

Northern Ireland Troubles (Legacy and Reconciliation) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

LORD CAINE

Page 3, line 26, at end insert—

- “(4A) At least three months before the start of each financial year the ICRIR must—
- (a) produce and publish a work plan for that year, and
 - (b) give a copy of the plan to the Secretary of State.

But this duty does not apply in relation to any financial year which starts before 1 April 2024.

- (4B) A work plan must deal with the following matters—
- (a) the caseload which the ICRIR is expecting;
 - (b) the plans which the ICRIR has for dealing with its caseload;
 - (c) the plans which the ICRIR has for engaging with persons entitled to request reviews of deaths and other harmful conduct;
 - (d) policies which the ICRIR is planning to introduce, review or change;
 - (e) such other matters as the ICRIR considers appropriate.”

Member’s explanatory statement

This would require the ICRIR to produce a work plan for each financial year before the start of the year.

Page 3, leave out line 27 and insert—

- “(5) No later than six months after the end of each financial year, the ICRIR must—
- (a) produce and publish an annual report in relation to that year, and
 - (b) give a copy of the annual report to the Secretary of State.

(5A) An annual report must deal with the following matters—”

Member’s explanatory statement

This amends the existing provision about annual reports so that it takes the same form as the new provision in the amendment in the Minister’s name about work plans (including by imposing a time limit for producing the reports and requiring the reports to relate to financial years).

Page 3, line 42, leave out subsection (6)

Member's explanatory statement

This is consequential on the amendment in the Minister's name which amends the existing provision about annual reports.

Page 4, line 4, at end insert –

- “(9) In this Act “financial year”, in relation to the ICRIR, means –
- (a) the period which –
 - (i) begins with the day on which this section comes into force, and
 - (ii) ends with the following 31 March; and
 - (b) each subsequent period of one year which ends with 31 March.”

Member's explanatory statement

This is consequential on the amendments in the Minister's name about work plans and annual reports.

Schedule 1

LORD CAINE

Page 50, line 37, at end insert –

- “(1A) In exercising the power to appoint Commissioners, the Secretary of State must ensure that (as far as it is practicable) the Commissioners include one or more persons who have experience gained outside the United Kingdom that is relevant to the work of the ICRIR.”

Member's explanatory statement

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

Page 51, line 4, leave out from “holds” to end of line 6 and insert “or has held high judicial office, and

- (b) the Secretary of State has consulted –
 - (i) the relevant senior judge, and
 - (ii) such other persons as the Secretary of State considers appropriate.”

Member's explanatory statement

This requires 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.

Page 51, line 10, leave out from “Commissioner” to end of line 11

Member's explanatory statement

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

Page 51, line 11, at end insert –

“(5A) A reference in this paragraph to a person being insolvent, or to being disqualified from being a company director, has the same meaning as in paragraph 11 (see paragraph 11(4) or (5)).”

Member’s explanatory statement

This applies definitions of certain terms which appear in paragraph 11 to those terms as used in paragraph 7.

Page 51, line 12, leave out sub-paragraphs (6) to (8) and insert –

“(6) The following Orders apply to the Commissioners as they apply to constables –

- (a) the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (S.R. 1979/195);
- (b) the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (S.I. 1975/1023);
- (c) the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (S.S.I. 2013/50).”

Member’s explanatory statement

This updates the provision about the application to the Commissioners of the law relating to the rehabilitation of offenders. It ensures that the Bill provision reflects the current approach taken in that law.

Page 51, line 28, leave out paragraph (b)

Member’s explanatory statement

This is consequential on the amendment in the Minister’s name about consultation when appointing the Chief Commissioner.

Page 51, line 29, leave out “the holder of” and insert “a person who holds or has held”

Member’s explanatory statement

This is consequential on the amendment in the Minister’s name about consultation when appointing the Chief Commissioner.

Page 51, line 31, after “table” insert “; and, in the case of a person who has previously held two or more different kinds of high judicial office (but no longer holds any kind of high judicial office), the relevant senior judge is to be identified by reference to the kind of high judicial office which the person ceased to hold most recently”

Member’s explanatory statement

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

Page 51, line 34, after first “Kingdom” insert “or Lord of Appeal in Ordinary”

Member’s explanatory statement

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

Page 56, line 25, leave out paragraph 18 and insert –

- “18 (1) The following Orders apply to ICRIR officers as they apply to constables –
- (a) the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (S.R. 1979/195);
 - (b) the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (S.I. 1975/1023);
 - (c) the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (S.S.I. 2013/50).
- (2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 7(6)).”

