

NORTHERN IRELAND TROUBLES (LEGACY AND RECONCILIATION) BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Northern Ireland Troubles (Legacy and Reconciliation) Bill as brought from the House of Lords on Tuesday 4 July 2023. (Bill 345).
- 2 These Explanatory Notes have been prepared by the Northern Ireland Office order to assist the reader of the Bill, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to Bill Number 37, the Bill as brought from the Commons.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 In the following Commentary, an asterisk(*) appears in the heading of any paragraph that deals with a non-Government amendment.
- 6 Lords Amendments 1 to 19, 21 to 43, and 45 to 129 were tabled in the name of the Minister.
- 7 Lords Amendment 20* was tabled in the name of Lord Hain and was opposed by the Government.
- 8 Lords Amendment 44* was tabled in the name of Lord Murphy, and was opposed by the Government.

Commentary on Lords amendments made at Report stage

Lords amendments to Clause 2 - The Independent Commission for Reconciliation and Information Recovery

Lords Amendment 1

- 9 This amendment provides that the Independent Commission for Reconciliation and Information Recovery (ICRIR) will have between one and five other Commissioners (in addition to the Chief Commissioner and the Commissioner for Investigations), with the actual number to be decided (as currently) by the Secretary of State under paragraph 6 of Schedule 1.

Lords Amendment 2

- 10 This amendment would provide that promoting reconciliation is the primary objective of the ICRIR when exercising its functions.

Lords Amendment 3 and 7

- 11 Lords Amendment 3 and 7 (which is consequential on amendment 3), would create a new duty for the ICRIR to have regard to the general interests of persons affected by Troubles-related deaths and serious injuries when exercising its functions.

Lords Amendments 4, 5, 6 and 8

- 12 Lords Amendment 4 would require the ICRIR to produce a work plan for each financial year before the start of the year.
- 13 Lords Amendments 5 and 6 (which is consequential on Lords Amendment 5) amend the existing provision about annual reports so that it takes the same form as the new provision in amendment 4 on work plans (including by imposing a time limit for producing the reports and requiring the reports to relate to financial years).
- 14 Lords Amendment 8 is consequential on Lords Amendments 4 and 5.

Lords Amendment to Clause 4 - Actions of the ICRIR: safeguards

Lords Amendment 9

- 15 This amendment is consequential on paragraph 3 of the new Schedule (No immunity in certain circumstances) inserted by Lords Amendment 11.

Lords Amendments to Clause 5 - Full disclosure to the ICRIR

Lords Amendment 10 and 11

- 16 Lords Amendment 11, and Lords Amendment 10 which is consequential on it, would expand the persons subject to the duty to provide assistance in relation to material provided by them

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to the ICRIR under Clause 5(7) to the Chief the chief officer of a police force in Great Britain, the Director General of the Independent Office for Police Conduct; and the Police Investigations and Review Commissioner, in addition to the Chief Constable of the PSNI and the Police Ombudsman for Northern Ireland.

Lords Amendments to Clause 7 - Admissibility of material in criminal proceedings

Lords Amendment 12 and 13

- 17 Lords Amendments 12 and 13 (which is consequential on Lords Amendment 12) would allow for certain evidence given to the ICRIR to be used (against the person who gave the evidence) in criminal proceedings relating to false statements and distortion of evidence.

Lords Amendment to Clause 8 - Admissibility of material in civil proceedings

Lords Amendment 14

- 18 This amendment excludes family proceedings from the scope of Clause 8.
19 This measure is intended to ensure that general restrictions on admissibility of ICRIR material in civil proceedings do not act as a barrier to the courts fulfilling their role in safeguarding vulnerable children.

Lords Amendments to Clause 9 - Requests for reviews of deaths

Lords Amendment 15

- 20 This amendment is consequential on Lords Amendments 72 and 73 to Clause 40.

Lords Amendment 16

- 21 This amendment is consequential on Lords Amendments 112, 113, 114 and 115 to Part 1 of Schedule 10.

