

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 2

THE ICRR, THE COMMISSIONERS AND ICRR OFFICERS

PART 1

THE ICRR

Status

- 1 The ICRR is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Commencement Information

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

Powers

- 2 (1) The ICRR may do anything that it thinks necessary or expedient in connection with the exercise of its functions.
- (2) In particular, the ICRR may—
- (a) enter into contracts and other agreements (whether legally binding or not), and
 - (b) acquire and dispose of property (including land).
- (3) But the ICRR may not borrow money.
- (4) The ICRR may make payments of, or payments towards the provision of, any remuneration, pensions, allowances, gratuities or compensation payable to, or in respect of—
- (a) the Commissioners, and
 - (b) the ICRR officers.

Commencement Information

- I3** Sch. 1 para. 2 not in force at Royal Assent, see [s. 63\(4\)](#)
I4 Sch. 1 para. 2 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

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Regulation and validity of proceedings

- 3 (1) The ICRIR may regulate its own proceedings (including quorum).
- (2) The validity of any proceedings of the ICRIR is not affected by—
- (a) any vacancy in the membership of the ICRIR;
 - (b) any defect in the appointment of any Commissioner.

Commencement Information

I5 Sch. 1 para. 3 not in force at Royal Assent, see [s. 63\(4\)](#)

I6 [Sch. 1 para. 3](#) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

Delegation of functions and their exercise by the Commissioners

- 4 (1) Any function of the ICRIR may be exercised on behalf of, and in the name of, the ICRIR by—
- (a) a Commissioner, or
 - (b) an ICRIR officer,
- who has been authorised (whether generally or specifically) by the ICRIR for that purpose.
- (2) Any functions conferred on a Commissioner (whether by this Act or otherwise) are to be treated as functions of the ICRIR exercisable by the Commissioner on behalf of, and in the name of, the ICRIR.
- (3) A function conferred on a Commissioner is to be exercisable by the ICRIR if—
- (a) there is a vacancy in the office of that Commissioner, or
 - (b) that Commissioner is unable to exercise the function.
- (4) But that does not apply to function of the Chief Commissioner as a member of the immunity requests panel (including any function as chair of the panel).
- (5) If a function is exercisable by the ICRIR in accordance with sub-paragraph (3), the ICRIR may make arrangements under sub-paragraph (1) relating to the exercise of the function.

Commencement Information

I7 Sch. 1 para. 4 not in force at Royal Assent, see [s. 63\(4\)](#)

I8 [Sch. 1 para. 4](#) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

Seal and proof of documents

- 5 (1) The ICRIR may have a seal.
- (2) The application of the ICRIR's seal must be authenticated by the signature of at least one of the Commissioners
- (3) This paragraph does not prevent the ICRIR from acting otherwise than by a document under seal.

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- (4) A document purporting to be duly executed under the seal of the ICRIR must be received in evidence and treated as so executed unless the contrary is shown.
- (5) A document purporting to be signed on behalf of the ICRIR by—
 - (a) at least one of the Commissioners, or
 - (b) any person who is authorised (generally or specially) for that purpose, must be received in evidence and treated as so signed unless the contrary is shown.

Commencement Information

I9 Sch. 1 para. 5 not in force at Royal Assent, see **s. 63(4)**

I10 Sch. 1 para. 5 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Accounts and audit

- 6
- (1) The ICRIR must—
 - (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year.
 - (2) The statement of accounts must be prepared in accordance with any directions that are given by the Treasury.
 - (3) The ICRIR must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General as soon as practicable after the end of the financial year to which the statement relates.
 - (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on each statement of accounts,
 - (b) send a copy of each report and certified statement to the Secretary of State, and
 - (c) lay before Parliament a copy of each such report and certified statement.

Commencement Information

I11 Sch. 1 para. 6 not in force at Royal Assent, see **s. 63(4)**

I12 Sch. 1 para. 6 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

PART 2

THE COMMISSIONERS

Number of Commissioners

- 7
- The Secretary of State is to determine from time to time how many other Commissioners there are to be under section 2(3)(c) (which allows for there to be between one and five of them).

