

Northern Ireland Affairs Committee

The Government's new approach to addressing the legacy of the past in Northern Ireland: Government Response

Third Special Report of Session 2024–26

HC 1716

Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office; administration and expenditure of the Crown Solicitor's Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel) and its associated public bodies.

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Third Special Report

The Northern Ireland Affairs Committee published its Second Report of Session 2024–26, [The Government’s new approach to addressing the legacy of the past in Northern Ireland](#) (HC 586), on 1 December 2025. The Government Response was received on 30 January 2026 and is appended below.

Appendix 1: Government Response

Introduction

1. The Government is grateful to the Committee for its continued scrutiny of the Government’s approach to addressing Northern Ireland legacy. As Secretary of State for Northern Ireland, I welcomed the opportunity to give oral evidence on 23 June 2025 (as part of the session to discuss the Work of the Secretary of State for Northern Ireland), 3 September 2025, and 22 October 2025. The recommendations of the Committee have been helpful and constructive, and I have sought to respond to them as fully as possible in this response. I am very happy to continue to assist the Committee as the Northern Ireland Troubles Bill progresses.
2. It is worth remembering what faced the Government when it was elected in July 2024. The Northern Ireland (Legacy & Reconciliation) Act 2023 (the Legacy Act) received Royal Assent in September 2023 despite almost universal opposition in Northern Ireland and more widely, including from the Northern Ireland political parties, political parties in Westminster, victims and survivors across the United Kingdom, and human rights organisations both domestically and internationally – leading the Government of Ireland to lodge an interstate case against the United Kingdom at the European Court of Human Rights. It was also opposed by some veterans who served in Northern Ireland, and the families of soldiers who had been killed serving during Operation Banner. This was, in particular, due to the Legacy Act’s

conditional immunity provisions, which many veterans rightly saw as an affront to the rule of law they sought to protect, and which families viewed as the State offering immunity to those who had perpetrated appalling acts of terrorist violence, including against state forces.

3. The Legacy Act had already been subject to several applications for Judicial Review. On 28 February 2024, the Northern Ireland High Court, in Dillon, ruled many aspects of the Legacy Act, including those relating to conditional immunity, to be incompatible with our human rights obligations. The previous government had appealed these findings in their entirety, and the appeal at the Northern Ireland Court of Appeal was heard in June 2024. It is within that context that the Independent Commission for Reconciliation and Information Recovery (ICRIR) was established in May 2024.
4. This Government was elected in July 2024 with a manifesto that included a clear commitment to repeal and replace the Legacy Act. The Government is delivering this commitment with multiple ongoing court cases, a high level of media and stakeholder interest and different strongly held views. In the 18 months since entering office the Government has:
 - Abandoned all grounds of the previous government's appeal against the section 4 Human Rights Act declarations of incompatibility made by the Northern Ireland High Court in relation to the Act in Dillon. The Government has, however, pursued an appeal to the United Kingdom Supreme Court regarding findings made by the High Court (and upheld by the Northern Ireland Court of Appeal) in relation to the interpretation of Article 2 of the Windsor Framework, and additional declarations of incompatibility made by the Northern Ireland Court of Appeal in relation to disclosure and effective next of kin participation. The case was heard by the Supreme Court in October 2025, and judgment is pending;
 - On 19 September 2025, published a Joint Framework on addressing the legacy of the Troubles in Northern Ireland legacy issues alongside the Irish Government, returning to an approach which recognises that addressing legacy issues is the responsibility of both the UK and Irish governments. The Joint Framework outlines measures by the UK Government to significantly reform the ICRIR (which is to be renamed the Legacy Commission), and to restore inquests that were in progress but halted by the Act. It also contains significant commitments by the Irish Government to facilitate the fullest possible cooperation of the Irish authorities with the Legacy Commission, to establish a dedicated legacy unit in An Garda Síochána, and to provide a financial contribution of €25 million over three years to include the costs of participation and representation of victims, survivors and next of kin in legacy processes;