Lords Amendments 17 and 18

- 22 These amendments are consequential on Lords Amendments in 116, 117, 118, and 119 to Part 2 of Schedule 10.

Lords Amendments to Clause 13 - Conduct of reviews

Lords Amendment 19

- 23 This amendment would expressly confirm that the Commissioner for Investigations (when exercising operational control over the conduct of reviews) must comply with obligations imposed by the Human Rights Act 1998.

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Lords Amendment 20*

- 24 This amendment would require the ICRIIR to ensure that all reviews are carried out in accordance with criminal justice standards, that all reviews comply fully with obligations under the European Convention on Human Rights, and that as much information is gathered as possible and all evidential opportunities are explored in each review.
- 25 This amendment was tabled by Lord Hain, and opposed by the Government.

Lords Amendment 21

- 26 This amendment would require the Commissioner for Investigations to decide in every case whether a criminal investigation should form part of an ICRIIR review.

Lords Amendment 22

- 27 This amendment makes clear that the duty of the Commissioner for Investigations to comply with the Human Rights Act 1998 is not limited by the express provision under that amendment.

Lords Amendments to Clause 15 - Production of reports on the findings of reviews

- 28 These amendments relate to the report which the Chief Commissioner must produce on the findings of a review into a Troubles related death or other harmful conduct.

Lords Amendment 23

- 29 This amendment would require the Chief Commissioner to include in the final report a statement about the manner in which the review to which the report relates was carried out.

Lords Amendments 24 and 29

- 30 Lords Amendments 24, and Lords Amendment 29 (which is consequential on it), would limit the material that is to be given to a person criticised by a draft report before the final report is produced (so that the person is only given the critical material, rather than a copy of the full draft report).

Lords Amendments 25 and 32

- 31 Lords Amendments 36 and 46 would require that a public authority criticised in a draft report be given the opportunity to make representations about the critical material, and defines the related term “material criticising a public authority”.

Lords Amendments 26, 27, 28, 30, 31

- 32 These amendments would replace existing wording and cross-references with the new defined terms “consulted” and “consultation provisions”. These new definitions would be inserted into subsection (12) through Lords Amendment 31.

Lords Amendment 33

- 33 This amendment would divide Clause 15 into two Clauses. The first (Production of reports on the findings of reviews) to consist of subsections (1) to (2A) and the second (Consultation on reports) to consist of subsections (3) to (12).

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Lords Amendments to Clause 16 - Issuing and publication of reports

Lords Amendments 34 and 35

- 34 Lords Amendment 34, and Lords Amendment 35 (which is consequential upon it), would require the Chief Commissioner to publish the statement about the manner in which the review was carried out as a standalone document, in cases where the final report is not published.

Lords Amendments to Clause 17 - Reports: general provision

Lords Amendments 36, 38 and 40

- 35 Lords Amendment 36, and Lords Amendments 38 and 40 which are consequential to Lords Amendment 36, would expand subsection (2) to delay the production or publication of the final report, or the statement required by section 15(3) (inserted by Lords Amendment 23), where conduct is referred to a prosecutor under clause 23.

Lords Amendments 37, 42 and 43

- 36 These amendments are consequential on Lords Amendments 60 and 61 to clause 23..

Lords Amendment 39

- 37 This amendment is consequential on Lords Amendment 24 of clause 15(6), and the new subsection (6A) inserted into clause 15 by Lords Amendment 25.

Lords Amendment 41

- 38 This amendment is consequential on material in clause 20(8) being removed by Lords Amendment 46 and instead appearing in the new Schedule (No immunity in certain circumstances) by virtue of Lords Amendment 111.

Lords Amendments to Clause 18 - Immunity from prosecution

Lords Amendment 44*

- 39 This amendment removes Clause 18 from the Bill and would prevent the ICRIR from granting a person immunity from prosecution.
- 40 This amendment was tabled by Lord Murphy, and opposed by the Government.

Lords Amendments to Clause 19 - No immunity from prosecution for sexual offences

Lords Amendment 45

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- 41 This amendment removes clause 19 from the Bill, as the provision made by Clause 19 is moved to the new Schedule (No immunity in certain circumstances) inserted by Lords Amendment 111.

