

Northern Ireland Troubles Bill - Key Committee Amendments

The table below provides a summary of the key amendments to the Northern Ireland Troubles Bill that have been tabled today.

A large number of technical amendments to the Bill (e.g. to clarify and refine legislative drafting) have also been tabled. They are not included in this document, but will be included in the amendment paper.

Amendment	Description
<i>Ensuring that those who served our state are treated with dignity and respect</i>	
Disclosure sequencing in investigations	This amendment will ensure that individual veterans are not contacted unnecessarily, as formal state disclosure must now be undertaken first. It also requires consideration of whether compelling new evidence is known or reasonably expected to exist, prior to contacting a witness. These measures will prevent the unnecessary contacting of witnesses.
Recognising operational context	This amendment makes clear that the Bill does not allow the lawful actions of soldiers in the course of duty to be treated as equivalent to the actions of terrorists. It recognises the circumstances in which veterans and former police officers served, specifically that they were operating in a particular operational context during violent political unrest, and recognises the circumstances in which they needed to make decisions in deploying the use of force to prevent harm.
Protection against cold calling	We understand stakeholders' concerns about veterans being cold called by the Legacy Commission without warning. A protection from cold calling was originally intended to be delivered via agreement with the Commission. However, stakeholders have requested clarity in legislation, so we are putting this protection on the face of the Bill. This will ensure that any initial contact with veterans goes through the MoD so that they are given the pastoral support they need.
Remote access for witnesses	These amendments will ensure that when a witness is contacted as part of an investigation under Part 3 they can do so remotely, mirroring the provision already applying to Part 4.
Statutory review of effectiveness of witness protections	We understand that our commitments to protect witnesses must translate into reality. To provide assurance of this, we are legislating for an independent review of the effectiveness of the witness protections and other measures, to ensure the provisions designed to help former service personnel are fulfilling the policy intent.
No new inquests	This amendment will remove Clause 85, meaning that no new inquests can be directed following the end of the Commission.

<i>Building confidence in the reforms</i>	
Attorney General to consent to prosecute	This amendment will ensure that the Attorney General, acting in an independent, quasi-judicial capacity, must consent to the prosecution of serious Troubles related offences.
Prosecutorial guidance	This amendment will require the Public Prosecution Service in Northern Ireland and the Crown Prosecution Service in England & Wales to work together on joint guidance on the approach to prosecutions.
Prosecutorial advice to the Legacy Commission	These amendments will ensure that the Commission seeks the advice of prosecutors during the course of an investigation to help inform its decision making in respect of referrals to prosecutors. This will ensure that cases are not referred to prosecutors in circumstances where the evidence is unlikely to support a successful prosecution.
Ensuring transparency in prosecutions	These amendments will require the Commission to publish a policy on the types of circumstances in which they will refer to prosecutors, in order to increase transparency.
Legal status of 'on-the-run' letters	Amendment to clarify that no person can or should rely on an 'on-the-run' letter during criminal proceedings against them.
Ensuring an effective process for victims	
Victims and Survivors Advisory Group	Although we have been clear that no former paramilitaries will be appointed to the Victims and Survivors Advisory Group, having listened to concerns, we are giving legislative effect to that commitment in order to provide absolute certainty on this point. We will require there to be veteran representation on the Victims and Survivors Advisory Group to ensure the experiences of our soldiers in Northern Ireland are reflected.
Repeal of the Legacy Act's immunity scheme and bar on civil cases	These amendments will repeal the Legacy Act's provisions relating to the conditional immunity scheme and the bar on civil claims. While the immunity provisions were never commenced, this will remove them from the statute book, providing clarity and confidence to individuals approaching the Legacy Commission. These provisions were originally contained in the Remedial Order which the House of Commons passed on 21 January.

Progress on the Joint Framework	This amendment will require the Secretary of State to make a WMS setting out the progress that the UK and Irish Governments have made on delivering commitments against the Joint Framework.
Police collaboration	These amendments will remove the prohibition on any other police forces being able to assist the Legacy Commission on Troubles cases. They will enable the Commission to collaborate with police forces across the UK where necessary to fully investigate a death or serious injury, using the expertise of police forces.
HMICFRS investigation	These amendments will give His Majesty's Inspectorate of Constabulary and Fire & Rescue Services the power to conduct regular inspections of the Legacy Commission to ensure the Legacy Commission is operating as efficiently as possible and in a way that finds appropriate value for money.
Cases where a seriously injured person has died	These amendments will ensure that certain scenarios where a seriously injured person has died since the start of their investigation are dealt with appropriately. For example, their family will be notified about the conduct of their investigation and allowed to appeal the prohibition of disclosure in the final report. This amendment also aligns the language around the propriety of appeals mechanisms for non-close family members.
Death certificates	This amendment will allow Judicial Panel Members to provide death certificates where the family has been unable to previously obtain one.
Judicial review time limit	This amendment adds a time limit for judicial reviews against inquisitorial proceedings decisions. This will prevent challenges that would cause long delays and aligns the regime with the Inquiries Act.
Timing of disclosure information	This amendment makes clear that the Legacy Commission can set a timescale by which relevant authorities must supply information. It also allows the Commission to request disclosure from the 'Presiding Coroner'.