of existing Troubles related inquests in Scotland.

Stephen Farry
Claire Hanna
Colum Eastwood

69

Page 78, line 22, leave out Schedule 10

Claire Hanna 39
Stephen Farry
Colum Eastwood

Page 31, line 37, leave out Clause 40

Claire Hanna 40
Stephen Farry
Colum Eastwood

Page 32, line 13, leave out Clause 41

Sir Jeffrey M Donaldson 108
Sammy Wilson
Gavin Robinson
Carla Lockhart
Mr Gregory Campbell
Ian Paisley
Jim Shannon Paul Girvan

Schedule 11, page 83, line 20, at end insert—

“(1A) In subsection (2)(a), replace “four” with “five”.

(1B) In subsection (2)(b), replace “four” with “five”.”

Member’s explanatory statement

This is a paving amendment for Amendment 110.

Sir Jeffrey M Donaldson 109
Sammy Wilson
Gavin Robinson
Carla Lockhart
Mr Gregory Campbell
Ian Paisley
Jim Shannon Paul Girvan

Schedule 11, page 83, line 21, at end insert—

“(6ZA) The fifth condition is that the prisoner has been fully cooperative in responding any request for information made under section 14 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2022.”

Member's explanatory statement

This amendment is intended to add a fifth condition for prisoner release under the Northern Ireland (Sentences) Act 1998 to ensure that prisoners who take part in the reconciliation process are not treated in the same way as those who do not.

Stephen Farry
Claire Hanna
Colum Eastwood

70

Page 83, line 10, leave out Schedule 11

Peter Kyle
Tonia Antoniazzi
Simon Hoare

NC2

To move the following Clause—

"Grant of immunity: criminal memoirs etc

- (1) A person (P) who has been granted under section 18 immunity from prosecution for an offence may not seek to profit from their conduct in relation to that offence.
- (2) The Coroners and Justice Act 2009 is amended as follows.
- (3) In section 156 (Qualifying offenders), in sub-paragraph (3)(b)(i) at end add "or a citizen of Ireland who would qualify to be a United Kingdom national".
- (4) In section 159 (Relevant offences), after paragraph (1)(a) insert —
 "(aa) a serious Troubles-related offence (see section 1 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2022,".
- (5) The Secretary of State may, after consulting the First Minister and deputy First Minister if practicable, make regulations to prohibit the exploitation for profit of Troubles-related offences by any individual granted immunity under section 18.
- (6) Regulations under subsection (5) may further amend the Coroners and Justice Act 2009 and make any necessary provision to amend any relevant primary or secondary legislation.
- (7) Regulations under this section are subject to affirmative procedure.

Member's explanatory statement

The intention of this new clause is to prevent a person who is granted immunity under this Act from profiting from the conduct which they received immunity for, by adapting the exploitation proceeds regime under the Coroners and Justice Act 2009.

Sir Jeffrey M Donaldson
Sammy Wilson
Gavin Robinson
Carla Lockhart
Mr Gregory Campbell
Ian Paisley
Jim Shannon

Paul Girvan

NC3

To move the following Clause—

“Northern Ireland (Sentences) Act 1998: repeal

- (1) The Northern Ireland (Sentences) Act 1998 is repealed at the end of the period of two months beginning with the day on which this Act is passed.
- (2) The Secretary of State may by regulations make any necessary temporary, consequential or transitional provision in connection with the repeal of the Northern Ireland (Sentences) Act 1998.”

Member’s explanatory statement

This new clause provides for the Northern Ireland (Sentences) Act 1998 to be repealed when Part 3 of this Bill comes into force.

Sir Jeffrey M Donaldson
Sammy Wilson
Gavin Robinson
Carla Lockhart
Mr Gregory Campbell
Ian Paisley
Jim Shannon

Paul Girvan

NC5

To move the following Clause—

“Revocation of immunity (No. 2)

- (1) This section applies if a person (P) has been granted immunity from prosecution for the offence under section 18, but later evidence is submitted to the immunity requests panel established under section 21 which the panel considers to be conclusive evidence that the Condition B in section 18 was not met because P’s account was not true.
 - (2) This section applies if, after the immunity requests panel has ceased to operate, the Secretary of State considers that there is conclusive evidence that the Condition B in section 18 was not met because P’s account was not true.
 - (3) Where subsection (1) or (2) applies, the immunity of P under this Act is revoked.”
-

Sir Jeffrey M Donaldson 120
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 43, page 34, line 12, at end insert—

“(3A) The designated persons have an overarching duty to ensure that no memorialisation activities glorify the commission or preparation of Troubles-related offences.”

