

Status: This version of this provision is prospective.

Changes to legislation: Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, Section 45 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 3

INVESTIGATIONS, LEGAL PROCEEDINGS ETC AND RELEASE OF PRISONERS

Civil proceedings, inquests and police complaints

PROSPECTIVE

45 Police complaints

(1) After section 50 of the Police (Northern Ireland) Act 1998 insert—

“50A Complaints relating to conduct forming part of the Troubles

- (1) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, this Part—
 - (a) ceases to apply to a complaint (if made before that day), or
 - (b) does not apply to a complaint (if made on or after that day),insofar as the complaint relates to conduct forming part of the Troubles.
- (2) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, the Chief Constable, the Board, the Director or the Department of Justice is to cease to deal with any complaint referred before that day under section 52(6) insofar as the complaint relates to conduct forming part of the Troubles.
- (3) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, the Ombudsman—
 - (a) is not to begin any formal investigation of a matter, and

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- (b) is to cease any formal investigation of a matter begun before that day, insofar as the matter relates to conduct forming part of the Troubles.
- (4) This section does not prevent the Ombudsman from carrying out a criminal investigation of a Troubles-related offence if—
- (a) a public prosecution of a person for the offence had been begun before the day on which section 38 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, and
 - (b) the criminal investigation is carried out for the purposes of that prosecution.
- (5) For the purposes of subsection (4)—
- (a) “public prosecution” means any prosecution other than a private prosecution;
 - (b) a public prosecution of a person for an offence is “begun” when a prosecutor makes the decision to prosecute that person for that offence.
- (6) In this section—
- “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act);
- “formal investigation” means an investigation under section 56 (whether resulting from a referral to the Ombudsman, or a decision by the Ombudsman, under section 55).”
- (2) In section 28A of the Police Reform Act 2002 (application of complaints and misconduct provisions to matters occurring before 1 April 2004), after subsection (6) insert—
- “(6A) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, this section—
- (a) ceases to apply to a pre-commencement matter or a matter to which subsection (5) applies (if the direction under subsection (1) or (4) relating to the matter was given before that day), or
 - (b) does not apply to a pre-commencement matter or matter to which subsection (5) applies (if the direction under subsection (1) or (4) relating to the matter is given on or after that day),
- insofar as the matter relates to conduct forming part of the Troubles.
- (6B) In subsection (6A) “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).”
- (3) After section 47 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 insert—
- “47A Complaint or investigation relating to Northern Ireland Troubles**
- (1) On and after the day on which section 45 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force, this Part—
- (a) ceases to apply to a complaint or investigation (if the complaint was made, or investigation was begun, before that day), or

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(b) does not apply to a complaint or investigation (if the complaint is made, or investigation is to begin, on or after that day),
insofar as the complaint or investigation relates to conduct forming part of the Troubles.

(2) In this section “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).”

Commencement Information

II S. 45 in force at 1.5.2024, see [s. 63\(3\)](#)

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Changes and effects yet to be applied to :

- s. 45 coming into force by [2023 c. 41 s. 63\(3\)](#)