Lords Amendments to Clause 20 - Requests for immunity: procedural matters

Lords Amendments 46 and 48

- 42 This amendment, and Lords Amendment 48 which is consequential to it, leaves out subsection (1) as corresponding provision is included in the new Schedule (No immunity in certain circumstances) inserted by Lords Amendment 111.

Lords Amendment 47

- 43 This amendment would allow a person to be nominated to act temporarily if the Chief Commissioner is unable to act, whether generally or in particular circumstances (eg. because of a potential conflict of interest), in relation to requests for immunity.

Lords Amendment to Clause 21 - Determining a request for immunity

Lords Amendments 49, 50 and 51

- 44 Lords Amendment 49, and Lords Amendment 50 and 51 which are consequential upon it, would require the ICRIR to take reasonable steps to obtain information in connection with determining the truth of an account of a person applying for immunity from prosecution (see Clause 18(3)).
- 45 The ICRIR is already under a duty under clause 21(2) to consider all relevant information it holds when forming a view on the truth of a person's account as part of their application for immunity, including information obtained through a related review. This amendment would, however, place the Commission under an additional duty, requiring it to take reasonable steps to secure any additional information relevant to that assessment.

Lords Amendments 52 and 53

- 46 This amendment, together with Lords Amendment 53 which is consequential upon it, would require (instead of allow) guidance to be given under subsection (6) relating to a request for immunity; and would require the guidance to be given by the Chief Commissioner (instead of the Secretary of State).

Lords Amendments 54 and 55

- 47 Lords Amendment 54, and Lords Amendment 55 which is consequential upon it, would require (instead of allow) guidance to be given under subsection (7) relating to ascertaining:
- a. Whether an account of a person's conduct is true to the best of a person's knowledge and belief;
 - b. Whether conduct is possible criminal conduct;
 - c. Whether information is an account of possible criminal conduct.
- 48 This amendment would also require the guidance to be given by the Chief Commissioner (instead of the Secretary of State).

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Lords Amendment 56

49 This amendment is consequential on Lords Amendments 52 and 54.

Lords Amendment to Clause 22 - The immunity requests panel

Lords Amendment 57

50 This amendment is consequential on the addition to clause 20 of subsection (7A) by Lords Amendment 47.

Lords Amendment to create a new Clause after Clause 22 - Personal statements by persons affected by deaths etc

Lords Amendment 58

51 This amendment adds a new clause (Personal statements by persons affected by deaths etc) after existing clause 22. The new clause would require the Chief Commissioner to give eligible individuals affected by a death or other harmful conduct the opportunity to provide personal statements to the ICIR about the effects of relevant Troubles-related events.

Lords Amendment to create a new Clause after Clause 22 - Publication of personal statements

Lords Amendment 59

52 This amendment adds a further new clause (Publication of personal statements). This new clause, which follows and is related to the new clause inserted by Lords Amendment 58, would require the Chief Commissioner to publish a personal statement provided by an eligible person under that clause unless certain exceptions apply.

Lords Amendments to Clause 23 - Information for prosecutors

Lords Amendment 60

53 Lords Amendment 60 amends subsections (2) and (3) of clause 23 and would ensure that in circumstances where, following a review, the Commissioner for Investigations considers there is evidence that an offence has been committed under Scots law (and immunity from prosecution for that offence has not been granted), the Lord Advocate has the power to direct a referral allowing her to consider the case for prosecution. The Commissioner for Investigations must comply with such a direction unless the suspect has been granted immunity from prosecution for the offence concerned.

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Lords Amendment 61

- 54 This amendment expands the kinds of conduct that can be referred to a prosecutor after an ICRIR review relating to a death or other harmful conduct. Other conduct related to or connected with the death or other harmful conduct can also be referred.

