



Policy Legacy FOI Team
Headquarters 38 (Irish) Brigade
British Forces Post Office 825

E-Mail: 38X-PolicyLegacy-FOI-Mailbox@mod.gov.uk



Reference: FOI 2021/06613

Date: 17 September 2021

Dear [REDACTED],

REQUEST FOR INFORMATION – INFORMATION RELATING TO THE DEATH OF WILLIAM MARCHANT ON 28 APRIL 1987

I can confirm that your request has been considered under the provisions of the Freedom of Information Act 2000 (FOI (A)), and the process is now complete.

You stated the following:

“Therefore our client believes there was and is material regarding the MOD patrols in the area of Tullymore Gardens, Belfast, in or around 28th April 1987.

We look forward to hearing from you in respect of this request and the relevant related material to it.”

I can confirm that the MOD holds some information relating to your request. This information has been located in a range of documents and relevant extracts of these have been provided at Annex A.

Some of the information you have requested could be exempt under Section 23(1) of the Freedom of Information Act, which relates to the bodies dealing with security matters, although it is also possible that the information relates to none of the bodies dealing with security matters. Sections 23(1) and 24(1) are being cited in the alternative as it is not appropriate, in the circumstances of the case, to say which of the two exemptions is actually engaged so as not to undermine national security or reveal the extent of any involvement, or not, of the bodies dealing with security matters. Section 23 is an absolute exemption and, if it were engaged in this material, the MOD would not be required to consider whether the public interest favours disclosure of this information.

Any information that is not exempt from disclosure under Section 23(1) could be exempt under Section 24(1) of the FOI(A), which exempts information from disclosure if its exemption is required for the purpose of safeguarding national security. We cannot say which of the two exemptions is actually engaged, but to the extent that S24(1) might be engaged. We acknowledge the public interest in openness and transparency, but we consider that there is a stronger public interest in protecting national security.

All Police Service of Northern Ireland (PSNI) cases remain open and if new evidence comes forward the PSNI will reinvestigate. Release of these documents must be carefully considered under Section 31 (Law Enforcement) of the FOI (A). I have completed this consideration through a public interest test including consultation with the PSNI who have advised that release of some of the information could adversely impact on any investigative process and may jeopardise any future

prosecutorial process. On this basis I am withholding some of the information under Section 31 of the FOI(A).

Additionally, some of the information contained within the disclosure constitutes personal information, such as names and addresses. Under FOI(A) this information is exempt under Section 40 (2) by reason of the first condition under Section 40 (3) (a) (i), as disclosure would contravene data protection principles under the Data Protection Act 2018 (DPA 2018). This is an absolute exemption and does not require a public interest test to be conducted in order for this information to be exempt from disclosure. Therefore, all personal information has been redacted.

I appreciate that this incident took place 34 years ago and the passage of time can be a factor in diminishing the applicability of exemptions to information. However, in this instance the passage of time is less relevant as the PSNI continue to investigate Troubles-related deaths and the overall balance is in favour of partial exemption.

If you have any queries regarding the content of this letter, please contact this office in the first instance

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the FOI(A). Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

38 (Irish) Brigade FOI Team

Enc:

Annex A Extracts from various documents, dated 17 September 2021

Verbatim Extracts from Various Documents - Death of William Marchant on 28 April 1987

Formation/Unit TAC OPS 1 QLR

Logkeeper(s) [Redacted]

Date 28 April 1987

Sheet No 0320

	Time	To	From	Event	Action	Sign
033	1507	Ø	YØ	Contact at rds fired N/K car involved [Redacted] a burst of fire at civilians outside 190/200 Shankhill Rd 1 male SI 1 female GSW to lag(<i>sic</i>) RUC dealing		
035	1530	Ø	YØ	Now confirmed contact at 1507 hrs at Crimea/Shankhill outside the progressive unionist party Gr 32567482 Mr Hugh Marchant (SI) taken to matter(<i>sic</i>) hospital 2 other injured taken to city hospital	Possible Marchan(<i>sic</i>) [Redacted] Shankhill (TBC)	
036	1545	Ø	YØ	Police in full control I have 1 C/S at Tennent St and 1 in the Ardoyne		

Formation/Unit TAC OPS 1 QLR

Logkeeper(s) [Redacted]

Date 28 April 1987

Sheet No 0323

Serial	Time	To	From	Event	Action	Sign
052	2034	CC	Ø	Ref [Redacted] [Redacted] if seen do not touch believed to be boobytrapped		
053	2103	Ø	NØ	I am assisting the RUC at [Redacted] Tullymore Gnds there is a veh there that may have been involved in the shooting in the Shankhill		

Formation/Unit HQNI

Logkeeper(s) [Redacted]

Date 28 Apr 87

Sheet No 3

Serial	Time	To	From	Event	Action	Sign
12	1507		39	Contact 1507 hrs RUC Tennant St nk no of shots, no cas RUC FUIP no mil involvement. (1QLR deploying to support) - No poss car involvement [Redacted] Bronze Cortina	[Redacted] SO3	[Redacted]
13	1520	RUC		Ref contact Shankill Rd. 2 cas taken to hospital.		[Redacted]
14	1525		39	Ref contact Burst of automatic fire from a moving car (vrn above) outside 190/200 Shankill Rd. 1 civ seriously injured 1 woman GSW to leg.	[Redacted] SO3	[Redacted]
15	1535		39	Outside the progressive unionist party HQ jct Shankill Rd/Crimea St 3 civ injured William Hugh Marchant [Redacted] Shankill Rd GR 32567482 now dead.	[Redacted] [Redacted]	[Redacted]
17	1715	RUC		Ref shooting- dead William Hill(sic) Marchant of [Redacted] dob [Redacted] [Redacted]. 2 women injured (one GSW to back and one GSW to leg) not serious	39 Bde SO3 [Redacted] AIS	[Redacted]

Formation/Unit HQNI

Logkeeper(s) [Redacted]

Date 28 Apr 87

Sheet No 4

Serial	Time	To	From	Event	Action	Sign
18	1740		inside Ulster	Ref Shooting PIRA claimed resp(sic) saying Marchant was [Redacted] and [Redacted]. 4 men in a car with a rifle and a handgun. One lady was in her 60s.	[Redacted]. No of men not confirmed dira(sic) of travel was east to west.	[Redacted]

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¹ The content that we have highlighted was a handwritten addition to the original document.