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I13 Sch. 1 para. 7 not in force at Royal Assent, see **s. 63(4)**

I14 Sch. 1 para. 7 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Appointment

- 8 (1) The Commissioners are to be appointed by the Secretary of State.
- (2) In exercising the power to appoint Commissioners, the Secretary of State must ensure that (as far as it is practicable) the Commissioners include one or more persons who have experience gained outside the United Kingdom that is relevant to the work of the ICRIR.
- (3) A person may not be appointed as a Commissioner if—
- the person has been sentenced to a term of imprisonment, or given a sentence of detention, of three months or more;
 - the person is insolvent; or
 - the person is disqualified from being a company director.
- (4) A person may not be appointed as the Chief Commissioner unless—
- the person holds or has held high judicial office, and
 - the Secretary of State has consulted—
 - the relevant senior judge, and
 - such other persons as the Secretary of State considers appropriate.
- (5) A person’s current or previous appointment as a Commissioner does not prevent the person from being appointed again as a Commissioner.
- (6) But a person who has been removed from office in accordance with paragraph 12(2) and (3) may not be appointed as a Commissioner.
- (7) A reference in this paragraph to a person being insolvent, or to being disqualified from being a company director, has the same meaning as in paragraph 12 (see paragraph 12(4) or (5)).
- (8) The following Orders apply to the Commissioners as they apply to constables—
- the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (S.R. 1979/195);
 - the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (S.I. 1975/1023);
 - the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (S.S.I. 2013/50).
- (9) For the purposes of this paragraph—
- “high judicial office” means office as a judge of a kind listed in an entry in the first column of this table;
- “relevant senior judge”, in relation to a person who holds or has held an office listed in such an entry, means the person listed in the corresponding entry in the second column of this table; and, in the case of a person who has previously held two or more different kinds of high judicial office (but no longer holds any kind of high judicial office), the relevant senior judge

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is to be identified by reference to the kind of high judicial office which the person ceased to hold most recently—

<i>high judicial office</i>	<i>relevant senior judge</i>
Judge of the Supreme Court of the United Kingdom or Lord of Appeal in Ordinary	President of the Supreme Court of the United Kingdom
Judge of the Court of Appeal in Northern Ireland	The Lord Chief Justice of Northern Ireland
Judge of the High Court in Northern Ireland	The Lord Chief Justice of Northern Ireland
Judge of the Court of Appeal in England and Wales	The Lord Chief Justice of England and Wales
Judge of the High Court in England and Wales	The Lord Chief Justice of England and Wales
Judge of the Court of Session	The Lord President of the Court of Session

Commencement Information

I15 Sch. 1 para. 8 not in force at Royal Assent, see **s. 63(4)**

I16 Sch. 1 para. 8 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Person holding public elected position not to be a Commissioner

- 9 (1) A person who holds a relevant office may not be appointed as a Commissioner.
- (2) A person ceases to be a Commissioner if the person begins to hold a relevant office.
- (3) A reference in this Schedule to a person who holds a relevant office is a reference to a person who is—
- (a) a member of the Northern Ireland Assembly;
 - (b) a councillor (within the meaning of the Local Government Act (Northern Ireland) 2014 — see section 126(1) of that Act);
 - (c) a Member of Parliament;
 - (d) a member of a council established under—
 - (i) section 2 of the Local Government Act 1972 (councils in England outside London), or
 - (ii) paragraph 1(2) of Schedule 2 to that Act (London borough councils);
 - (e) a member of the Common Council of the City of London;
 - (f) a member of a council established under section 21 of the Local Government Act 1972 (councils in Wales);
 - (g) a member of the Scottish Parliament;
 - (h) a councillor of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
 - (i) a member of the Dáil Éireann (House of Representatives of Ireland);
 - (j) a member of the Seanad Éireann (Senate of Ireland);

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- (k) a member of a city council, county council or city and county council in Ireland;
- (l) a member of the European Parliament from any member State.

