

Northern Ireland Troubles (Legacy and Reconciliation) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS SUTTIE
LORD MURPHY OF TORFAEN

Page 2, leave out lines 30 to 38

Member's explanatory statement

This amendment is to probe whether the definition of "serious physical or mental harm" in the Bill is sufficiently broad to ensure all those who wish to avail themselves of the ICRIR's services are able to.

Clause 15

BARONESS SUTTIE
LORD MURPHY OF TORFAEN

Page 13, line 33, at end insert—

“(c) allow those persons to submit, for inclusion in the final report, a victim impact statement which sets out the physical, emotional, social or financial impact upon them of the matters contained in the report.

(4A) The ICRIR must produce guidance on the support available to assist in drafting the statement in subsection (4)(c) and suggested matters for inclusion.”

Member's explanatory statement

This amendment is intended to give victims and survivors a voice within the ICRIR process by providing the opportunity to set out the impact upon them of the matters contained in the ICRIR report.

Page 13, line 45, at end insert—

“(c) allow those persons to submit, for inclusion in the final report, a victim impact statement which sets out the physical, emotional, social or financial impact upon them of the matters contained in the report.

Clause 15 - continued

- (5A) The ICRR must produce guidance on the support available to assist in drafting the statement in subsection (5)(c) and suggested matters for inclusion.”

Member’s explanatory statement

This amendment is intended to give victims and survivors a voice within the ICRR process by providing the opportunity to set out the impact upon them of the matters contained in the ICRR report.

Clause 18

BARONESS SUTTIE

Page 16, line 39, leave out paragraphs (b) and (c)

Member’s explanatory statement

This amendment is to probe the meaning of “general immunity from prosecution”.

Page 17, line 1, leave out subsection (9)

Member’s explanatory statement

This amendment is consequential on Baroness Suttie’s amendment to page 16, line 39 to probe the meaning of “general immunity from prosecution”.

After Clause 22

LORD DODDS OF DUNCAIRN

Insert the following new Clause—

“Revocation of immunity

- (1) This section applies if a person (P) has been granted immunity from prosecution for the offence under section 18, but later evidence is submitted to the immunity requests panel established under section 21 which the panel considers to be conclusive evidence that Condition D in section 18 is not met because P is, or has, engaged in activity that is likely to be understood by a reasonable person as precluding reconciliation.
- (2) This section applies if, after the immunity requests panel has ceased to operate, the Secretary of State considers that there is conclusive evidence that Condition D in section 18 is not met because P is, or has, engaged in activity that is likely to be understood by a reasonable person as precluding reconciliation.
- (3) Where subsection (1) or (2) applies, the immunity of P under this Act is revoked.
- (4) Where P’s immunity is revoked under subsection (3), any new request for immunity by P under section 18 must not be granted by the immunity requests panel for any identified possible offence within the scope of the revoked immunity.

Member's explanatory statement

This new Clause requires the permanent revocation of immunity granted under the Bill in the event that the immunity requests panel or the Secretary of State is satisfied that an individual has engaged in activity that precludes reconciliation.

Clause 35

LORD DODDS OF DUNCAIRN

Page 28, line 29, at end insert –

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

Member's explanatory statement

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

Clause 38

LORD DODDS OF DUNCAIRN

Page 29, line 30, at end insert –

- “(3A) For the purposes of subsection (3), a criminal prosecution of P is to be treated as having begun when a file relating to the criminal investigation into P’s conduct has already been submitted to the Public Prosecution Service on or before the day that section 33 comes into force.
- (3B) But if no prosecution of P is directed on the basis of the file submitted to the Public Prosecution Service for Northern Ireland, the case relating to P must be returned to the ICRIR for investigation in accordance with this Part.”

Member's explanatory statement

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

Clause 44

LORD DODDS OF DUNCAIRN

Page 35, line 28, at end insert –

- “(3A) The designated persons must take into account the interests and concerns of victims of the Troubles in the preparation of the memorialisation strategy.
- (3B) “Victims of the Troubles” do not include any person P who has received immunity under this Act and whose physical or mental harm was caused by Troubles-related conduct in which P participated unlawfully.”

Member's explanatory statement

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

Clause 57

LORD MURPHY OF TORFAEN

Page 47, line 34, at end insert “, but such day or days must not be beyond the end of the period of two years beginning with the day on which this Act is passed”

Member’s explanatory statement

This amendment is to probe the Government’s intended implementation timetable for Parts 2 and 4 of the Bill.

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