- Separately, on 19 September 2025, announced a comprehensive package of new protections and safeguards for veterans who served in Northern Ireland that will ensure that any veteran required to engage with legacy processes is treated with dignity and respect;
 - On 14 October 2025, presented a draft Remedial Order to Parliament, pursuant to paragraph 3(2) of Schedule 2 to the Human Rights Act 1998. This included the Government's response to representations received on the original proposal for a draft Remedial Order laid on 4 December 2024. The draft Remedial Order seeks to remove all provisions of the Legacy Act relating to immunity and the prohibition on bringing Troubles-related civil proceedings; and
 - On 14 October 2025, introduced the Northern Ireland Troubles Bill, which seeks to deliver on the Government's commitment to repeal and replace the Legacy Act through the faithful implementation of the measures articulated in the Joint Framework, and those announced to protect our veterans who served in Northern Ireland. The Bill also seeks to address the UK Supreme Court ruling in the *Adams* interim custody order case regarding the application of the *Carltona* principle.
5. Despite the difficult circumstances of its inception, including the declarations of incompatibility made by the Northern Ireland courts in relation to the Legacy Act, the ICIR was found by the same courts to have wide powers, and to be capable of conducting effective investigations that fulfil human rights obligations in all but a small number of cases. It is within this context that the ICIR, led by Sir Declan Morgan as Chief Commissioner, is diligently investigating cases on behalf of families who have approached it. As of 13 January 2026, it is our understanding that the ICIR is handling 113 live investigations. I would like to assure the Committee that the Government will do all it can to support the ICIR to effectively discharge its duties on behalf of families while the Government's proposed reforms are considered by Parliament, and as those reforms are put in place during a period of transition to a reformed Legacy Commission.

Commission Reforms

6. Fundamental reform of the ICIR, to ensure that it is *fully* human rights compliant and is able to command greater public confidence, is a key tenet of the Government's commitment to repeal and replace the Legacy Act. This includes new governance structures and independent oversight arrangements. I am confident that the provisions currently included in the Troubles Bill will achieve the necessary reform of the Commission, and this has been reflected in the generally positive response from stakeholders to the reforms that have been proposed. I welcome that stakeholders will, of

course, continue to raise issues and suggest ways in which, in their view, the Bill can be improved. The Government will always consider this feedback carefully. I provide below a response to the Committee's recommendations or comments in relation to reform of the Commission.

The Bill does not include a specific requirement for the investigations process to be ECHR-compliant.

7. The Government takes its human rights obligations very seriously. The Troubles Bill, alongside the Remedial Order, seeks to implement legacy mechanisms that are fully compliant with human rights – including through fundamental reform of the Commission. Clause 11(e) of the Bill places the Commission under a duty to act consistently with the principle that human rights should be respected.
8. I have also made a section 19(1)(a) statement under the Human Rights Act on the face of the Bill to confirm that, in my view, the provisions are compatible with Convention Rights. In discharging its functions the Commission will be subject to section 6 of the Human Rights Act and will have to discharge its functions in a manner that is compliant with the ECHR. Putting such a requirement in primary legislation for a specific function is therefore unnecessary.

There is a de facto exclusion of most Troubles-related sexual crimes from the Commission's remit.

9. I appreciate that this is an issue which Parliament was particularly concerned about during passage of the previous government's Legacy Act; i.e. the prospect that individuals could be granted immunity from prosecution for sexual offences. As noted above, this Government has always opposed immunity, and we are removing the immunity provisions, including the de-facto immunity for other offences, from the statute book via the Remedial Order.
10. We are also addressing this in the Troubles Bill. The Bill ensures that there will always be an avenue for the investigation of any Troubles-related sexual offences. Firstly, the Commission will retain its ability to investigate any Troubles-related sexual offences that are connected to a death or serious injury, as defined by the Bill. Clause 32 of the Bill also gives the Commission the power to initiate investigations if such an investigation is necessary for the purposes of ECHR compatibility.
11. Furthermore, Clause 88 of the Troubles Bill (Relaxation of restriction on criminal investigations by police forces etc) will ensure that the relevant police forces will be able to investigate Troubles-related offences, including sexual offences, that are not considered a serious or connected Troubles-related offence as defined by the Bill.