Commencement Information

I17 Sch. 1 para. 9 not in force at Royal Assent, see **s. 63(4)**

I18 Sch. 1 para. 9 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Terms of appointment of Commissioners

- 10 (1) The appointment of a person as a Commissioner is for a term which—
- (a) is of a duration, not exceeding five years, determined by the Secretary of State,
 - (b) begins with the day determined by the Secretary of State, and
 - (c) continues until its end, unless the person resigns before its end in accordance with paragraph 12(1) or (3).
- (2) The other terms of a person’s appointment as a Commissioner are to be determined by the Secretary of State.
- (3) The Secretary of State may pay a person compensation on ceasing to be a Commissioner if it appears to the Secretary of State that there are special circumstances which make it right for the person to receive the compensation.

Commencement Information

I19 Sch. 1 para. 10 not in force at Royal Assent, see **s. 63(4)**

I20 Sch. 1 para. 10 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Conflicts of interest

- 11 (1) The Secretary of State may require—
- (a) a Commissioner, or
 - (b) a person who is being considered for appointment as a Commissioner, to provide the Secretary of State with information about any relevant matter.
- (2) In this paragraph “relevant matter” means any matter which might reasonably be expected to—
- (a) give rise to a conflict of interest in respect of a person’s work as a Commissioner, or
 - (b) otherwise affect a person’s ability to carry out the work as a Commissioner fairly and impartially.

Commencement Information

I21 Sch. 1 para. 11 not in force at Royal Assent, see **s. 63(4)**

I22 Sch. 1 para. 11 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

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Resignation and removal of Commissioners

- 12 (1) A person ceases to be a Commissioner if the person gives the Secretary of State written notice of resignation.
- (2) The Secretary of State may call on a Commissioner to resign—
- (a) if the Commissioner is convicted of an offence and sentenced to a term of imprisonment;
 - (b) if the Commissioner is insolvent; or
 - (c) if the Commissioner is disqualified from being a company director.
- (3) If the Secretary of State calls on a Commissioner to resign, the Commissioner must resign—
- (a) on the date specified by the Secretary of State, or
 - (b) on any earlier date which the Commissioner agrees with the Secretary of State.
- (4) For the purposes of this paragraph a person is “insolvent” if—
- (a) the person has become bankrupt or is an undischarged bankrupt;
 - (b) the person has become the subject of a bankruptcy restrictions order;
 - (c) a debt relief order or a debt relief restrictions order has been made in respect of the person;
 - (d) the person has made a composition or arrangement with his or her creditors, or granted a trust deed for his or her creditors;
 - (e) under the law of Scotland, the person’s estate has been sequestrated and the person has not been discharged.
- (5) For the purposes of this paragraph a person is “disqualified from being a company director” if the person is subject to—
- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)),
 - (b) any order, undertaking or other provision under the law of England and Wales or Scotland that has a corresponding effect,
 - (c) an order under Article 86(1) of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)), or
 - (d) any order, undertaking or other provision under the law of England and Wales or Scotland that has a corresponding effect.

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I23 Sch. 1 para. 12 not in force at Royal Assent, see [s. 63\(4\)](#)

I24 Sch. 1 para. 12 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

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PART 3

THE CHIEF COMMISSIONER

Delegation of functions

- 13 (1) The Chief Commissioner may authorise—
- (a) any other Commissioner, or
 - (b) any ICRIR officer,
- to do any act which the Chief Commissioner may do.
- (2) But that does not apply to any act to be done by the Chief Commissioner as a member of the immunity requests panel (including any to be done as chair of the panel).
- (3) An authorisation under this paragraph may be given generally or specially.

