

2024 No. 584 (C. 36)

NORTHERN IRELAND

**The Northern Ireland Troubles (Legacy and Reconciliation) Act
2023 (Commencement No. 2 and Transitional Provisions)
Regulations 2024**

Made - - - -

30th April 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by section 63(4) and (5) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023(a).

Citation

1. These Regulations may be cited as the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (Commencement No. 2 and Transitional Provisions) Regulations 2024.

Provisions coming into force on 1st May 2024

2. The following provisions of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 come into force on 1st May 2024—

- (a) section 2 (the Independent Commission for Reconciliation and Information Recovery), insofar as it is not already in force, apart from subsections (5)(d) and (10)(f) to (h);
- (b) section 4(4) (actions of the ICRIR: safeguards);
- (c) section 5 (full disclosure to the ICRIR);
- (d) section 6 and Schedule 2 (operational powers of ICRIR officers), insofar as they are not already in force;
- (e) section 7 (admissibility of material in criminal proceedings), apart from subsection (3);
- (f) section 9 (requests for reviews of deaths) and Schedule 3 (family members);
- (g) section 10 (requests for reviews of other harmful conduct forming part of the Troubles);
- (h) section 11 (requests for reviews: general provision);
- (i) section 13 (conduct of reviews), apart from subsections (2)(b), (9)(c) and (12)(b);
- (j) section 14 (supply of information) and Schedule 4 (supply of information: enforcement);
- (k) section 15 (production of reports on the findings of reviews);
- (l) section 16 (consultation on reports);
- (m) section 17(1), (2) and (7) (issuing and publication of reports);
- (n) section 18 (reports: general provisions), apart from subsection (2)(b);
- (o) paragraph 3(2)(d) and (e) of Schedule 5 (certain circumstances in which a public prosecution is, or is not, continuing) for the purposes of section 18(7);

(a) 2023 c. 41. The Secretary of State is a 'national authority' for the purposes of section 63(5); see section 58(3).

- (p) section 23 (personal statements by persons affected by deaths etc), apart from subsections (1)(c), (5)(b) and (7)(b);
- (q) section 24 (publication of personal statements), apart from subsection (10)(a)(ii);
- (r) section 25 (information for prosecutors);
- (s) section 28 (production of the historical record);
- (t) section 29 (publication of the historical record);
- (u) section 30 (disclosure of information: general power and prohibitions), Schedule 6 (permitted disclosures of information) and Schedule 7 (offences relating to disclosure of information);
- (v) section 31 (the ICIR's use of information obtained by it);
- (w) section 32 (identifying information that is subject to additional safeguards) and Schedule 8 (identification of sensitive, prejudicial or protected international information);
- (x) section 33 (guidance and protocols relating to information), insofar as it is not already in force;
- (y) section 36 (review of the performance of the ICIR's functions);
- (z) section 37 (conclusion of the work of the ICIR);
- (aa) Part 4 (memorialising the Troubles), insofar as it is not already in force;
- (bb) section 58(1) (consequential provision) and Schedule 13 (amendments), insofar as they are not already in force.

Transitional provision in relation to criminal investigations

3.—(1) This regulation applies in relation to a criminal investigation of a Troubles-related offence^(a) which was initiated before 1st May 2024 if, on that date, all that remains to be carried out by the investigating body is the preparation or completion of the investigation report or something subsequent to that.

(2) Where this regulation applies, the investigating body may prepare or complete the investigation report or do anything subsequent to that—

- (a) on or after 1st May 2024, but
- (b) no later than 30th April 2025.

Transitional provision in relation to criminal enforcement action

4.—(1) This regulation applies where—

- (a) a decision not to prosecute a person for a Troubles-related offence is taken before 1st May 2024;
- (b) either—
 - (i) on 1st May 2024 the prosecuting authority is reviewing the decision (but is yet to determine the outcome of the review), or
 - (ii) on or after 1st May 2024, and within 28 days of the decision being taken, a person requests that the prosecuting authority review the decision, and
- (c) on or after 1st May 2024 the decision is overturned by the prosecuting authority.

(2) Where this regulation applies, the decision is to be treated as if it had been taken on 30th April 2024.

30th April 2024

Caine
Parliamentary Under Secretary of State
Northern Ireland Office

(a) See section 1 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the second set of commencement regulations made under the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (c. 41) (“the Act”).

Regulation 2 brings into force on 1st May 2024 a number of provisions of the Act. These allow the Independent Commission for Reconciliation and Information Recovery to begin exercising its functions from that date.

Regulation 3 makes transitional provision in relation to criminal investigations. Where, on 1st May 2024, all that remains to be done in relation to a criminal investigation is the writing of the investigation report, or something subsequent to that, such as liaising with the victim or family or publication of the report, the investigating body may proceed to carry out those tasks. This provision is time limited to 30th April 2025.

Regulation 4 makes transitional provision in relation to decisions not to prosecute which are taken before 1st May 2024, but overturned on or after that date. Where a decision not to prosecute a person for a Troubles-related offence is taken before 1st May 2024, a person requests that the prosecuting authority review the decision, and as a result of the review the decision is overturned on or after 1st May 2024, a prosecution may take place. This is provided the review is ongoing on 1st May 2024 or, if the person requests the review on or after that date, that the person does so within 28 days of the decision.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An impact assessment has been published in relation to the Act and a copy can be obtained at https://assets.publishing.service.gov.uk/media/62828d60d3bf7f1f40ca508e/EQIA_NI_Troubles_Legacy_and_Reconciliation_Bill.pdf or from the Northern Ireland Office, 1 Horse Guards Road, London, SW1A 2HQ.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2 (partially)	1st December 2023	2023/1293
Section 3	1st December 2023	2023/1293
Section 4 (partially)	1st December 2023	2023/1293
Section 6 (partially)	1st December 2023	2023/1293
Section 19 (partially)	1st December 2023	2023/1293
Section 33 (partially)	1st December 2023	2023/1293
Sections 34 and 35	1st December 2023	2023/1293
Section 56	1st December 2023	2023/1293
Section 57 (partially)	1st December 2023	2023/1293
Section 58 (partially)	1st December 2023	2023/1293
Schedule 1	1st December 2023	2023/1293
Schedule 2 (partially)	1st December 2023	2023/1293
Schedule 5 (partially)	1st December 2023	2023/1293
Schedule 13 (partially)	1st December 2023	2023/1293