Member’s explanatory statement

This updates the provision about the application to 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.

Page 57, line 23, at end insert –

- “(2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 14).”

Member’s explanatory statement

This 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.

Schedule 2

LORD CAINE

Page 60, line 17, at end insert –

- “(1A) Sub-paragraph (1)(a) does not apply to an assault on a designated ICRIR officer under the law of England and Wales (instead see section 1 of the Emergency Workers (Offences) Act 2018).”

Member’s explanatory statement

This 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).

Clause 7

LORD CAINE

Page 6, line 15, at end insert –

- “(3A) Subsection (2) does not apply in relation to proceedings against D for an offence under paragraph 8(1)(a) of Schedule 4 (distortion of evidence); and subsections (2) and (3) do not apply in relation to proceedings against D for an offence under section (False statements: offence) (false statements).”

Member's explanatory statement

This amendment allows 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.

Page 6, line 28, after “Where” insert “subsection (3A) or”

Member's explanatory statement

This amendment is in consequence of the amendment to insert subsection (3A).

Clause 8

LORD CAINE

Page 7, line 37, after “section” insert “–

“civil proceedings” does not include–

- (a) family proceedings within the meaning of Article 12 of the Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6));
- (b) family proceedings within the meaning of section 75(3) of the Courts Act 2003;
- (c) family proceedings within the meaning of section 135 of the Courts Reform (Scotland) Act 2014 (asp 18) or proceedings under the Children (Scotland) Act 1995 or the Children’s Hearings (Scotland) Act 2011 (asp 1);”

Member's explanatory statement

This excludes family proceedings from the scope of Clause 8.

Clause 13

LORD CAINE

Page 11, line 18, at end insert–

“(4A) In particular, the Commissioner for Investigations is to decide whether a criminal investigation is to form part of a review.”

Member's explanatory statement

This makes clear that the Commissioner for Investigations should consider whether there should be a criminal investigation as part of an ICRIR review.

Schedule 4

LORD CAINE

Page 64, line 39, leave out “£1,000” and insert “£5,000”

Member's explanatory statement

This increases the maximum penalty for failure to comply with an information notice under section 14 from £1,000 to £5,000.

After Schedule 4

LORD CAINE

Insert the following new Schedule –

“SCHEDULE

NO IMMUNITY IN CERTAIN CIRCUMSTANCES

Part 1

SEXUAL OFFENCES

- 1 (1) This paragraph applies if under section 18 –
 - (a) a person (P) has requested the ICIR to grant P immunity from prosecution,
 - (b) conditions A to C are met, and
 - (c) some or all of the identified possible offences are Troubles-related sexual offences.
- (2) If all of the identified possible offences are Troubles-related sexual offences, the ICIR must not grant P immunity from prosecution.
- (3) Accordingly, section 18(1) and (7) to (16) do not apply.
- (4) If some of the identified possible offences are Troubles-related sexual offences –
 - (a) the immunity requests panel must not decide under section 18(7) that P should be granted immunity from prosecution for –
 - (i) any identified possible offence that is a Troubles-related sexual offence, or
 - (ii) a description of offences that includes any Troubles-related sexual offence; and
 - (b) the ICIR must not grant P immunity from prosecution for any Troubles-related sexual offences.
- (5) Accordingly, section 18(7) to (13) have effect subject to sub-paragraph (4).
- (6) In this paragraph “Troubles-related sexual offence” means any Troubles-related offence that is –
 - (a) a sexual offence, or
 - (b) an inchoate offence relating to a sexual offence.
- (7) For the purposes of this paragraph “sexual offence” includes –
 - (a) rape;
 - (b) any offence committed by –
 - (i) sexual assault,
 - (ii) sexual activity, or
 - (iii) causing or inciting another person to engage in sexual activity;
 - (c) any offence relating to indecent images of children.
- (8) For the purposes of this paragraph “inchoate offence relating to a sexual offence” includes an offence of –
 - (a) attempting to commit a sexual offence;
 - (b) conspiracy to commit a sexual offence;
 - (c) incitement to commit a sexual offence;
 - (d) aiding, abetting, counselling or procuring the commission of a sexual offence.