Commencement Information

I25 Sch. 1 para. 13 not in force at Royal Assent, see [s. 63\(4\)](#)

I26 [Sch. 1 para. 13](#) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

PART 4

THE COMMISSIONER FOR INVESTIGATIONS

Delegation of functions

- 14 (1) The Commissioner for Investigations may authorise—
- (a) any other Commissioner, or
 - (b) any ICRIR officer,
- to do any act which the Commissioner for Investigations may do.
- (2) But no authorisation under sub-paragraph (1) may be given in relation to any function of the Commissioner for Investigations under section 6(2).
- (3) An authorisation under this paragraph may be given generally or specially.

Commencement Information

I27 Sch. 1 para. 14 not in force at Royal Assent, see [s. 63\(4\)](#)

I28 [Sch. 1 para. 14](#) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

No limitation on trade union activity

- 15 The Commissioner for Investigations is not to be regarded as in police service for the purposes of—
- (a) Article 145 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 ([S.I. 1995/1980 \(N.I. 12\)](#));
 - (b) Article 243 of the Employment Rights (Northern Ireland) Order 1996 ([S.I. 1996/1919 \(N.I. 16\)](#));

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- (c) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992; or
- (d) section 200 of the Employment Rights Act 1996.

Commencement Information

- I29** Sch. 1 para. 15 not in force at Royal Assent, see **s. 63(4)**
- I30** Sch. 1 para. 15 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

PART 5

ICRIR OFFICERS

Employed ICRIR officers

- 16 The ICRIR is to determine—
- (a) the number of employed ICRIR officers; and
 - (b) the terms of their employment.

Commencement Information

- I31** Sch. 1 para. 16 not in force at Royal Assent, see **s. 63(4)**
- I32** Sch. 1 para. 16 in force at 1.12.2023 by S.I. 2023/1293, **reg. 2(a)**

Seconded ICRIR officers

- 17 (1) Seconded ICRIR officers are under the direction and control of the ICRIR in the same way as employed ICRIR officers.
- (2) In the case of the secondment of a member of a police force to be a seconded ICRIR officer—
- (a) arrangements for the secondment are to be made with the chief officer of that police force; and
 - (b) the arrangements must provide for the ICRIR to pay the policing body responsible for that police force the amount that is specified in, or determined in accordance with, the arrangements.
- (3) If a seconded ICRIR officer is a constable in any police force, the powers and privileges which that person has by virtue of being a constable are not exercisable in Northern Ireland—
- (a) from the time when the person becomes an ICRIR officer;
 - (b) but are revived if the person—
 - (i) ceases to be an ICRIR officer, and
 - (ii) returns to service as a constable.
- (4) Sub-paragraph (3) ceases to apply to a person who resigns from, or otherwise ceases to hold, the office of constable.
- (5) Service as a seconded ICRIR officer is—

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- (a) relevant service for the purposes of section 27 of the Police (Northern Ireland) Act 1998 (members of the PSNI engaged on other police service), if the person seconded is a member of the PSNI,
 - (b) relevant service for the purposes of section 97 of the Police Act 1996 (police officers engaged on service outside their force), if the person seconded is a member of a police force as defined in section 101 of that Act), and
 - (c) temporary service outwith the Police Service of Scotland under section 15(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8), if the person seconded is a constable in the Police Service of Scotland.
- (6) If a member of the PSNI is a seconded ICRIR officer, the application of—
- (a) section 35 of the Police (Northern Ireland) Act 1998, or
 - (b) any provision under the law of England and Wales or Scotland that has a corresponding effect,
- to the person does not affect the person’s ability, as an ICRIR officer, to be a member of any trade union or association.
- (7) In this paragraph—
- “chief officer” means—
- (a) the Chief Constable of the PSNI, in the case of the secondment of a member of the PSNI, or
 - (b) the chief officer of a police force in Great Britain, in the case of the secondment of a member of the force;
- “police force” means—
- (a) the PSNI, or
 - (b) a police force in Great Britain;
- “policing body responsible for” a police force means—
- (a) in the case of the PSNI, the Northern Ireland Policing Board;
 - (b) in the case of a police force maintained under section 2 of the Police Act 1996, the Police and Crime Commissioner for the police area for which that force is maintained;
 - (c) in the case of the metropolitan police force, the Mayor’s Office for Policing and Crime;
 - (d) in the case of the City of London police force, the Common Council of the City of London as police authority for the City of London police area;
 - (e) in the case of the Police Service of Scotland, the Scottish Police Authority;
 - (f) in the case of the Ministry of Defence Police, the Secretary of State;
 - (g) in the case of the British Transport Police, the British Transport Police Authority.

