

Northern Ireland Troubles (Legacy and Reconciliation) Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 3, line 13, after “out” insert “investigations and”

Member’s explanatory statement

This and other similar probing amendments in the name of Baroness O’Loan impose a function of investigation on the ICRIR as well as the function of review.

Page 3, line 15, after “out” insert “investigations and”

Member’s explanatory statement

This and other similar probing amendments in the name of Baroness O’Loan impose a function of investigation on the ICRIR as well as the function of review.

Page 3, line 17, after second “the” insert “investigations and”

Member’s explanatory statement

This and other similar probing amendments in the name of Baroness O’Loan impose a function of investigation on the ICRIR as well as the function of review.

Page 3, line 18, at end insert “ unless an investigation is one to which subsections (2) and (3) of section 17 apply”

Member’s explanatory statement

This amendment removes the duty to produce a report on the finding of any investigation until the matter under investigation has been dealt with by the Prosecutor.

Page 3, line 31, after “for” insert “investigations and”

Member’s explanatory statement

This and other similar probing amendments in the name of Baroness O’Loan impose a function of investigation on the ICRIR as well as the function of review.

Page 3, line 32, after second “of” insert “investigations and”

Member’s explanatory statement

This and other similar probing amendments in the name of Baroness O’Loan impose a function of investigation on the ICRIR as well as the function of review.

Clause 5

BARONESS O’LOAN
LORD MURPHY OF TORFAEN

Page 4, line 37, leave out “reasonably”

Member’s explanatory statement

This amendment and the new Clause after Clause 5 in the name of Baroness O’Loan give the ICRIR the right to require information, documents and other material from all the organisations listed in the definition of “relevant authority”, other than the Security Service, the Secret Intelligence Service and GCHQ, without justification of the reasonableness of any request.

Page 5, line 3, after second “the” insert “investigation and”

Member’s explanatory statement

This and other similar probing amendments in the name of Baroness O’Loan impose a function of investigation on the ICRIR as well as the function of review.

BARONESS O’LOAN

Page 5, line 22, after “PSNI” insert “, the chief officer of a police force in Great Britain, the Director General of the National Crime Agency, the Director General of the Independent Office for Police Conduct, the Police Investigations and Review Commissioner”

Member’s explanatory statement

This amendment adds to the list of those who are required to assist the Commissioner for Investigations for the purposes of, or in connection with, the effective use of information, documents and other material provided by them under Clause 5.

After Clause 5

BARONESS O’LOAN
LORD MURPHY OF TORFAEN

Insert the following new Clause –

“Special relevant authorities

- (1) A special relevant authority must make available to the ICRIR such –
 - (a) information,
 - (b) documents, and
 - (c) other material,

as the Commissioner for Investigations may reasonably require for the purposes of, or in connection with, the exercise of the review function or the immunity function.

After Clause 5 - continued

- (2) A special relevant authority may also make available to the ICRIR any –
- (a) information,
 - (b) documents, and
 - (c) other material,
- which, in the view of that authority, may be needed for the purposes of, or in connection with, the exercise of the investigation and review functions or the immunity function.
- (3) It is for the special relevant authority and the Commissioner for Investigations to agree the manner in which information, a document or other material is to be made available under this section (unless the Commissioner for Investigations imposes a requirement under subsection (4)).
- (4) Information which the Commissioner for Investigations requires to be made available under subsection (1) must be made available in such manner as that Commissioner may reasonably require.
- (5) An agreement under subsection (3) may provide, and a requirement under subsection (4) may require, (in particular) that the special relevant authority is to –
- (a) give the information, document or other material to the Commissioner for Investigations;
 - (b) give a copy of the information, document or other material to the Commissioner for Investigations;
 - (c) allow the ICRIR to access the information, document or other material while it is held by the special relevant authority.
- (6) A requirement under subsection (4), including anything required by virtue of subsection (5), must be consistent with regulations under section 30(1).
- (7) The Commissioner for Investigations may require the Director General of the Security Service, the Secret Intelligence Service or GCHQ to give the ICRIR such assistance as is reasonable for the purposes of, or in connection with, the effective use of information, documents and other material made available by that person under this section.
- (8) It is not a breach of –
- (a) any obligation of confidence owed by a special relevant authority, or
 - (b) any other restriction on the disclosure of information (however imposed),
- for a special relevant authority to make information, documents and other material available under this section.
- (9) In this section “copy” includes a photograph or similar representation.”