Lords Amendment to create a new Clause after Clause 23 - Subsequent convictions: revocation of immunity

Lords Amendment 62

- 55 This amendment inserts a new clause (subsequent convictions: revocation of immunity) after existing clause 23. Subsection (1) of the new clause would require courts to revoke immunity granted under clause 18 if a person is subsequently convicted of the new offence of making a false statement to the ICRIR, committed in the course of applying for that immunity (see new clause (False statements: offence) inserted by Lords Amendment 63. Under subsection (2), the courts would also be required to revoke a person's immunity if they are subsequently convicted of certain specified terrorist offences or another offence determined by the court to have a terrorist connection (see subsection (3)), where such an offence was committed after immunity was granted.

Lords Amendment to create a new Clause after Clause 23 - False statements: offence

Lords Amendment 63

- 56 Lords Amendment 63 inserts a new clause (false statements: offence) after clause 23. This clause creates a new criminal offence, committed where a person knowingly or recklessly makes a false statement to the ICRIR in connection with its functions under clauses 18 to 22 (relating to immunity from prosecution). The offence is triable either way, and conviction on indictment carries a maximum custodial sentence of 2 years' imprisonment.

Lords Amendments to Clause 34 - No criminal investigations except through ICRIR reviews

Lords Amendment 64 and 65.

- 57 Amendments 64 and 65 (which is consequential upon it) would remove the existing provision in clause 34 which allows for statements about criminal investigations to be produced for a limited period after clause 34 comes into force. This provision would no longer be needed in consequence of Lords Amendment 93, the effect of which is that clause 34 would now come into force on 1 May 2024 (instead of two months after royal assent - providing additional time for statements).

Lords Amendments to Clause 36 - No grant of immunity: restrictions on criminal enforcement action

Lords Amendment 69 and 66

58 Lords Amendment 69 and Lords Amendment 66(which is consequential upon it) expands the criminal enforcement action which may be taken where immunity has not been granted under clause 18 and where a referral to a prosecutor has not been made under clause 23. For example, new subsection (2A) inserted by this amendment would allow a person to be arrested for the purposes of questioning, and would allow detention for the purposes of charge in urgent cases, pending referral to a prosecutor.

Lords Amendments 67 and 68.

59 These amendments are consequential on Lords Amendments 60 and 61 to clause 23.

Lords Amendment to Clause 38 - General provision and saving for ongoing pre-commencement action

Lords Amendment 70

60 This amendment removes the use of “P” to refer to a person who is being prosecuted for an offence.

Lords Amendment to Clause 39 - Tort, delict and fatal accident actions

Lords Amendment 71

61 This amendment provides that clause 42 does not apply to proceedings to which subsection (1) of the new Clause inserted by Lords Amendment 81 (Interim custody orders: prohibition of proceedings and compensation) applies.

Lords Amendments to Clause 40 - Inquests, investigations and inquiries

Lords Amendment 72

62 This amendment would require any inquest initiated before the commencement of Clause 40 to be discontinued on the commencement of that Clause, unless the inquest is at its very final stage (the determination, verdict or findings).

Lords Amendment 73

63 This amendment would remove new section 16B, which allows a pre-commencement inquest to continue if it is at an advanced stage. A pre-commencement inquest will now be able to continue if it is at its very final stage (the determination or verdict) as it will be outside the scope of the amended new section 16A.

Lords Amendments 74 and 75

64 These amendments are consequential on Lords Amendments 72 and 73.

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Lords Amendments to Clause 41 - Police complaints

Lords Amendment 76 and 78

65 Lords Amendment 76, and Lords Amendment 78 (which is consequential upon it) prevents the Police Ombudsman for Northern Ireland from beginning, or continuing, to investigate matters that relate to conduct forming part of the Troubles. That power of investigation is in addition to the power to deal with complaints (already covered by Clause 41).

Lords Amendment 77

66 This amendment ensures that activity of the Ombudsman which constitutes a criminal investigation can continue where a prosecution of a person has begun before commencement. (This exception from the effect of Clause 41 is the same as the exception from the effect of Clause 34 set out in Clause 38(3).)

Lords Amendments 79

67 This amendment extends Clause 41 so that the legislation dealing with police complaints in England and Wales, and Scotland also does not apply to complaints relating to the Troubles.