12. This addresses a failing of the Legacy Act, which placed a bar on investigating and prosecuting Troubles offences which are not connected to a death or serious injury, including a de-facto bar on the investigation of sexual offences.

There is a risk that the Commission may disclose in its final reports the questions families have asked it to explore. Alternatively, it may present its findings solely in reference to the questions posed, and views expressed, by families.

13. It is important that legacy mechanisms are victim-centred, and the Government will consider very carefully any proposals that seek to improve the experience of victims and survivors that engage with the Commission.
14. Clause 36(6)(b) of the Bill ensures that the Commission is required to examine all circumstances of the conduct to which an investigation relates. This is regardless of whether, and what, questions are posed by families during the course of an investigation.
15. Clause 36(9) of the Bill, which requires the Director for Investigations to have regard to any particular questions asked by families in a request for an investigation. Clause 38(5) places a duty on the Commission to provide answers to those questions in a final report, or a statement of the outcome where it has not been practical to respond. The Government does not consider that this requires the Commission to explicitly set out in its report the questions that families have asked it to explore. Equally, Clause 40 allows the family to make representations ahead of publication, which would allow a dialogue with the Commission if they were concerned about the specific content of the Report. We are, however, happy to consider whether alternative legislative drafting might help to alleviate such concerns.

The threshold for ‘serious injury’ should be revisited, as it currently excludes individuals with long term injuries from engaging with the ICRIR.

16. In the Government’s view, the current definition of “serious physical or mental harm” strikes an appropriate balance in ensuring that those most seriously injured are able to refer cases to the Commission, while protecting the Commission against an expanded and unmanageable workload that it is unable to adequately resource.
17. The Secretary of State, under clause 28(3) of the Bill, is able to refer cases of harmful conduct to the Commission. The Commission, under Clause 32, is also able to initiate investigations if such an investigation is necessary for the purposes of ECHR compatibility. These provisions will ensure that the

Government is able to discharge its ECHR Article 3 obligations, where that is required, in cases that do not meet the definition of serious physical or mental harm’.

18. Clause 88 also enables the relevant police force to investigate a Troubles-related offence that is not considered a serious or connected offence.

The ICRIIR has called for enhanced powers commensurate with those of a police service.

19. It is important that the Commission is able to effectively exercise its investigative functions. The Government is engaging constructively with the Commission, and is carefully considering the operational feedback it has provided, including whether further investigatory powers can be granted to the Commission directly via established statutory procedures for the granting of such powers to public bodies.

20. It is important to note that the Commission was found by the Northern Ireland courts to have wide powers, and to be capable of conducting effective investigations that fulfil human rights obligations in all but a small number of cases. The reforms that the Government has brought forward will ensure that it is fully human rights compliant and can command greater public confidence.

The Bill’s definition of “close family member,” may exclude relatives who often play a key role.

21. The Bill’s current definition of ‘close family member’ (Clause 93) includes parents, siblings, and children. The Bill also allows the Commission to accept referrals from other relatives, such as grandchildren, if there are no close family members.
22. The Government believes that this is a balanced approach, focusing in the first instance on enabling, by default, more immediate family members to request an investigation by the Commission, whilst providing sufficient flexibility to cater for different familial circumstances. For example, it would not, in the Government’s view, be appropriate for the Commission to accept a request for an investigation from a ‘non-close’ family member, where such a request may be against the wishes of a ‘close family member’ (as defined). However, we recognise that there are different views on this issue, and will continue to engage and carefully consider these.