Sir Jeffrey M Donaldson 110
 Sammy Wilson
 Gavin Robinson
 Carla Lockhart
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon Paul Girvan

Clause 43, page 34, line 15, at end insert—

“(3A) The designated persons must take into account the interests and concerns of victims of the Troubles in the preparation of the memorialisation strategy.

(3B) “Victims of the Troubles” do not include any person P who has received immunity under this Act and whose physical or mental harm was caused by Troubles-related conduct in which P participated unlawfully.”

Member’s explanatory statement

This amendment is intended to ensure that only innocent victims are included as victims in the memorialisation strategy under this Act.

Claire Hanna 41
 Stephen Farry
 Colum Eastwood

Clause 45, page 35, line 22, leave out “of the period of operation of the ICRR” and insert “from the date on which this Act is passed”

Member’s explanatory statement

This drafting amendment removes a reference to the Independent Commission for Reconciliation and Information Recovery.

Claire Hanna 42
Stephen Farry
Colum Eastwood

Clause 45, page 35, line 38, leave out subsection (5)

Member's explanatory statement

This amendment removes a reference to the Independent Commission for Reconciliation and Information Recovery.

Claire Hanna 43
Stephen Farry
Colum Eastwood

Clause 45, page 36, line 6, leave out paragraph (a)

Member's explanatory statement

This amendment removes a reference to the Independent Commission for Reconciliation and Information Recovery.

Claire Hanna 44
Stephen Farry
Colum Eastwood

Clause 45, page 36, line 8, leave out "the ICRIR reports and"

Member's explanatory statement

This amendment removes a reference to the Independent Commission for Reconciliation and Information Recovery.

Claire Hanna 45
Stephen Farry
Colum Eastwood

Clause 45, page 36, leave out lines 18 to 21

Member's explanatory statement

This amendment removes a reference to the Independent Commission for Reconciliation and Information Recovery.

Stephen Farry
Claire Hanna

93

Clause 49, page 37, line 43, leave out from “regulations” to end of line 15 on page 38 and insert “establish an independent panel of experts to make appointments for the purposes of this Part.

“(1A) The independent panel of experts must include—

- (a) representatives of the Northern Ireland Executive, the United Kingdom government and the government of Ireland,
- (b) representatives of the British Academy, the Royal Irish Academy or other comparable learned societies, and
- (c) a person of international standing with experience in or comparable to the post of special rapporteur on transitional justice for the United Nations.

(1B) When deciding whether to designate a person for the purposes of this Part, the panel must, in accordance with clear and transparent criteria, ensure that the individual has the necessary expertise in at least one of the following: oral history, academic research, archiving, trauma, gender studies and memorialisation.”

Member’s explanatory statement

This amendment would remove the Secretary of State’s power to designate persons for the purposes of Part 4 of the Bill and instead provide for the appointment of an independent panel to designate persons for the purposes of this Part, while keeping the provision for financial and other resources to be supplied by the Secretary of State.

Stephen Farry
Claire Hanna

94

Clause 50, page 38, line 20, leave out from “means” to end of line 21 and insert “persons designated by the independent panel established under section 49 (1);”

Member’s explanatory statement

This amendment removes the definition of designated persons in Part 4 of the Bill as persons appointed by the Secretary of State and instead refers to appointments by an independent panel.

Sir Jeffrey M Donaldson
Sammy Wilson
Gavin Robinson
Carla Lockhart
Mr Gregory Campbell
Ian Paisley
Jim Shannon

Paul Girvan

NC4

To move the following Clause—

“Offence of glorifying terrorism: Northern Ireland

- (1) This section applies to a statement that is likely to be understood by a reasonable person as a direct or indirect encouragement or other inducement to some or all of the members of the public in Northern Ireland, to the commission, preparation or instigation of acts of terrorism.
- (2) A person P commits an offence if—
 - (a) P publishes a statement to which this section applies or causes another to publish such a statement; and
 - (b) at the time P publishes it or causes it to be published, P—
 - (i) intends members of the public in Northern Ireland to be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism; or
 - (ii) is reckless as to whether members of the public in Northern Ireland will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate such acts.
- (3) For the purposes of this section, the statements that are likely to be understood by a reasonable person as indirectly encouraging the commission or preparation of acts of terrorism include every statement which—
 - (a) glorifies the commission or preparation in the past of Troubles-related offences; and
 - (b) is a statement from which members of the public in Northern Ireland could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by them in existing circumstances.
- (4) For the purposes of this section the questions how a statement is likely to be understood and what members of the public in Northern Ireland could reasonably be expected to infer from it must be determined having regard both—
 - (a) to the contents of the statement as a whole; and
 - (b) to the circumstances and manner of its publication.
- (5) It is irrelevant for the purposes of subsections (1) to (3)—
 - (a) whether anything mentioned in those subsections relates to the commission, preparation or instigation of one or more particular acts of terrorism, of acts of terrorism of a particular description or of acts of terrorism generally; and

