



# Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

## 2023 CHAPTER 41

### PART 5

#### FINAL PROVISIONS

#### **58 Consequential provision**

- (1) Schedule 13 amends existing legislation.
- (2) A national authority may by regulations make provision that is consequential on this Act.
- (3) In this Act “national authority” means—
  - (a) the Secretary of State,
  - (b) the Department of Justice in Northern Ireland, or
  - (c) the Scottish Ministers.
- (4) Regulations under subsection (2) may, in particular, amend legislation (whenever passed or made).
- (5) Regulations made under subsection (2) are subject to affirmative procedure if they contain any amendment of primary legislation.
- (6) Any other regulations made under subsection (2) are subject to negative procedure.
- (7) The power of the Department of Justice in Northern Ireland or the Scottish Ministers to make regulations under subsection (2) is subject to section 59(10) or (11).
- (8) The Secretary of State may by regulations—
  - (a) replace a reference in provision made by this Act to the commencement of a provision of this Act with a reference to the actual date on which the provision comes into force;

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- (b) replace a reference in provision made by this Act to a date determined by reference to the commencement of a provision of this Act with a reference to the actual date so determined;
- (c) replace a reference in provision made by this Act to the day of the First Reading in the House of Commons of the Bill for this Act with a reference to the actual date of the First Reading;
- (d) in Part 4—
  - (i) replace a reference to the specified day with a reference to the actual date of the specified day and repeal the definition of “specified day”, or
  - (ii) amend the definition of “specified day” so that it sets out the actual date of the specified day.

#### Commencement Information

- I1** S. 58(1) in force at 18.11.2023 for specified purposes, see s. 63(1)(a)
- I2** S. 58(1) in force at 1.12.2023 for specified purposes by S.I. 2023/1293, reg. 2(k)
- I3** S. 58(2)-(8) in force at 18.9.2023, see s. 63(2)(b)

## 59 Regulations

- (1) Regulations made under this Act by the Secretary of State are to be made by statutory instrument.
- (2) Regulations made under this Act by the Department of Justice in Northern Ireland are to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (3) Where regulations under this Act are “subject to affirmative procedure” they are to be made in accordance with the procedure set out in this table that is applicable (which depends on who makes the regulations)—

<i>Person(s) making the regulations</i>	<i>Procedure applicable</i>
The Secretary of State	The regulations may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament
The Department of Justice in Northern Ireland	The regulations may not be made unless a draft of them has been laid before, and approved by a resolution of, the Northern Ireland Assembly
The Scottish Ministers	The regulations are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10))

- (4) Where regulations under this Act are “subject to negative procedure” they are to be made in accordance with the procedure set out in this table that is applicable (which depends on who makes the regulations)—

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<i>Person(s) making the regulations</i>	<i>Procedure applicable</i>
The Secretary of State	The statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of either House of Parliament
The Department of Justice in Northern Ireland	The regulations are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954)
The Scottish Ministers	The regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010)

- (5) Where regulations under this Act are subject to made affirmative procedure, the statutory instrument containing them must be laid before Parliament after being made.
- (6) Regulations contained in a statutory instrument laid before Parliament under subsection (5) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (7) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which—
- Parliament is dissolved or prorogued, or
  - either House of Parliament is adjourned for more than four days.
- (8) If regulations cease to have effect as a result of subsection (6), that does not—
- affect the validity of anything previously done under the regulations, or
  - prevent the making of new regulations.
- (9) Regulations under this Act may make—
- different provision for different purposes or cases;
  - incidental, supplementary or consequential provision;
  - transitional or transitory provision or savings.
- (10) Regulations made by the Department of Justice in Northern Ireland under this Act may only make—
- transferred provision, or
  - reserved provision;
- and the regulations may not make reserved provision without the consent of the Secretary of State.
- (11) Regulations made by the Scottish Ministers under this Act may only make provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of the Scottish Parliament.

#### Commencement Information

**I4** S. 59 in force at 18.9.2023, see [s. 63\(1\)\(a\)](#)

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## 60 Interpretation

(1) In this Act, each expression set out in an entry in the first column of the following table is to be read in accordance with the corresponding entry in the second column—

<i>Expression</i>	<i>Interpretation</i>
Chief Commissioner	The Commissioner appointed under section 2(3)(a).
chief officer	This means— the chief constable of a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London); the Commissioner of Police of the Metropolis; the Commissioner of Police for the City of London; the chief constable of the Police Service of Scotland; the chief constable of the Ministry of Defence Police; the chief constable of the British Transport Police.
Commissioner for Investigations	The Commissioner appointed under section 2(3)(b).
Commissioners	The members of the ICRIR appointed under section 2(3)(a), (b) and (c).
conduct	This has the meaning given in section 1.
conduct forming part of the Troubles	This has the meaning given in section 1.
connected Troubles-related offence	This has the meaning given in section 1.
event forming part of the Troubles	This has the meaning given in section 1.
excepted matter	This has the meaning given by section 4(1) of the Northern Ireland Act 1998.
final report	A report under section 15 on the findings of a review of a death or a review of other harmful conduct forming part of the Troubles.
financial year	This has the meaning given in section 2(14).
GCHQ	This has the same meaning as in the Intelligence Services Act 1994.
His Majesty's forces	This has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).
historical record	This has the meaning given in section 2(5)(f).