After Schedule 4 - continued

- (9) The Secretary of State may, by regulations, make provision about the meaning of –
- (a) “sexual offence”, or
 - (b) “inchoate offence relating to a sexual offence”;
- for the purposes of this paragraph (including provision specifying offences which are to comprise, or to be included in, that definition).
- (10) Regulations under sub-paragraph (9) are subject to negative procedure.

Part 2

NEW REQUEST FOR IMMUNITY AFTER REVOCATION OF PREVIOUS GRANT

- 2 (1) This paragraph applies where –
- (a) under section (*False statements: revocation of immunity*), a court revokes immunity from prosecution granted to a person (P) (the “revoked immunity”),
 - (b) P requests the ICRIR to grant P immunity from prosecution (the “new request”),
 - (c) the new request –
 - (i) is made before the revocation and is not concluded at the time of the revocation, or
 - (ii) is made after the revocation, and
 - (d) conditions A to C in section 18 are met in relation to the new request.
- (2) When dealing with the new request, the duty of the immunity requests panel to decide (under section 18(7)) what immunity should be granted to P has effect subject to sub-paragraphs (3) and (4).
- (3) The panel must not decide that P should be granted immunity from prosecution for any identified possible offence which was also within the scope of the revoked immunity.
- (4) When the panel is determining under section 18(9) or (11)(b) a description of offences for which P should be granted immunity from prosecution, the panel must frame the description so that it does not consist of, or include, one or more offences which were also within the scope of the revoked immunity.
- (5) If the panel decides in accordance with sub-paragraphs (3) and (4) that there are no offences for which P should be granted immunity –
- (a) the panel must decide that P should not be granted immunity from prosecution, and
 - (b) the ICRIR must not grant P immunity from prosecution (and accordingly section 18(1) does not apply).
- (6) For the purposes of this paragraph the new request is “concluded” when the ICRIR gives P written notice of the outcome of the request in accordance with section 18(13)(a).”

Member’s explanatory statement

This amendment reproduces the provision in Clause 19 and deals with the situation where a person’s immunity from prosecution is revoked under section 23B and the person makes another request for immunity from prosecution under section 18.

Clause 18

LORD CAINE

Page 17, line 22, after “revoked” insert “, except by a court under section (*False statements: revocation of immunity*).”

Member’s explanatory statement

This amendment is in consequence of new Clause False statements: revocation of immunity.

Page 17, line 31, leave out “section 19” and insert “Schedule (*No immunity in certain circumstances*)”

Member’s explanatory statement

This amendment is in consequence of new Schedule No immunity in certain circumstances.

Clause 19

LORD CAINE

Lord Caine gives notice of his intention to oppose the Question that Clause 19 stand part of the Bill.

Member’s explanatory statement

The provision made by Clause 19 is moved to the new Schedule No immunity in certain circumstances.

Clause 23

LORD CAINE

Page 22, line 10, leave out from “or” to end of line 12 and insert “the other harmful conduct, to which the review relates (the “main conduct”), and

(b) any other conduct that relates to, or is otherwise connected with, the main conduct;

and for this purpose other conduct is to be regarded as connected with the main conduct, in particular, if all of that conduct formed part of the same event.”

Member’s explanatory statement

This 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.

After Clause 23

LORD CAINE

Insert the following new Clause –

“False statements: offence

- (1) A person commits an offence by making a false statement to the ICRIR in connection with any of its functions under sections 9 to 22 .

After Clause 23 - continued

- (2) For the purposes of this section—
 - (a) a person makes a false statement by—
 - (i) making a statement which the person knows to be false in a material respect, or
 - (ii) recklessly making a statement which is false in a material respect;
 - (b) “making a statement” includes giving an account in connection with a request for immunity under section 18.
- (3) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (c) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine or both;
 - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both.
- (4) Proceedings for an offence under this section may be instituted—
 - (a) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland;
 - (b) in England and Wales, only by or with the consent of the Director of Public Prosecutions.”

Member’s explanatory statement

This amendment prohibits (knowingly or recklessly) providing a statement to the ICIR that is materially false.

