

MEMORANDUM

NORTHERN IRELAND TROUBLES BILL 2025

Background

1. This memorandum has been laid before the Assembly by the Minister of Justice under Standing Order 42A (4)(b).
2. Standing Order 42A - Legislative Consent Motions, details the procedure for seeking the agreement of the Assembly to the United Kingdom Parliament considering provisions of a Bill which deal with a devolution matter. Paragraph (2) of Standing Order 42A prescribes that a legislative consent memorandum shall be laid in respect of any devolution matter for which a legislative consent motion is proposed.
3. Under Standing Order 42A (4)(b) I am laying this memorandum explaining why a legislative consent motion is not being sought. I regret that I was unable to meet the expected normal requirement of 10 working days but members will appreciate there was much to digest in the Bill and I had no advance sight of it.

Summary of the relevant parts of the Bill and its policy objectives

4. *The Legacy of the Troubles: a joint framework* was published on 19 September following a joint announcement by the UK and Irish Governments at Hillsborough Castle. The joint framework committed to replacing the 2023 Legacy Act with new mechanisms designed to ensure truth, accountability and justice for victims and survivors.
5. The Northern Ireland Troubles Bill 2025 ("the Bill") was introduced in the House of Commons on 14 October 2025.
6. The Bill as introduced contains nine parts, 98 clauses and 6 schedules and the current version can be found at: [Northern Ireland Troubles Bill](#)
7. A summary of parts of the Bill is as follows:
8. **Part 1 – Introductory**

Defines the Troubles (1 January 1966 to 10 April 1998), repeals the 2023 Act, and establishes the scope of the troubles includes acts and omissions anywhere which related to Northern Ireland affairs.

Part 2 – The Legacy Commission

Reconstitutes the Independent Commission for Reconciliation and Information Recovery (ICRIR) as the “Legacy Commission”. The Legacy Commission will investigate deaths and serious harms and oversee information recovery and inquisitorial proceedings. An Oversight Board, Commissioners, Judicial Panel Members will be appointed by the Secretary of State. The Secretary of State will also establish a Victims and Survivors Advisory Group.

Part 3 – Investigations and Related Proceedings

Covers the statutory basis for initiation and conduct investigations by the Legacy Commission and the issuing of reports. The powers are intended to streamline legacy investigative work within a single body.

Part 4 – Inquisitorial Proceedings

Covers inquisitorial proceedings. Such proceedings will be presided over by a Judicial Panel Member and will not result in findings of criminal or civil liability. The Legacy Commission is authorised to engage or employ legal representatives and Judicial Panel Members may award legal expenses and costs.

Part 5 – General Provisions on Investigations and Proceedings

Covers the general provisions in relation to both investigations and inquisitorial proceedings. It includes matters such as the making of personal statements, the welfare and protection of witnesses and the duty to regard the dignity and wellbeing of victims and survivors.

Part 6 – Independent Commission on Information Retrieval (ICIR)

Establishes the Independent Commission on Information Retrieval (ICIR). The ICIR is prohibited from disclosing the identity of anyone gives it information about a relevant death (i.e. Troubles related). The provision of information to ICIR does not confer any immunity from criminal prosecution. Clause 78 defines the relationship between the Legacy Commission & ICIR.

Part 7 – Legacy Inquests

Focuses on legacy inquests & effectively divides them into groups:

Inquests which were initiated but not allocated to a Coroner before 1 May 2024 – to be referred to the Advocate General for a direction either to proceed as an inquest or be investigated by the Legacy Commission

Inquests which were initiated but were discontinued by the allocated Coroner (for example were halted on grounds such as public interest immunity). The Secretary of State for Northern Ireland can direct that the death is investigated by the Legacy Commission.

Inquests which were initiated and allocated to a Coroner before 1 May 2024 but which were stopped by action of the Legacy Act 2023 may be restarted as inquests conducted by the Presiding Coroner.

Part 7 also imposes a duty on the Presiding Coroner (in resumed inquests) to consult the Advocate General for Northern Ireland before issuing guidance about the management or conduct of resumed inquests. This includes guidance on protecting the welfare and safety of witnesses, particularly veterans or those providing sensitive testimony.

Part 8 Oversight, Reporting and Transitional Arrangements

Covers the oversight and report requirements including the production of a historical record by the Legacy Commission.

Part 9 General and Supplementary Provisions

Covers various matters, including the interpretation, consequential amendments and commencement arrangements.

. Provisions which deal with a Devolution Matter

9. The Explanatory Notes to the Bill indicate that all but two clauses of the Bill (clauses 89 and 90) engage the legislative consent process in Northern Ireland.

Reasons for not seeking a Legislative Consent Motion

8. While a number of the clauses engage devolved matters the policy intent, legislative design and financial consequences of the Bill have all been determined **unilaterally** by the UK Government. The Bill confers a range of responsibilities on operationally-independent justice agencies and ALBs. Additionally, there are new arrangements set out for the judicially independent Presiding Coroner. The Department has no policy, legislative or financial control over any aspect of the Bill and cannot support its introduction on those terms. Additionally, the Department is already managing a significant legislative programme and has neither the capacity nor the justification to divert resources and set aside the existing priorities to progress an LCM which is a policy matter for UK Government.

Engagement with the Committee for Justice

9. I have written to the Justice Committee to communicate the situation as outlined above.

Engagement with the Executive

10. I have also written to Executive colleagues for their views on the Bill.

Conclusion

10. I am not laying a Legislative Consent Motion, at least at this time, as I cannot recommend that the Assembly provides consent for in the transferred matters in Bill. There has been a lack of meaningful engagement by the UK Government on the detail. I do not have the Departmental resources to drop important legislative priorities to implement a UK Government policy over which I have no control. The UK Government has never adequately resourced legacy and this has not changed with the introduction of the Bill. There is also a need for me to engage with the Executive.