

# Northern Ireland Troubles (Legacy and Reconciliation) Bill

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## MARSHALLED LIST OF MOTIONS TO BE MOVED ON CONSIDERATION OF COMMONS AMENDMENTS

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*[The page and line references are to HL Bill 37, the bill as first printed for the Lords]*

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### MOTION A

#### Clause 13

#### LORDS AMENDMENT 20

**20** Page 11, line 13, at end insert –

- “(3A) The Commissioner for Investigations must ensure that each review –
- (a) is carried out to criminal justice standards as modelled on Operation Kenova,
  - (b) complies fully with obligations under the European Convention on Human Rights,
  - (c) gathers as much information as possible in relation to the death or harmful conduct, and
  - (d) explores all evidential opportunities.
- (3B) “Operation Kenova” means the independent investigation established under the overall command of former Chief Constable Jon Boutcher in 2016, known as Operation Kenova.”

#### COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 20 but propose Amendments 20A and 20B as amendments in lieu –*

**20A** Page 11, line 9, at end insert –

- “(3A) The Commissioner for Investigations must ensure that each review, whether or not a criminal investigation forms part of the review,”

**20B** Page 13, line 14, at end insert –

- “(2B) If particular questions were included in the request for a review (see section 11(1)), the final report must include –
- (a) the ICRIR’s response to those questions, if and to the extent that it has been practicable to respond to them in carrying out the review in accordance with section 13;
  - (b) for each question to which it has not been practicable to respond, a statement of that outcome.”

**A** **Lord Caine to move, That this House do not insist on its Amendment 20 and do agree with the Commons in their Amendments 20A and 20B in lieu.**

**A1** **Lord Hain to move, as an amendment to Motion A, leave out from “20” to end and insert “, do disagree with the Commons in their Amendments 20A and 20B, and do propose Amendments 20C, 20D and 20E in lieu –**

**20C** Clause 13, page 11, line 9, at end insert –

- “(3A) The Commissioner for Investigations must ensure that each review, whether or not a criminal investigation forms part of the review,”

**20D** Clause 13, page 11, line 42, at end insert –

- “(6A) The Secretary of State may by regulations prescribe the standards to which the Commissioner for Investigations must ensure that reviews by the ICRIR are carried out.

(6B) Standards prescribed under subsection (6A) may include (but need not necessarily include) –

- (a) whether reviews should be carried out to criminal justice standards,
- (b) what measures should be used to ensure that reviews comply sufficiently with obligations under the European Convention on Human Rights,
- (c) whether as much information as possible should be gathered by reviews in relation to the death or harmful conduct, and
- (d) whether all evidential opportunities should be explored by reviews.

(6C) The Secretary of State may prescribe standards under subsection (6A) –

- (a) following representations from victims’ families or representations on their behalf, or
- (b) if the Secretary of State considers standards should be set or changed in the light of experience of the reviews.

(6D) Regulations under this section are subject to affirmative procedure.”

**20E** Clause 15, page 13, line 14, at end insert –

- “(2B) If particular questions were included in the request for a review (see section 11(1)), the final report must include –
- (a) the ICRIR’s response to those questions, if and to the extent that it has been practicable to respond to them in carrying out the review in accordance with section 13;
  - (b) for each question to which it has not been practicable to respond, a statement of that outcome.””

## MOTION B

## Clause 18

## LORDS AMENDMENT 44

**44** Leave out Clause 18

COMMONS DISAGREEMENT AND AMENDMENTS TO THE WORDS SO RESTORED TO  
THE BILL

*The Commons disagree to Lords Amendment 44 and propose Amendments 44A, 44B and 44C to the words so restored to the Bill –*