Insert the following new Clause—

“False statements: revocation of immunity

- (1) This section applies where—
 - (a) a court is sentencing a person for an offence under section (*False statements: offence*),
 - (b) the offence was committed by the person in the course of requesting a grant of immunity under section 18, and
 - (c) the person was granted an immunity as a result of the request.
- (2) The court must revoke that immunity when passing sentence.
- (3) A revocation of immunity under this section—
 - (a) has immediate effect;
 - (b) has effect in relation to the entire grant of the immunity, but not any other grant of immunity to that person;

After Clause 23 - continued

- (c) does not prevent a person making a further request for immunity under section 18 (but see Part 2 of Schedule (*No immunity in certain circumstances*) for provision about requests that overlap with revoked immunities).”

Member’s explanatory statement

This amendment requires courts, following a conviction for the offence, in new Clause False statements: offence, of making a false statement, to revoke any immunity granted under Clause 18 if the false statement was made in the course of applying for that immunity.

Clause 36

LORD CAINE

Page 28, line 35, leave out “only”

Member’s explanatory statement

This is consequential on the other amendment of Clause 36 in the Minister’s name.

Page 29, line 6, at end insert –

- “(2A) An ICRIR officer, or another person acting in connection with the exercise of the ICRIR’s functions, may arrest or otherwise detain P in connection with the offence by P.
- (2B) An ICRIR officer, or another person acting in connection with the exercise of the ICRIR’s functions, may charge P with the offence by P; and a prosecutor may conduct criminal proceedings arising from any such charge.
- (2C) If subsection (2) becomes applicable to the offence by P, criminal enforcement action against P in respect of the offence may no longer be taken in accordance with subsection (2A) or (2B).
- (2D) But that does not limit the criminal enforcement action that may be taken in accordance with subsection (2) after it becomes applicable (and, in particular, action previously taken in accordance with subsection (2A) or (2B) may be continued in accordance with subsection (2)).
- (2E) Subsections (2), (2A) and (2B) only authorise a person to take criminal enforcement action by the exercise of powers which that person has otherwise than by virtue of this section.”

Member’s explanatory statement

This expands the criminal enforcement action that can be taken where immunity has not been granted and where a referral to a prosecutor has not been made. It allows P to be arrested, and preserves the possibility of the ICRIR charging P with an offence.

Clause 38

LORD CAINE

Page 29, line 27, leave out “P” and insert “a person”

Member's explanatory statement

This removes the use of "P" to refer to a person who is being prosecuted for an offence.

Clause 41

LORD CAINE

Page 33, line 18, at end insert –

“(2A) On and after the day on which section 41 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, the Ombudsman—

- (a) is not to begin any formal investigation of a matter, and
- (b) is to cease any formal investigation of a matter begun before that day, insofar as the matter relates to conduct forming part of the Troubles.”

Member's explanatory statement

This prevents the Police Ombudsman for Northern Ireland from beginning, or continuing, to investigate matters that relate to conduct forming part of the Troubles. That limitation on investigation is in addition to the limitation on dealing with complaints (already covered by Clause 41).

Page 33, line 18, at end insert –

“(2B) This section does not prevent the Ombudsman from carrying out a criminal investigation of a Troubles-related offence if—

- (a) a public prosecution of a person for the offence had been begun before the day on which section 34 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, and
- (b) the criminal investigation is carried out for the purposes of that prosecution.

(2C) For the purposes of subsection (2B)—

- (a) “public prosecution” means any prosecution other than a private prosecution;
- (b) a public prosecution of a person for an offence is “begun” when a prosecutor makes the decision to prosecute that person for that offence.”

Member's explanatory statement

This 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).)

Page 33, line 21, at end insert –

““formal investigation” means an investigation under section 56 (whether resulting from a referral to the Ombudsman, or a decision by the Ombudsman, under section 55).””

Member's explanatory statement

This is consequential on the amendment in the Minister's name which prevents the Police Ombudsman for Northern Ireland from beginning, or continuing, to investigate matters that relate to conduct forming part of the Troubles.

Page 33, line 21, at end insert –

“(2) In section 28A of the Police Reform Act 2002 (application of complaints and misconduct provisions to matters occurring before 1 April 2004), after subsection (6) insert –

“(6A) On and after the day on which section 41 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, this section –

- (a) ceases to apply to a pre-commencement matter or a matter to which subsection (5) applies (if the direction under subsection (1) or (4) relating to the matter was given before that day), or
- (b) does not apply to a pre-commencement matter or matter to which subsection (5) applies (if the direction under subsection (1) or (4) relating to the matter is given on or after that day),

insofar as the matter relates to conduct forming part of the Troubles.