Lords Amendment to create a new Clause after Clause 41 - Interim custody orders: validity

Lords Amendment 80

68 This amendment inserts a new clause (interim custody orders: validity) which would provide that functions conferred on the Secretary of State by Article 4(1) of the Detention of Terrorists (Northern Ireland) Order 1972 and the corresponding provision at paragraph 11(1) of Schedule 1 to the Northern Ireland (Emergency Provisions) Act 1973 (relating to the making of interim custody orders) are to be treated as always having been exercisable by junior Ministers. Subsections (3) and (4) clarify the effects of the provision in subsection (2) as regards the lawfulness of certain interim custody orders and detention of persons under such orders.

Lords Amendment to create a new Clause after Clause 41 - Interim custody orders: prohibition of proceedings and compensation

Lords Amendment 81

69 This amendment inserts a further new clause (Interim custody orders: prohibition of proceedings and compensation). Subsection (1) would prohibit the bringing or continuing of civil claims which are based on interim custody orders made by junior Ministers having been unlawful. Subsection (4) similarly prevents the payment of compensation for miscarriages of justice under section 133 of the Criminal Justice Act 1988, where the application relates to a

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conviction which was reversed solely on the grounds that an interim custody order was invalid because it had been made by a junior Minister. Subsection (2) has the effect of preventing criminal appeals from being brought or continued if, or to the extent that, the grounds for seeking to have the conviction quashed are that an interim custody order was unlawful because it had been made by a junior minister. Subsection (3) creates an exception for criminal appeals in respect of which leave to appeal has already been granted, or a referral to the Court of Appeal by the Criminal Cases Review Commission already made, by the time of commencement. Subsection (5) of the new clause allows the power to make consequential amendments at clause 55 of the bill to be used to amend the bill itself (once enacted), so far as it is used to make provision which is consequential on this new clause or the new clause inserted by Amendment 80.

- 70 Provision which is consequential on either of these clauses and which is made in the form of amendments to the bill (once enacted) would be subject to either the made affirmative or the affirmative procedure.

Lords Amendments to Clause 45 - The memorialisation strategy

Lords Amendment 82

- 71 This amendment requires the Secretary of State, when considering recommendations made in the memorialisation strategy, to consult organisations with expertise in reconciliation or antisectarianism.

Lords Amendments 83

- 72 This amendment provides for the Secretary of State to consult on the proposed response to the memorialisation strategy with appropriate Northern Ireland departments.

Lords Amendment to Clause 48 - Carrying out the Troubles-related work programme

Lords Amendment 84

- 73 This amendment requires designated persons, when carrying out the Troubles-related work programme, to have regard to the need to ensure that that programme is carried out in a way that promotes, reconciliation, anti-sectarianism, and non-recurrence of political and sectarian hostility between people in Northern Ireland.

Lords Amendment to Clause 50 - Designated persons and funding

Lords Amendment 85

- 74 This amendment requires the Secretary of State, before designating a person under Clause 50 in relation to the Troubles-related work programme, to consult organisations with expertise in reconciliation or anti-sectarianism.

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Lords Amendment to Clause 51 - Interpretation of this Part

Lords Amendment 86

75 This amendment defines the term “relevant organisation” used in amendments 82 and 85.

Lords Amendment to Clause 53 - Regulations

Lords Amendment 87

76 This amendment sets out the made affirmative procedure for Parliamentary scrutiny of regulations under clause 55 which make provision in consequence of new clauses (Interim custody orders: validity) or (Interim custody orders: prohibition of proceedings and compensation).

Lords Amendments to Clause 54 - Interpretation

Lords Amendment 88

77 This amends the table of definitions to include the definition of “financial year” that is added to clause 2 of the bill by Lords Amendment 8.

Lords Amendment 89

78 This changes the definition of “reserved provision” to reflect the fact that section 8(b) of the Northern Ireland Act 1998 requires consent to a Bill for an Act (rather than to the Act itself).