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<i>Expression</i>	<i>Interpretation</i>
the ICRIR	The Independent Commission for Reconciliation and Information Recovery.
ICRIR contractor	A person providing, or being employed in the provision of, goods or services for the purposes of the ICRIR.
ICRIR officers	This has the meaning given in section 3(4).
immunity function	The function of determining whether to grant persons immunity from prosecution conferred by section 2(5)(d).
immunity requests panel	The panel formed in accordance with section 22.
inspector of constabulary for Northern Ireland	An inspector of constabulary for Northern Ireland (appointed under section 41 of the Police (Northern Ireland) Act 1998).
legislation	Primary legislation and subordinate legislation.
national authority	This means has the meaning given in section 58(3)
Northern Ireland affairs	This has the meaning given in section 1.
other harmful conduct forming part of the Troubles	This has the meaning given in section 1.
period of operation of the ICRIR	The period beginning with the day on which section 2(5) comes into force.
police force in Great Britain	This means— a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London); the metropolitan police force; the City of London police force; the Police Service of Scotland; the Ministry of Defence Police; the British Transport Police.
prejudicial information	Information which, if disclosed generally, would risk putting, or would put, the life or safety of any person at risk.
primary legislation	This means— Northern Ireland legislation (which has the meaning given in section 24(5) of the Interpretation Act 1978); an Act of Parliament; an Act of the Scottish Parliament; a Measure or Act of Senedd Cymru.
protected international information	Information which— (a) was supplied to any person by, or by an agency of, the government of a country or territory outside the United Kingdom, and

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<i>Expression</i>	<i>Interpretation</i>
	(b) if disclosed generally might, in the opinion of the Secretary of State, damage international relations.
PSNI	The Police Service of Northern Ireland.
relevant authority	This means— the Chief Constable of the PSNI; the chief officer of a police force in Great Britain; the Police Ombudsman for Northern Ireland; the Director General of the Independent Office for Police Conduct; the Police Investigations and Review Commissioner; any Minister of the Crown (which has the same meaning as in the Ministers of the Crown Act 1975 — see section 8 of that Act); the Security Service; the Secret Intelligence Service; GCHQ; any other department of the United Kingdom government (including a non-ministerial department); a Northern Ireland department; the Scottish Ministers; any of His Majesty's forces.
request for a review	A request for a review under section 9 or 10.
reserved matter	This has the meaning given by section 4(1) of the Northern Ireland Act 1998.
reserved provision	Provision which (if contained in a Bill for an Act of the Northern Ireland Assembly) would result in the Bill requiring the consent of the Secretary of State under section 8(b) of the Northern Ireland Act 1998.
review function	The function of carrying out reviews conferred by section 2(5)(a) and (b).
sensitive information	This means information of the following kinds. Information which, if disclosed generally, would risk prejudicing, or would prejudice, the national security interests of the United Kingdom. Information which has been supplied (whether to the person currently holding the information or to some other person) by— (a) the Security Service, (b) the Secret Intelligence Service, (c) GCHQ, or

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<i>Expression</i>	<i>Interpretation</i>
	(d) any part of the following bodies which engages in intelligence activities— (i) His Majesty’s forces; (ii) the Ministry of Defence; (iii) the PSNI; (iv) a police force in Great Britain.
serious physical or mental harm	This has the meaning given in section 1.
serious Troubles-related offence	This has the meaning given in section 1.
subject to affirmative procedure	This has the meaning given in section 59(3).
subject to negative procedure	This has the meaning given in section 59(4).
subordinate legislation	An instrument made under primary legislation
transferred matter	This has the meaning given by section 4(1) of the Northern Ireland Act 1998.
transferred provision	This means provision which— (a) would be within the legislative competence of the Assembly if it were contained in an Act of the Northern Ireland Assembly, and (b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted matter or reserved matter.  Here— (i) “ancillary” has the meaning given in section 6(3) of the Northern Ireland Act 1998; (ii) a reference to provision dealing with a matter is to be read in accordance with section 98(2) of the Northern Ireland Act 1998.
the Troubles	This has the meaning given in section 1.
Troubles-related offence	This has the meaning given in section 1.

- (2) A reference in this Act to the day on which a provision of this Act comes into force is, in a case where that provision comes into force at different times for different purposes, a reference to the day on which that provision comes into force for all purposes.

#### Commencement Information

**I5** S. 60 in force at 18.9.2023, see [s. 63\(1\)\(a\)](#)

## 61 Application to the Crown

This Act binds the Crown.

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**Commencement Information**

**I6** S. 61 in force at 18.9.2023, see [s. 63\(1\)\(a\)](#)

**62 Extent**

- (1) This Act extends to Northern Ireland, England and Wales, and Scotland.
- (2) But that is subject to subsections (3) to (6).
- (3) An amendment or repeal has the same extent as the provision amended or repealed.
- (4) Sections 46 and 47 extend to Northern Ireland only.
- (5) Paragraph 2(2) of Schedule 11 extends to England and Wales only.
- (6) Part 4 extends to Northern Ireland only.

**Commencement Information**

**I7** S. 62 in force at 18.9.2023, see [s. 63\(1\)\(a\)](#)

**63 Commencement**

- (1) The following provisions come into force on the day on which this Act is passed—
  - (a) Part 1;
  - (b) section 47(5);
  - (c) this Part, except section 58(1) and Schedule 13.
- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
  - (a) sections 43, 46 and 47 (except for subsection (5))
  - (b) Part 2 of Schedule 13, and section 58(1) so far as it relates to that Part of that Schedule.
- (3) Part 3, except for sections 43, 46 and 47, comes into force on 1 May 2024.
- (4) Otherwise, this Act comes into force on such day or days as the Secretary of State may by regulations appoint.
- (5) A national authority may by regulations make transitory, transitional or saving provision in connection with the coming into force of any provision of this Act.

**Commencement Information**

**I8** S. 63 in force at 18.9.2023, see [s. 63\(1\)\(a\)](#)

**64 Short title**

This Act may be cited as the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.



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**Commencement Information**

**19** S. 64 in force at 18.9.2023, see [s. 63\(1\)\(a\)](#)

**Changes to legislation:**

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