(6B) In subsection (6A) “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).”

(3) After section 47 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 insert –

“47A Complaint or investigation relating to Northern Ireland Troubles

(1) On and after the day on which section 41 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, this Part –

- (a) ceases to apply to a complaint or investigation (if the complaint was made, or investigation was begun, before that day), or
- (b) does not apply to a complaint or investigation (if the complaint is made, or investigation is to begin, on or after that day),

insofar as the complaint or investigation relates to conduct forming part of the Troubles.

(2) In this section “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).”

Member's explanatory statement

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

Schedule 11

LORD CAINE

Page 85, leave out lines 22 and 23 and insert –

- “(6A) An offence is a qualifying offence if –
- (a) subsection (7) or (7A) applies to the offence, and
 - (b) the prisoner was convicted of the offence –

Schedule 11 - continued

- (i) before the day on which section 18(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 came into force, or
 - (ii) on or after that day by virtue of a public prosecution begun before that day.
- (6B) For the purposes of subsection (6A) –
- (a) “public prosecution” means any prosecution other than a private prosecution;
 - (b) a public prosecution of a person for an offence is “begun” when a prosecutor makes the decision to prosecute that person for that offence.”

Member’s explanatory statement

This will prevent a prisoner from being released under the Northern Ireland (Sentences) Act 1998 if the prisoner is convicted after the ICRIR’s power to grant immunity from prosecution becomes exercisable (and so could have avoided conviction by obtaining immunity).

Page 86, line 9, leave out “it” and insert “the offence, and

- (b) the prisoner was convicted of the offence –
 - (i) before the day on which section 18(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 came into force, or
 - (ii) on or after that day by virtue of a public prosecution begun before that day.
- (A2) For the purposes of sub-paragraph (A1) –
- (a) “public prosecution” means any prosecution other than a private prosecution;
 - (b) a public prosecution of a person for an offence is “begun” when a prosecutor makes the decision to prosecute that person for that offence.”

Member’s explanatory statement

This will prevent a prisoner from being released under the Northern Ireland (Sentences) Act 1998 if the prisoner is convicted after the ICRIR’s power to grant immunity from prosecution becomes exercisable (and so could have avoided conviction by obtaining immunity).

Page 86, line 30, leave out paragraphs 4 and 5

Member’s explanatory statement

This 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.

Schedule 12

LORD CAINE

Page 89, line 8, at end insert –

“2A After section 60ZC of the Police (Northern Ireland) Act 1998 insert –

Schedule 12 - continued**“60ZD The Independent Commission for Reconciliation and Information Recovery**

- (1) An agreement for the establishment in relation to ICIR officers of procedures corresponding or similar to any of those established by virtue of this Part may, with the approval of the Secretary of State, be made between the Ombudsman and the ICIR.
- (2) Where no such procedures are in force in relation to the ICIR, the Secretary of State may by order establish such procedures.
- (3) An agreement under this section may at any time be varied or terminated with the approval of the Secretary of State.
- (4) Before making an order under this section the Secretary of State must consult –
 - (a) the Ombudsman; and
 - (b) the ICIR.
- (5) Nothing in any other statutory provision prevents the ICIR from carrying into effect procedures established by virtue of this section.
- (6) No such procedures shall have effect in relation to anything done by an ICIR officer outside Northern Ireland.
- (7) In this section –

“ICIR” means the Independent Commission for Reconciliation and Information Recovery;

“ICIR officer” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

Member’s explanatory statement

This enables the Police Ombudsman for Northern Ireland to have jurisdiction over ICIR officers.

Page 89, line 16, leave out paragraph 4

Member’s explanatory statement

This removes the amendment of the Regulation of Investigatory Powers Act 2000 (which would have made the ICIR subject to the jurisdiction of the Investigatory Powers Tribunal, something no longer needed as the ICIR will no longer have investigatory powers by virtue of amendment in the Minister’s name to leave out paragraph 6(3) of Schedule 12).