Lords Amendment to Clause 56 - Extent

Lords Amendment 90

79 This amendment provides for the two new clauses in Lords Amendments 80 and 81 to extend only to Northern Ireland (like the 1972 Order and 1973 Act, to which the new clauses relate).

Lords Amendments to Clause 57 - Commencement

Lords Amendment 91

80 This amendment provides for subsection (5) of new the clause inserted by Lords Amendment 81 (Interim custody orders: prohibition of proceedings and compensation) to come into force on royal assent (as it relates to the power to make consequential provision which comes into force then).

Lords Amendment 92

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- 81 This provides for the two new clauses inserted by Amendments 80 and 81 to come into force two months after royal assent (except for subsection (5) of Clause (Interim custody orders: prohibition of proceedings and compensation) which is dealt with by Lords Amendment 91).

Lords Amendment 93

- 82 This amendment is consequential on Lords Amendments 91 and 92.

Lords Amendments to Schedule 1 - The ICRIR, the Commissioners and ICRIR officers

Lords Amendment 94

- 83 This amendment would require the ICRIR to keep accounts and provides for the accounts to be checked by the National Audit Office and for their report to be laid before Parliament.

Lords Amendment 95

- 84 This amendment is consequential on amendment 1 of clause 2(3)(c) which allows the ICRIR to have a maximum of 5 other Commissioners. It amends the provision which gives the Secretary of State power to decide the number of other members which the ICRIR has.

Lords Amendment 96

- 85 This amendment requires the Secretary of State to ensure that there is at least one Commissioner who has relevant international experience.

Lords Amendment 97, 101 and 102

- 86 Lords Amendment 97, and Lords Amendments 101 and 102 (which are consequential on it) require consultation in cases where a potential appointee no longer holds high judicial office (as well as in cases where they still hold such office), and authorises the Secretary of State to consult other persons besides the relevant senior judge.

Lords Amendment 98

- 87 This amendment removes some wording that is unnecessary as ill health is not a ground for removal from office as a Commissioner.

Lords Amendment 99

- 88 This amendment applies definitions which appear in paragraph 11, to those terms as used in paragraph 7.

Lords Amendments 100 and 107

- 89 These amendments update the provision about the application to the Commissioners and ICRIR officers of the law relating to the rehabilitation of offenders. It ensures that the Bill provision reflects the current approach taken in that law.

Lords Amendment 103

- 90 This amendment clarifies who is to be consulted where a retired judge held two or more kinds of high judicial office.

Lords Amendment 104

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- 91 This amendment requires consultation with the President of the Supreme Court where a retired judge was a Law Lord.

Lords Amendment 105 and 106

- 92 Lords Amendment 105, and Lords Amendment 106 (which is consequential upon it), would require the Secretary of State to determine the period for which an appointment as a Commissioner of the ICRIR lasts - which must not exceed five years.

Lords Amendment 108

- 93 This amendment ensures that the Commissioner for Investigations (who is also ex-officio an ICRIR officer) falls only within paragraph 14 of Schedule 1 (as a Commissioner) and not also within paragraph 20 (as an ICRIR officer). Paragraphs 14 and 20 make equivalent provision to ensure that the prohibitions on trade union activity which govern the police do not apply to the ICRIR.

Lords Amendment to Schedule 2 - Operational powers of ICRIR officers

Lords Amendment 109

- 94 This amendment avoids overlap with the provisions of the Emergency Workers (Offences) Act 2018 which will apply to designated ICRIR officers (but is law only in England and Wales).

Lords Amendment to Schedule 4 - Supply of information: enforcement

Lords Amendment 110

- 95 This amendment amends paragraph 1(2) of Schedule 4 and would increase the maximum penalty for failure to comply with an information notice under clause 14 from £1,000 to £5,000.

Lords Amendment to create a new Schedule after Schedule 4 - NO IMMUNITY IN CERTAIN CIRCUMSTANCES

Lords Amendment 111

- 96 This amendment inserts a new Schedule after Schedule 4 to the bill. The new Schedule deals with offences for which a person cannot be granted immunity from prosecution. The provision about sexual offences is moved here from clause 19. It contains provision about previous convictions and current prosecutions (replacing provision previously at clause 20(1)). It also deals with cases where a person's immunity from prosecution is revoked under new Clause (Subsequent convictions: revocation of immunity).

