



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 2

THE INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY

The ICRIR, the Commissioners and ICRIR officers

2 The Independent Commission for Reconciliation and Information Recovery

- (1) The Independent Commission for Reconciliation and Information Recovery is established.
- (2) The ICRIR is a body corporate.
- (3) The ICRIR consists of—
 - (a) the Chief Commissioner,
 - (b) the Commissioner for Investigations, and
 - (c) between one and five other Commissioners.
- (4) The principal objective of the ICRIR in exercising its functions is to promote reconciliation.
- (5) The functions of the ICRIR are—
 - (a) to carry out reviews of deaths that were caused by conduct forming part of the Troubles (see sections 9 and 11 to 13);
 - (b) to carry out reviews of other harmful conduct forming part of the Troubles (see sections 10 to 13);
 - (c) to produce reports (“final reports”) on the findings of each of the reviews of deaths and other harmful conduct (see sections 15 to 18);

Status: This version of this cross heading contains provisions that are prospective.

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- (d) to determine whether to grant persons immunity from prosecution for serious or connected Troubles-related offences other than Troubles-related sexual offences (see sections 19 to 21);
 - (e) to refer deaths that were caused by conduct forming part of the Troubles, and other harmful conduct forming part of the Troubles, to prosecutors (see section 25);
 - (f) to produce a record (the “historical record”) of deaths that were caused by conduct forming part of the Troubles (see sections 28 and 29).
- (6) In exercising its functions, the ICIR must have regard to the general interests of persons affected by Troubles-related deaths and serious injuries.
- (7) At least three months before the start of each financial year, the ICIR 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 2025.
- (8) A work plan must deal with the following matters—
- (a) the caseload which the ICIR is expecting;
 - (b) the plans which the ICIR has for dealing with its caseload;
 - (c) the plans which the ICIR has for engaging with persons entitled to request reviews of deaths and other harmful conduct;
 - (d) policies which the ICIR is planning to introduce, review or change;
 - (e) such other matters as the ICIR considers appropriate.
- (9) No later than six months after the end of each financial year, the ICIR 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.
- (10) An annual report must deal with the following matters—
- (a) the finances of the ICIR;
 - (b) the administration of the ICIR;
 - (c) the volume of information received by the ICIR;
 - (d) the number of requests for reviews that have been made;
 - (e) the number of final reports on the findings of reviews that have been provided to persons requesting them;
 - (f) the number of applications for immunity from prosecution that have been made;
 - (g) the number of applications for immunity from prosecution that have been decided by the immunity requests panel;
 - (h) the number of persons who have been granted, and the number of persons who have been refused, immunity from prosecution;
 - (i) progress made in producing the historical record;
 - (j) such other matters as the ICIR considers appropriate.
- (11) The Secretary of State may make payments or provide other resources to, or in respect of, the ICIR in connection with the exercise of the ICIR’s functions.
- (12) Schedule 1 contains provision about the ICIR, the Commissioners and the ICIR officers.

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- (13) In this section “persons affected by Troubles-related deaths and serious injuries” means—
- (a) family members of persons whose deaths were caused directly by conduct forming part of the Troubles (and the reference to those deaths has the meaning given in section 9(9)),
 - (b) persons who suffered serious physical or mental harm that was caused by conduct forming part of the Troubles, and
 - (c) family members of persons who suffered such harm and have subsequently died.
- (14) 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.

Commencement Information

- I1** S. 2 not in force at Royal Assent, see [s. 63\(4\)](#)
- I2** S. 2(1)-(3)(11)(12)(14) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

3 ICRIR officers

- (1) The ICRIR may employ persons to be officers of the ICRIR.
- (2) The ICRIR may make arrangements for persons to be seconded to serve as officers of the ICRIR.
- (3) In employing and seconding persons, the ICRIR must ensure that (as far as it is practicable) the officers of the ICRIR include—
- (a) persons who have experience of conducting criminal investigations in Northern Ireland, and
 - (b) persons who do not have that experience but have experience of conducting criminal investigations outside Northern Ireland.
- (4) In this Act “ICRIR officers” means—
- (a) the Commissioner for Investigations,
 - (b) the persons employed under this section, and
 - (c) the persons seconded under this section.

Commencement Information

- I3** S. 3 not in force at Royal Assent, see [s. 63\(4\)](#)
- I4** S. 3 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(b\)](#)

4 Actions of the ICRIR: safeguards

- (1) The ICRIR must not do anything which—

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- (a) would risk prejudicing, or would prejudice, the national security interests of the United Kingdom,
 - (b) would risk putting, or would put, the life or safety of any person at risk, or
 - (c) would risk having, or would have, a prejudicial effect on any actual or prospective criminal proceedings in any part of the United Kingdom.
- (2) In relation to something done by the ICIR, criminal proceedings are “prospective” if, in the view of the ICIR, the proceedings are likely to be brought within a reasonable period after that thing is done.
- (3) Subsection (1)(c) does not apply to grants of immunity from prosecution by the ICIR under section 19 (but see paragraph 3 of Schedule 5).
- (4) For provision about the way in which subsection (1) operates in relation to disclosures of information, see section 30(2) to (9).

Commencement Information

I5 S. 4 not in force at Royal Assent, see **s. 63(4)**

I6 S. 4(1)(2) in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(c)**

PROSPECTIVE

5 Full disclosure to the ICIR

- (1) A relevant authority must make available to the ICIR 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.
- (2) A relevant authority may also make available to the ICIR 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 review function or the immunity function.
- (3) It is for the 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) is to 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 relevant authority is to—

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- (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 ICRIIR to access the information, document or other material while it is held by the relevant authority.
- (6) A requirement under subsection (4) (including anything required by virtue of subsection (5)) must be consistent with regulations under section 34(1).
- (7) The Commissioner for Investigations may require any of the following persons to give the ICRIIR 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—
- (a) the Chief Constable of the PSNI;
 - (b) the chief officer of a police force in Great Britain;
 - (c) the Police Ombudsman for Northern Ireland;
 - (d) the Director General of the Independent Office for Police Conduct;
 - (e) the Police Investigations and Review Commissioner.
- (8) It is not a breach of—
- (a) any obligation of confidence owed by a relevant authority, or
 - (b) any other restriction on the disclosure of information (however imposed),
- for a relevant authority to make information, documents and other material available under this section.
- (9) In this section “copy” includes a photograph or similar representation.

Commencement Information

I7 S. 5 not in force at Royal Assent, see s. 63(4)

6 Operational powers of ICRIIR officers

- (1) The Commissioner for Investigations is (by virtue of this section) designated as a person having the powers and privileges of a constable.
- (2) The Commissioner for Investigations may designate any other ICRIIR officer as a person having the powers and privileges of a constable, if that Commissioner is satisfied that that ICRIIR officer—
- (a) is capable of effectively exercising those powers and privileges;
 - (b) has received adequate training in respect of the exercise of those powers and privileges; and
 - (c) is otherwise a suitable person to exercise those powers and privileges.
- (3) The powers and privileges of a constable which the Commissioner for Investigations, or any other ICRIIR officer, has by virtue of a designation under this section may be exercised for the purposes of, or in connection with, any function of the ICRIIR except the function of producing the historical record.
- (4) Schedule 2 contains further provision about the operational powers of ICRIIR officers.

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Commencement Information

18 S. 6 not in force at Royal Assent, see [s. 63\(4\)](#)

19 [S. 6\(4\)](#) in force at 1.12.2023 for specified purposes by [S.I. 2023/1293](#), [reg. 2\(i\)](#)

Status:

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