- 44A** Page 16, line 35, at end insert “, and  
(b) any other law that might or would prevent a prosecution of P for an offence from being begun or continued (for example abuse of process – but see paragraph 3 of Schedule (*No immunity in certain circumstances*)).”
- 44B** Page 17, line 22, after “revoked” insert “, except by a court under section (*Subsequent convictions: revocation of immunity*)”
- 44C** Page 17, line 31, for “section 19” substitute “Schedule (*No immunity in certain circumstances*).”
- B** Lord Caine to move, That this House do not insist on its Amendment 44 and do agree with the Commons in their Amendments 44A, 44B and 44C to the words restored to the Bill by the Commons disagreement to Lords Amendment 44.
- B1** Lord Murphy of Torfaen to move, as an amendment to Motion B, at end insert “, and do propose Amendments 44D, 44E, 44F and 44G as additional amendments to the words so restored to the Bill and Amendments 44H and 44J as consequential amendments –
- 44D** Clause 18, page 16, line 16, leave out “C” and insert “E”
- 44E** Clause 18, page 16, line 35, at end insert –
- “(6A) *Condition D*: in relation to immunity for offences causing death, consent of a close family member of the deceased has been sought, and the Chief Commissioner is satisfied that –
- (a) the close family member has given consent for the granting of immunity and no objections have been raised by any other close family member within three months of the consent being given, or
- (b) if no consent has been given by that close family member within three months or an objection has been raised by any other close family member, it is nevertheless in the public interest to proceed with the granting of immunity.
- (6B) *Condition E*: the Chief Commissioner is satisfied that P –
- (a) has complied with any conditions imposed by the ICRIR following the request for immunity under subsection (2), and
- (b) is likely to comply with any licence conditions imposed as part of the granting of immunity.

- (6C) For the purposes of subsection (6B), conditions imposed by the ICRIR, whether before or after the granting of immunity, may include—
- (a) attendance at a specified place,
  - (b) provision of fingerprints and non-intimate samples,
  - (c) restrictions on P’s ability to approach or otherwise communicate with—
    - (i) a victim, in the case of injury, or
    - (ii) a victim’s family, in relation to a death,
 without the consent of the victim or victim’s family (as the case may be), and
  - (d) restrictions on activity which might allow P to gain financially from the offences for which immunity is sought or granted.
- (6D) The ICRIR may revoke P’s immunity from prosecution if the Chief Commissioner is satisfied that P has breached one or more licence conditions imposed by the ICRIR.
- (6E) A revocation of immunity under subsection (6D)—
- (a) has immediate effect, and
  - (b) does not prevent a person making a further request for immunity under subsection (2).
- (6F) For the purposes of this section, a person (F) is a close family member of the deceased (D) if F—
- (a) was the spouse, civil partner or co-habitee of D on the day of D’s death (and for the meaning of “co-habitee”, see paragraph 2 of Schedule 3),
  - (b) is a child of D,
  - (c) is a parent of D,
  - (d) is a brother or sister of D,
  - (e) is a step-child of D (see paragraph 3 of Schedule 3),
  - (f) was a step-parent of D on the day of D’s death or is a step-parent of D on the day on which consent is sought (see paragraph 4 of Schedule 3),
  - (g) is a half-brother or half-sister of D, or
  - (h) is a step-brother or step-sister of D (see paragraph 5 of Schedule 3).”

**44F** Clause 18, page 16, line 36, leave out “C” and insert “E”

**44G** Clause 18, page 17, line 22, at beginning insert “Other than in accordance with subsection (6D),”

**44H** As an amendment to Lords Amendment 111, in paragraph 1, leave out “C” and insert “E”

**44J** As an amendment to Lords Amendment 111, in paragraph 6, leave out “C” and insert “E””

## MOTION C

### Schedule 10

#### LORDS AMENDMENT 119

**119** Page 84, line 45, leave out from beginning to end of line 9 on page 85

#### COMMONS AMENDMENT CONSEQUENTIAL UPON THE LORDS AMENDMENT

*The Commons propose the following amendment to the Bill consequential upon the Lords Amendment –*

**119A** Clause 52, page 41, line 7, leave out paragraph (d)

**C** **Lord Caine to move, That this House do agree with the Commons in their Amendment 119A.**

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*4th September 2023*

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