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Lords Amendment to Schedule 10 - Investigations, inquests and inquiries in England and Wales and Scotland

Lords Amendment 112

97 This amendment would require any inquest initiated before the commencement of Schedule 10 to be discontinued on the commencement of that Schedule, unless the inquest is at its very final stage (the determination and any findings).

Lords Amendment 113

98 This amendment would remove paragraph 2 of the new Schedule 1A, which allows a pre-commencement inquest to continue if it is at an advanced stage. A pre-commencement inquest will now be able to continue if it is at its very final stage (the determination and any findings) as it will be outside the scope of the amended paragraph 1 of the new Schedule 1A.

Lords Amendments 114, 115, 117 and 119

99 These amendments are consequential on Lords Amendments 112, 113, 116 and 118.

Lords Amendment 116

100 This amendment would require any inquiry initiated before the commencement of Schedule 10 to be discontinued on the commencement of that Schedule, unless the inquiry is at its very final stage (the determination).

Lords Amendment 118

101 This amendment would remove paragraph 2 of the new Schedule A1, which allows a pre-commencement inquest to continue if it is at an advanced stage. A pre-commencement inquest will now be able to continue if it is at its very final stage (the determination) as it will be outside the scope of the amended paragraph 1 of the new Schedule A1.

Lords Amendments to Schedule 11 - Prisoner release

Lords Amendment 120 and 121

102 These amendments alter the amendments to the Northern Ireland (Sentences) Act 1998 made in Schedule 11 to the bill, and would prevent a prisoner from being released under the early release scheme established by that Act if the prisoner is convicted after the ICIR's power to grant immunity from prosecution becomes exercisable (and so is a case where the prisoner could have avoided conviction by obtaining immunity).

Lords Amendment 122

103 This amendment removes some of the amendments proposed to the Northern Ireland (Sentences) Act 1998. Those amendments would have allowed prisoners to be released (a) if sentenced to less than 5 years' imprisonment; and (b) without the need to serve a minimum period in prison.

Lords Amendments to Schedule 12 - Amendments

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Lords Amendment 123

104 This amendment enables the Police Ombudsman for Northern Ireland to have jurisdiction over ICRIR officers.

Lords Amendment 124

105 This amendment removes the amendment of the Regulation of Investigatory Powers Act 2000 (which would have made the ICRIR subject to the jurisdiction of the Investigatory Powers Tribunal, something no longer needed as the ICRIR will no longer have investigatory powers by virtue of Lords Amendment 127 to leave out paragraph 6(3) of Schedule 12).

Lords Amendment 125

106 This amendment enables the Independent Office for Police Conduct (in England and Wales) and the Police Investigations and Review Commissioner (in Scotland) to have jurisdiction over ICRIR officers.

Lords Amendment 126

107 This amendment changes the amendment of section 58 of the Investigatory Powers Act 2016 so that it operates on section 58(4) rather than on section 58(2).

Lords Amendment 127

108 This amendment removes the amendment of Schedule 4 to the Investigatory Powers Act 2016 (which would have made the ICRIR a “relevant public authority” for the purposes of Part 3 of that Act and enabled it to use investigatory powers).

Lords Amendment 128

109 This amendment is in consequence of new Clauses (False statements: offence) and (Subsequent convictions: revocation of immunity).

Lords Amendment to the Title

Lords Amendment 129

110 Lords Amendment 129 amends the title of the Bill, to reflect the new clauses inserted by Lords Amendments 80 and 81; (Interim custody orders: validity) and (Interim custody orders: prohibition of proceedings and compensation).

Financial Effects of Lords Amendments

111 The Department does not consider that any of the Lords Amendments give rise to any significant expenditure.

NORTHERN IRELAND (LEGACY AND RECONCILIATION) BILL

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