Member’s explanatory statement

This amendment creates an additional category of authority, the “special relevant authority,” which will not be under an unqualified obligation (as relevant authorities would be if the amendment in the name of Baroness O’Loan to Clause 5, page 5, line 3 were accepted) to provide information requested but will only be required to do so when that information is “reasonably” required, thus enabling the proper protection of national security.

Clause 7

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

The above-named Lords give notice of their intention to oppose the Question that Clause 7 stand part of the Bill.

Clause 9

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 7, line 42, after “request” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 8, line 3, leave out “but only if it is appropriate for that family member to make that request”

Page 8, line 5, after “request” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 8, line 8, after “request” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 8, line 10, after “request” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 8, line 14, after “for” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 8, line 48, leave out subsection (8)

Member's explanatory statement

This amendment in the name of Baroness O'Loan deletes the five-year period within which investigations or reviews must be sought.

Clause 10

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 9, line 19, after "request" insert "an investigation or"

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 9, line 22, after "request" insert "an investigation or"

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Clause 11

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 9, line 28, after "for" insert "an investigation or"

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

BARONESS O'LOAN

Page 9, line 29, after second "the" insert "investigation or"

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 9, line 32, after "for" insert "an investigation or"

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 9, line 33, after "for" insert "an investigation or"

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 9, line 36, after “for” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 9, line 39, after “out” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 9, line 42, after “for” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 10, line 3, after second “the” insert “investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 10, line 7, after “out” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 10, line 16, after “account” insert “the investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Clause 12

BARONESS O’LOAN
LORD MURPHY OF TORFAEN

Page 10, line 26, after “out” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 10, line 32, after “out” insert “an investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Clause 13

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 11, line 3, after “of ” insert “investigations or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 11, line 7, after “of ” insert “investigations or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 11, line 8, after “each” insert “investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 11, line 14, at end insert insert “investigations or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 11, line 16, after “different” insert “investigations or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 11, line 18, after “any” insert “investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 11, line 22, after “which ” insert “the investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 11, line 29, after “for” insert “the investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 11, line 31, after first “the” insert “investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 11, line 41, after “the” insert “investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 11, line 43, at beginning insert “An investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Clause 14

BARONESS O’LOAN
LORD MURPHY OF TORFAEN

Page 12, line 10, after “the” insert “ investigation or”

Member’s explanatory statement

This amendment in the name of Baroness O’Loan is consequential upon the previous amendments to Clause 2.

Clause 15

BARONESS O’LOAN
LORD MURPHY OF TORFAEN

Page 13, line 9, at beginning insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 13, line 11, at beginning insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 13, line 13, at end insert “investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 13, line 15, after first “of” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 13, line 18, after third “the” insert “investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 13, line 21, after first “of” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 13, line 25, at end insert “investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 13, line 34, after first “of” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 14, line 1, after “any” insert “investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 14, line 4, after “of” insert “material criticising the individual in”

Member’s explanatory statement

This amendment restricts the obligation on the Chief Commissioner to provide the whole report to an individual.

Page 14, line 17, after “exclude” insert “or modify”

Member's explanatory statement

This probing amendment enhances the ability of the Chief Commissioner to provide a more complete report by permitting them to modify the material rather than simply to exclude it.

Page 14, line 38, after “which” insert “an investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 14, line 39, after “of” insert “an investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Clause 16

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 14, line 44, after “of” insert “an investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 14, line 45, after “the” insert “investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 15, line 1, after third “the” insert “investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 15, line 3, after first “the” insert “investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 15, line 19, after “of” insert “an investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Clause 17

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 15, line 25, after “the” insert “investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 15, line 28, at beginning insert “ an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 15, line 30, at beginning insert “ an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Clause 18

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 17, line 6, at end insert “arising from P’s disclosed conduct.”

Member’s explanatory statement

This amendment in the name of Baroness O’Loan requires the description of all identified possible offences which P has disclosed.

Page 17, line 22, leave out “not”

Member’s explanatory statement

This amendment in the name of Baroness O’Loan makes a grant of immunity from prosecution revokable.

Page 17, line 22, after “revoked” insert “if P is shown not to have complied with the requirements of subsection (3) of this section.”

Member’s explanatory statement

This amendment in the name of Baroness O’Loan provides the circumstances in which immunity from prosecution may be revoked.