Page 89, line 29, at end insert –

“5A After section 26E of the Police Reform Act 2002 insert –

“26F The Independent Commission for Reconciliation and Information Recovery

- (1) The Director General and the ICIR may enter into an agreement for the establishment, in relation to ICIR officers, of procedures corresponding or similar to those provided for by or under this Part.
- (2) Where no such agreement is in force, the Secretary of State may by regulations establish such procedures.

Schedule 12 - continued

- (3) An agreement under this section must not be made, varied or terminated except with the approval of the Secretary of State.
 - (4) Before making regulations under this section the Secretary of State must consult—
 - (a) the Director General; and
 - (b) the ICIRIR.
 - (5) Nothing in any other statutory provision prevents the ICIRIR from carrying into effect procedures established by virtue of this section.
 - (6) An agreement or regulations under this section may contain provision for enabling the Director General to bring and present, or otherwise participate or intervene in, any proceedings that are identified by the agreement as disciplinary proceedings in relation to ICIRIR officers.
 - (7) Procedures established in accordance with an agreement under this section, or by regulations under this section, have no effect in relation to anything done outside England and Wales by any ICIRIR officer.
 - (8) In this section—

“ICIRIR” means the Independent Commission for Reconciliation and Information Recovery;

“ICIRIR officer” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”
- 5B(1) Article 4 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098) (agreements to establish complaints procedures) is amended as follows.
- (2) After paragraph (4) insert—

“(4A) The Commissioner and the ICIRIR may enter into an agreement to establish and maintain procedures which correspond to or are similar to those contained in Chapter 2 of Part 1 of the Act in relation to complaints made about the acts or omissions of the ICIRIR and ICIRIR officers.”
 - (3) In paragraph (7), after sub-paragraph (d) insert—

“(e) any statement made by a person who is, or has been, an ICIRIR officer about the terms and conditions of their service;”.
 - (4) In paragraph (14), after sub-paragraph (b) insert—

“(c) “ICIRIR” means the Independent Commission for Reconciliation and Information Recovery;

(d) “ICIRIR officer” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”
- 5C(1) The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602) is amended as follows.
- (2) In article 3 (agreements to investigate serious incidents), after paragraph (17) insert—

Schedule 12 - continued

- “(17A) The Commissioner and the Independent Commission for Reconciliation and Information Recovery (the “ICRIR”) may enter into an agreement for the Commissioner to investigate and report, where requested to do so by the ICRIR, on any serious incident involving the ICRIR.
- (17B) A “serious incident involving the ICRIR” has the same meaning as a “serious incident involving the police” in section 41B of the 2006 Act except that “a person serving with the police” means an ICRIR officer (which has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023).”
- (3) In article 4 (investigation of crimes and deaths), after sub-paragraph (h) insert—
- “(i) an ICRIR officer (which has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023).””

Member’s explanatory statement

This 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.

Page 89, line 33, leave out from “subsection” to “a” in line 35 and insert “(4), after paragraph (d) insert—

Member’s explanatory statement

This 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).

Page 89, line 40, leave out sub-paragraph (3)

Member’s explanatory statement

This 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).

Page 90, line 14, at end insert—

- “7A In section 379 of the Sentencing Act 2020, in the table in subsection (1), at the appropriate place insert—
- “Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

section (<i>False statements: revocation of immunity</i>)	revocation of immunity under that Act	making of false statements””
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Schedule 12 - continued**Clause 54**

LORD CAINE

Page 43, line 16, at end insert –

“deputy First Minister

| The deputy First Minister in Northern
Ireland.”***Member’s explanatory statement****This defines the expression “deputy First Minister” for the purposes of the Bill.*

Page 43, line 23, at end insert –

“financial year”

| This has the meaning given in section
2(9).”***Member’s explanatory statement****This amends the table of definitions to include the definition of “financial year” that is added to the Bill by the amendments of Clause 2 in the Minister’s name.*

Page 43, line 23, at end insert –

“First Minister

| The First Minister in Northern Ireland.”

Member’s explanatory statement*This defines the expression “First Minister” for the purposes of the Bill.*

Page 45, line 30, second column, leave out from “which” to first “the” in line 32 and insert “(if contained in a Bill for an Act of the Northern Ireland Assembly) would result in the Bill requiring”

Member’s explanatory statement*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).*

Northern Ireland Troubles (Legacy and Reconciliation) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

17 January 2023
