

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 1. (See end of Document for details)

## SCHEDULES

### SCHEDULE 13

#### AMENDMENTS

#### PART 1

#### THE ICRIR

PROSPECTIVE

#### *Prosecution of Offences Act 1985*

- 1 (1) Section 3 of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions) is amended in accordance with this paragraph.
- (2) In subsection (2)—
- (a) after paragraph (ac) insert—
    - “(ad) to take over the conduct of any criminal proceedings instituted in England and Wales by the ICRIR;”;
  - (b) after paragraph (bc) insert—
    - “(bd) where it appears to the Director appropriate to do so, to institute and have the conduct of any criminal proceedings in England and Wales relating to a review by the ICRIR;”;
  - (c) after paragraph (ee) insert—
    - “(ef) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on matters relating to—
      - (i) a review by the ICRIR; or
      - (ii) criminal proceedings instituted in England and Wales relating to a review by the ICRIR;”.
- (3) In subsection (3), after the definition of “the court” insert—  
““ICRIR” means the Independent Commission for Reconciliation and Information Recovery;”.

#### **Commencement Information**

**II** Sch. 13 para. 1 not in force at Royal Assent, see [s. 63\(4\)](#)

#### *Northern Ireland Act 1998*

- 2 (1) The Northern Ireland Act 1998 is amended in accordance with this paragraph.

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(2) In section 75(3) (statutory equality duty on public authorities), after paragraph (b) insert—

“(ba) the Independent Commission for Reconciliation and Information Recovery;”.

(3) In section 76(7) (discrimination by public authorities), after paragraph (c) insert—

“(ca) the Independent Commission for Reconciliation and Information Recovery;”.

#### Commencement Information

**I2** Sch. 13 para. 2 not in force at Royal Assent, see [s. 63\(4\)](#)

**I3** Sch. 13 para. 2 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(k\)](#)

PROSPECTIVE

#### *Police (Northern Ireland) Act 1998*

3 After section 60ZC of the Police (Northern Ireland) Act 1998 insert—

#### **“60ZD The Independent Commission for Reconciliation and Information Recovery**

- (1) An agreement for the establishment in relation to ICRIR officers of procedures corresponding or similar to any of those established by virtue of this Part may, with the approval of the Secretary of State, be made between the Ombudsman and the ICRIR.
- (2) Where no such procedures are in force in relation to the ICRIR, the Secretary of State may by order establish such procedures.
- (3) An agreement under this section may at any time be varied or terminated with the approval of the Secretary of State.
- (4) Before making an order under this section the Secretary of State must consult—
  - (a) the Ombudsman; and
  - (b) the ICRIR.
- (5) Nothing in any other statutory provision prevents the ICRIR from carrying into effect procedures established by virtue of this section.
- (6) No such procedures shall have effect in relation to anything done by an ICRIR officer outside Northern Ireland.
- (7) In this section—
 

“ICRIR” means the Independent Commission for Reconciliation and Information Recovery;

“ICRIR officer” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

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**Commencement Information**

**I4** Sch. 13 para. 3 not in force at Royal Assent, see [s. 63\(4\)](#)

PROSPECTIVE

*Freedom of Information Act 2000*

- 4 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), Part 6 (other public bodies and offices: general), at the appropriate place insert—
- “The Independent Commission for Reconciliation and Information Recovery.”

**Commencement Information**

**I5** Sch. 13 para. 4 not in force at Royal Assent, see [s. 63\(4\)](#)

PROSPECTIVE

*Justice (Northern Ireland) Act 2002*

- 5 (1) Section 31 of the Justice (Northern Ireland) Act 2002 is amended in accordance with this paragraph.
- (2) After subsection (1) insert—
- “(1A) The Director must take over conduct of all criminal proceedings which are instituted in Northern Ireland by the ICRIR.”
- (3) In subsection (5), after “forces” insert “and to the ICRIR”.
- (4) After subsection (6) insert—
- “(7) In this section “ICRIR” means the Independent Commission for Reconciliation and Information Recovery.”