- (b) whether any person is in fact encouraged or induced by the statement to commit, prepare or instigate any such act or Troubles-related offence.
- (6) In proceedings for an offence under this section against a person P in whose case it is not proved that P intended the statement directly or indirectly to encourage or otherwise induce the commission, preparation or instigation of acts of terrorism it is a defence for P to show—
- (a) that the statement neither expressed P's views nor had P's endorsement (whether by virtue of section 3 or otherwise); and
 - (b) that it was clear, in all the circumstances of the statement's publication, that it did not express P's views and (apart from the possibility of P's having been given and failed to comply with a notice under subsection (3) of that section) did not have P's endorsement.
- (7) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 15 years, or to a fine, or to both;
 - (b) on summary conviction in England and Wales, 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 Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.
- (8) in considering sentencing for an offence under this section, the court will take into consideration as an aggravating factor any immunity granted to P under the Northern Ireland Troubles (Legacy and Reconciliation) Act 2022."

Member's explanatory statement

This new clause, based on section 1 of the Terrorism Act 2006, makes having received immunity under this Bill an aggravating factor in sentencing for the offence of glorifying terrorism.

Stephen Farry
 Claire Hanna
 Colum Eastwood

46

Clause 51, page 39, line 12, leave out subsection (1)

Member's explanatory statement

This paving amendment would remove Schedule 12 which amends existing legislation in relation to the Independent Commission for Reconciliation and Information Recovery and the limitation of legal proceedings.

Stephen Farry 47
Claire Hanna
Colum Eastwood

Clause 51, page 39, line 35, leave out paragraph (c)

Member's explanatory statement

This drafting amendment removes a provision which would be redundant if Clause 38 and Schedule 9 were removed from the Bill.

Stephen Farry 48
Claire Hanna
Colum Eastwood

Clause 51, page 39, line 35, leave out paragraph (d)

Member's explanatory statement

This amendment removes references to criminal investigations and inquests.

Stephen Farry 71
Claire Hanna
Colum Eastwood

Page 86, line 10, leave out Schedule 12

Stephen Farry 49
Claire Hanna
Colum Eastwood

Clause 52, page 40, line 9, leave out subsection (2)

Member's explanatory statement

This amendment removes provision which is not necessary for the operation of Part 4 of the Bill.

Stephen Farry 50
Claire Hanna
Colum Eastwood

Clause 52, page 40, line 11, leave out from "they" to "may" in line 16

Member's explanatory statement

This amendment removes provision which is not necessary for the operation of Part 4 of the Bill.

Stephen Farry 51
Claire Hanna
Colum Eastwood

Clause 52, page 40, line 11, leave out lines 21 to 28

Member's explanatory statement

This amendment removes provision which is not necessary for the operation of Part 4 of the Bill.

Stephen Farry 52
Claire Hanna
Colum Eastwood

Clause 52, page 40, line 29, leave out from "procedure"" to second "the" in line 34

Member's explanatory statement

This amendment removes provision which is not necessary for the operation of Part 4 of the Bill.

Stephen Farry 53
Claire Hanna
Colum Eastwood

Clause 52, page 40, line 37, leave out from "Parliament" to the end of subsection (4)

Member's explanatory statement

This amendment removes provision which is not necessary for the operation of Part 4 of the Bill.

Stephen Farry 54
Claire Hanna
Colum Eastwood

Clause 52, page 41, line 9, leave out subsections (6) and (7)

Member's explanatory statement

This amendment removes provision which is not necessary for the operation of Part 4 of the Bill.

Stephen Farry 55
Claire Hanna
Colum Eastwood

Clause 53, page 41, line 20, leave out subsection (1)

Member's explanatory statement

This amendment removes provision which is not necessary for the operation of Part 4 of the Bill.

Stephen Farry 56
Claire Hanna
Colum Eastwood

Clause 55, page 46, line 18, leave out subsection (4)

Member's explanatory statement

This amendment removes provision relating to the repeal of the Coroners Act 1988.

