

Northern Ireland Troubles (Legacy and Reconciliation) Bill

COMMONS REASON

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

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*).”

LORDS NON-INSISTENCE, AGREEMENT, AMENDMENTS TO WORDS SO RESTORED TO THE BILL AND CONSEQUENTIAL AMENDMENTS

The Lords do not insist on their Amendment 44, 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, 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”

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The Commons disagree to Lords Amendments 44D, 44E, 44F, 44G, 44H and 44J for the following Reason –

- 44K** Giving family members a role in whether immunity should be granted or not would critically undermine the effectiveness of delivering on the principal aim of this legislation.

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