**Commencement Information**

**I6** Sch. 13 para. 5 not in force at Royal Assent, see [s. 63\(4\)](#)

PROSPECTIVE

*Police Reform Act 2002*

- 6 After section 26E of the Police Reform Act 2002 insert—

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## “26F The Independent Commission for Reconciliation and Information Recovery

- (1) The Director General and the ICRIR may enter into an agreement for the establishment, in relation to ICRIR officers, of procedures corresponding or similar to those provided for by or under this Part.
- (2) Where no such agreement is in force, the Secretary of State may by regulations establish such procedures.
- (3) An agreement under this section must not be made, varied or terminated except with the approval of the Secretary of State.
- (4) Before making regulations under this section the Secretary of State must consult—
  - (a) the Director General; and
  - (b) the ICRIR.
- (5) Nothing in any other statutory provision prevents the ICRIR from carrying into effect procedures established by virtue of this section.
- (6) An agreement or regulations under this section may contain provision for enabling the Director General to bring and present, or otherwise participate or intervene in, any proceedings that are identified by the agreement as disciplinary proceedings in relation to ICRIR officers.
- (7) Procedures established in accordance with an agreement under this section, or by regulations under this section, have no effect in relation to anything done outside England and Wales by any ICRIR officer.
- (8) In this section—
 

“ICRIR” means the Independent Commission for Reconciliation and Information Recovery;

“ICRIR officer” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

### Commencement Information

**I7** Sch. 13 para. 6 not in force at Royal Assent, see [s. 63\(4\)](#)

PROSPECTIVE

*Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007*

- 7 (1) Article 4 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 ([S.I. 2007/1098](#)) (agreements to establish complaints procedures) is amended as follows.
- (2) After paragraph (4) insert—

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“(4A) The Commissioner and the ICIRIR may enter into an agreement to establish and maintain procedures which correspond to or are similar to those contained in Chapter 2 of Part 1 of the Act in relation to complaints made about the acts or omissions of the ICRIR and ICRIR officers.”

(3) In paragraph (7), after sub-paragraph (d) insert—

“(e) any statement made by a person who is, or has been, an ICRIR officer about the terms and conditions of their service;”.

(4) In paragraph (14), after sub-paragraph (b) insert—

“(c) “ICRIR” means the Independent Commission for Reconciliation and Information Recovery;

(d) “ICRIR officer” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.”

#### Commencement Information

**18** Sch. 13 para. 7 not in force at Royal Assent, see [s. 63\(4\)](#)

#### PROSPECTIVE

#### *Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013*

8 (1) The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 ([S.I. 2013/602](#)) is amended as follows.

(2) In article 3 (agreements to investigate serious incidents), after paragraph (17) insert—

“(17A) The Commissioner and the Independent Commission for Reconciliation and Information Recovery (the “ICRIR”) may enter into an agreement for the Commissioner to investigate and report, where requested to do so by the ICRIR, on any serious incident involving the ICRIR.

(17B) A “serious incident involving the ICRIR” has the same meaning as a “serious incident involving the police” in section 41B of the 2006 Act except that “a person serving with the police” means an ICRIR officer (which has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023).”

(3) In article 4 (investigation of crimes and deaths), after sub-paragraph (h) insert—

“(i) an ICRIR officer (which has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023).”

#### Commencement Information

**19** Sch. 13 para. 8 not in force at Royal Assent, see [s. 63\(4\)](#)

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## PROSPECTIVE

*Investigatory Powers Act 2016*

- 9 In section 58 of the Investigatory Powers Act 2016 (section 57: meaning of excepted disclosure), in subsection (4), after paragraph (d) insert—
- “(e) a disclosure made to the Independent Commission for Reconciliation and Information Recovery for the purpose of facilitating the carrying out of any of the functions of the Independent Commission for Reconciliation and Information Recovery.”

**Commencement Information**

**I10** Sch. 13 para. 9 not in force at Royal Assent, see [s. 63\(4\)](#)

*Data Protection Act 2018*

- 10 In Schedule 18 to the Data Protection Act 2018, in paragraph 3 (records relating to a caution or conviction whose production must not be required in connection with employment etc), in sub-paragraph (2), after paragraph (f) insert—
- “(fa) the Independent Commission for Reconciliation and Information Recovery;”.

**Commencement Information**

**I11** Sch. 13 para. 10 not in force at Royal Assent, see [s. 63\(4\)](#)

**I12** Sch. 13 para. 10 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(k\)](#)

## PROSPECTIVE

*Sentencing Act 2020*

- 11 In section 379 of the Sentencing Act 2020, in the table in subsection (1), at the appropriate place insert—

“Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

section 26	revocation of immunity under that Act	making of false statements”
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**Commencement Information**

**I13** Sch. 13 para. 11 not in force at Royal Assent, see [s. 63\(4\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PART 1.