Commencement Information

I33 Sch. 1 para. 17 not in force at Royal Assent, see [s. 63\(4\)](#)

I34 Sch. 1 para. 17 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

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Persons holding public elected positions not to be ICRIR officers

- 18 (1) A person who holds a relevant office may not become an ICRIR officer.
- (2) A person ceases to be an ICRIR officer if the person begins to hold a relevant office.
- (3) For the meaning of references in this paragraph to holding a relevant office, see paragraph 9(3).
- (4) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 9).

Commencement Information

- I35** Sch. 1 para. 18 not in force at Royal Assent, see [s. 63\(4\)](#)
- I36** [Sch. 1 para. 18](#) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

Rehabilitation of offenders

- 19 (1) The following Orders apply to ICRIR officers as they apply to constables—
- (a) the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 ([S.R. 1979/195](#));
 - (b) the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ([S.I. 1975/1023](#));
 - (c) the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 ([S.S.I. 2013/50](#)).
- (2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 8(8)).

Commencement Information

- I37** Sch. 1 para. 19 not in force at Royal Assent, see [s. 63\(4\)](#)
- I38** [Sch. 1 para. 19](#) in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

Liability for unlawful conduct

- 20 (1) The ICRIR may, in such cases and to such extent as appear to the ICRIR to be appropriate, pay—
- (a) any damages, or any costs or, in Scotland, expenses, awarded against an ICRIR officer in proceedings for any unlawful conduct of that ICRIR officer;
 - (b) any costs or, in Scotland, expenses incurred and not recovered by an ICRIR officer in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (2) The ICRIR may make arrangements for the legal representation of any ICRIR officer in any proceedings mentioned in sub-paragraph (1).
- (3) The Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 ([S.I. 1972/963 \(N.I. 6\)](#)), and any provision under the law of England and Wales or Scotland that has a corresponding effect, does not require insurance to be effected by the ICRIR.

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- (4) The ICRIR is liable for the unlawful conduct of a person which occurs when the person is acting, or purporting to act, as a seconded ICRIR officer in the same manner as an employer is liable in respect of unlawful conduct of employees in the course of their employment.
- (5) If the unlawful conduct is a tort, the ICRIR is accordingly to be treated as a joint tortfeasor.

Commencement Information

- I39** Sch. 1 para. 20 not in force at Royal Assent, see [s. 63\(4\)](#)
I40 Sch. 1 para. 20 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

No limitation on trade union activity

- 21 (1) An ICRIR officer is not to be regarded as in police service for the purposes of—
- (a) Article 145 of the Trade Union and Labour Relations (Northern Ireland) Order 1995;
 - (b) Article 243 of the Employment Rights (Northern Ireland) Order 1996;
 - (c) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992; or
 - (d) section 200 of the Employment Rights Act 1996.
- (2) This paragraph does not apply to the Commissioner for Investigations (instead see paragraph 15).

Commencement Information

- I41** Sch. 1 para. 21 not in force at Royal Assent, see [s. 63\(4\)](#)
I42 Sch. 1 para. 21 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

Meaning of “employed” and “seceded” ICRIR officer

- 22 In this Part—
- “employed ICRIR officer” means a person employed as an ICRIR officer under section 3(1);
- “seceded ICRIR officer” means a person seceded as an ICRIR officer under section 3(2).

Commencement Information

- I43** Sch. 1 para. 22 not in force at Royal Assent, see [s. 63\(4\)](#)
I44 Sch. 1 para. 22 in force at 1.12.2023 by [S.I. 2023/1293](#), [reg. 2\(a\)](#)

Changes to legislation:

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