Stephen Farry 57
Claire Hanna
Colum Eastwood

Clause 56, page 46, line 24, leave out paragraph (b)

Member's explanatory statement

This amendment would be consequential on the removal of Schedule 12 which amends existing legislation in relation to the Independent Commission for Reconciliation and Information Recovery and the limitation of legal proceedings.

Stephen Farry 58
Claire Hanna
Colum Eastwood

Clause 56, page 47, line 32, leave out subsection (4)

Member's explanatory statement

This amendment removes provision which is not necessary for the operation of Part 4 of the Bill.

Stephen Farry 59
 Claire Hanna
 Colum Eastwood

Clause 57, page 46, line 35, leave out “Troubles (Legacy and Reconciliation)” and insert “(Memorialising the Troubles)”

Member’s explanatory statement

This amendment would change the short title applicable to an Act comprising only Parts 1, 4 and 5 of the Bill.

Stephen Farry 72
 Claire Hanna
 Colum Eastwood

Title, line 1, leave out from “by” to “providing”

Member’s explanatory statement

This amendment would change the long title applicable to an Act comprising only Parts 1, 4 and 5 of the Bill.

Order of the House

[24 May 2022]

That the following provisions shall apply to the Northern Ireland Troubles (Legacy and Reconciliation) Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee

2. Proceedings in Committee of the whole House shall be completed in two days.
3. The proceedings—
 - (a) shall be taken in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings

Clause 1; new Clauses relating to Part 1; new Schedules relating to Part 1; Clauses 42 to 50; new Clauses relating to Part 4; new Schedules relating to Part 4

Time for conclusion of proceedings

Three hours after the commencement of proceedings on the first day

Proceedings

Clause 2; Schedule 1; Clauses 3 to 6; Schedule 2; Clauses 7 to 9; Schedule 3; Clauses 10 to 14; Schedule 4; Clauses 15 to 25; Schedules 5 and 6; Clauses 26 and 27; Schedule 7; Clauses 28 to 32; new Clauses relating to Part 2; new Schedules relating to Part 2; Clauses 33 to 38; Schedules 8 and 9; Clause 39; Schedule 10; Clauses 40 and 41; Schedule 11; new Clauses relating to Part 3; new Schedules relating to Part 3; Clause 51; Schedule 12; Clauses 52 to 57; new Clauses relating to Part 5; new Schedules relating to Part 5; remaining proceedings on the Bill

Time for conclusion of proceedings

Five hours after the commencement of proceedings on the second day

Consideration and Third Reading

4. Any proceedings on Consideration and proceedings on Third Reading shall be taken on the second day of proceedings in Committee and shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings on that day.

Programming committee

5. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

Other proceedings

6. Any other proceedings on the Bill may be programmed.

(Northern Ireland Troubles (Legacy and Reconciliation) Bill: Programme (No. 2))

Secretary Brandon Lewis

That the Order of 24 May 2022 (Northern Ireland Troubles (Legacy and Reconciliation) Bill: Programme) be varied as follows:

1. Paragraphs 2, 3 and 4 of the Order shall be omitted.
2. Proceedings in Committee of the whole House, any proceedings on Consideration and proceedings on Third Reading shall be completed in two days.
3. Proceedings in Committee—
 - (a) shall be taken in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings

Clause 1; new Clauses relating to Part 1; new Schedules relating to Part 1; Clause 2; Schedule 1; Clauses 3 to 6; Schedule 2; Clauses 7 to 9; Schedule 3; Clauses 10 to 14; Schedule 4; Clauses 15 to 25; Schedules 5 and 6; Clauses 26 and 27; Schedule 7; Clauses 28 to 32; new Clauses relating to Part 2; new Schedules relating to Part 2

Clauses 33 to 38; Schedules 8 and 9; Clause 39; Schedule 10; Clauses 40 and 41; Schedule 11; new Clauses relating to Part 3; new Schedules relating to Part 3; Clauses 42 to 50; new Clauses relating to Part 4; new Schedules relating to Part 4; Clause 51; Schedule 12; Clauses 52 to 57; new Clauses relating to Part 5; new Schedules relating to Part 5; remaining proceedings on the Bill

Time for conclusion of proceedings

The moment of interruption on the first day

One hour before the moment of interruption on the second day

4. Any proceedings on Consideration and proceedings on Third Reading shall be taken on the second day and shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
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Withdrawn Amendments

The following amendments were withdrawn on 23 June 2022:

104 and NC1