LORD MURPHY OF TORFAEN

Lord Murphy of Torfaen gives notice of his intention to oppose the Question that Clause 18 stand part of the Bill.

Member's explanatory statement

This has been tabled to facilitate a general debate around the proposed immunity scheme.

Clause 21

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 20, line 9, after “any” insert “investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 20, line 12, leave out subsection (4)

Member's explanatory statement

This amendment would impose an obligation on the ICRIR to seek all information which may undermine or assist verification of P's account.

Page 20, line 24, leave out subsections (7) and (8)

Member's explanatory statement

These amendments would enable the Chief Commissioner to make independent decisions about the granting of immunity without having regard to guidance issued by the Secretary of State.

Clause 23

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 21, line 28, at beginning insert “an investigation or”

Member's explanatory statement

This amendment extends the situations in which the Commissioner for Investigations may refer relevant conduct to the Prosecutor to include investigation as well as review.

Page 21, line 30, at beginning insert “an investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 22, line 12, after “the” insert “investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Clause 24

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 22, line 36, at end insert –

“although any such person may voluntarily provide information to the ICRIR”

Member’s explanatory statement

This amendment provides for the voluntary provision of information to the ICRIR in circumstances in which the ICRIR is not permitted to seek such information.

Page 22, line 41, leave out paragraph (a)

Member’s explanatory statement

This amendment would enable the provision of information for the purposes of the production of an historical record even where there is an obligation of confidentiality, though not a statutory obligation, owed by the holder of that information.

Page 23, line 9, after “which” insert “investigations or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Clause 27

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

Page 24, line 15, at end insert “investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Clause 35

LORD MURPHY OF TORFAEN

Page 28, line 29, at end insert “, but enforcement action may be taken 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 amendment, which is linked to the insertion of a new Clause, makes clear that while general criminal enforcement action may not be taken against an individual who has been granted immunity, enforcement action may occur in cases where P seeks to profit from their relevant criminal conduct.

Clause 39

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

The above-named Lords give notice of their intention to oppose the Question that Clause 39 stand part of the Bill.

Member's explanatory statement

This amendment would delete the removal of all rights of civil action from those who have been bereaved or affected by the Troubles.

Clause 40

BARONESS O'LOAN
LORD MURPHY OF TORFAEN

The above-named Lords give notice of their intention to oppose the Question that Clause 40 stand part of the Bill.

Member's explanatory statement

This amendment would delete the removal of all existing and future inquests, investigations and inquiries into the deaths resulting directly from The Troubles.

After Clause 42

LORD MURPHY OF TORFAEN

Insert the following new Clause—

“Grant of immunity: criminal memoirs etc

- (1) A person (P) who has under section 18 been granted 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 insert “or, in relation to section 159(1)(aa), 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 in relation to which P has been granted immunity from prosecution under section 18 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023,”.
- (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 in order to prohibit the exploitation for profit of Troubles-related offences by any individual granted immunity under section 18.

After Clause 42 - continued

(7) Regulations under this section are subject to affirmative procedure.”

Member’s explanatory statement

This new Clause would prevent a person who has been granted immunity from prosecution for a historic offence from seeking to profit from that criminal conduct, for example through the publication of criminal memoirs.

Clause 43

BARONESS O’LOAN

Page 33, line 35, after “collections” insert “and such collections are preserved”

Member’s explanatory statement

This amendment would require the preservation of existing oral history records.

Clause 54

BARONESS O’LOAN
LORD MURPHY OF TORFAEN

Page 43, line 7, column 2, at end insert –

“the Director General of the National Crime Agency”

Member’s explanatory statement

This amendment would add the Director General of the NCA to the list of those described as “chief officers” for the purposes of the Bill.

Page 43, line 21, column 2, after “of” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 43, line 22, column 2, after “or” insert “an investigation or”

Member’s explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O’Loan to Clause 2.

Page 45, leave out lines 18 to 20

Member’s explanatory statement

This amendment removes “the Security Service; the Secret Intelligence Service; GCHQ” from the list of relevant authorities.

Page 45, line 27, column 1, after “for” insert “an investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 45, line 27, column 2 after “for” insert “an investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 45, line 35, column 1, at beginning insert “investigation or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Page 45, line 35, column 2, after “out” insert “investigations or”

Member's explanatory statement

This amendment is consequential upon the amendments in the name of Baroness O'Loan to Clause 2.

Northern Ireland Troubles (Legacy and Reconciliation) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

13 January 2023