There should be transparency and guidance for the appointment processes, including regarding independent oversight. UKG should publish an indicative list of consultees, which should include victim-survivor representation. UKG should consider the merits of a Minister being bound by a recommendation of the panel of relevant person/s.

23. The Troubles Bill, at Clause 9, requires the Secretary of State to publish a list of prospective consultees **before** they are consulted on relevant appointments. Where appropriate, for example for the Victims and Survivors Advisory Group (VSAG), this will of course include consultation with representatives of victims and survivors. The list of consultees will vary for each appointment process, to ensure that the consultation for each role includes the required expertise. I can assure the Committee that the Government will aim to publish a list of prospective consultees in good time ahead of any consultation process.
24. The public appointment of the Commissioners, Directors of Investigations, Judicial Panel Members, and members of the VSAG by the Secretary of State is consistent with the approach taken for many other public appointments, including in Northern Ireland. It is important that the Secretary of State has ultimate oversight of appointments, to ensure that all appointments are appropriate and capable of commanding public confidence.

The Government must explain the membership and remit of the oversight board more clearly to those stakeholders in whom it needs to build more confidence in its proposals, including what practicable steps it is taking to include international expertise, beyond the parties to the Joint Framework.

25. The Oversight Board comprises the Commissioners (between two and five, appointed by the Secretary of State following consultation as set out in Clause 9 of the Bill) and the Chief Executive Officer appointed by the Commission. Clause 4 of the Bill explicitly obliges the Secretary of State to ensure that at least one of those Commissioners has relevant experience gained outside the United Kingdom.
26. The Oversight Board's principal remit is to set the Legacy Commission's strategic priorities, scrutinise the exercise of all its functions, and oversee the work of its officers. Clause 3(5) sets out the specific requirements of the Oversight Board. Crucially, the Commissioners on this Oversight Board are **non-executive** – meaning they are not generally involved in the operational delivery or day-to-day management of the Commission. This establishes a more robust governance arrangement than the ICRIR's current non-statutory Board, by ensuring that those responsible for operational delivery are accountable to the Oversight Board but do not sit on it.

There is also a case for ensuring that monitoring reviews of the Commission take place annually.

27. The Legacy Commission is already required to publish a detailed Annual Report and a yearly Work Plan, which provides stakeholders with an annual public update on its performance, caseload, and finances. The Bill further mandates a robust, independent review of the Commission's performance

by an external person at specific intervals (2, 5 and 7 years after the Act is passed, under Clause 24). It is the Government's view that these are appropriate arrangements, and placing further obligations of review would be overly burdensome.

UKG should provide detailed guidance regarding the remit of VSAG, its composition and operation, and ensure that it genuinely represents victims and survivors. Concerns have been raised regarding the potential duplication of functions currently performed by the Victims and Survivors Forum.

28. It is vital that the VSAG is able to command the confidence of victims and survivors across communities. The perspectives of victims will, of course, be an integral part of the consultation on appointments to the VSAG. The Government has also been very clear that membership of the VSAG will not include any individual who has previously been involved in paramilitary violence.

29. The VSAG has a specific role as part of the governance and oversight arrangements for the reformed Legacy Commission, learning from processes like the Operation Kenova Victims Focus Group, which families have indicated was helpful in this regard. The VSAG will complement the work of other well established representative groups to ensure the Commission exercises its functions in a way that meets the needs of victims and survivors. Further information regarding the composition of VSAG will be published as part of the Secretary of State's duties to consult on appointments under Clause 9 of the Bill. The specific operation of the VSAG will be a matter for its members, once appointed, though Clause 8(7) requires the Secretary of State to publish its terms of reference following consultation with members of the VSAG.

There are concerns about the scope of the Secretary of State's power to define conflicts of interest in relation to Commission staff; the process by which families can raise concerns about potential conflicts; how the proposed Oversight Board can adjudicate them; and whether senior commissioners should require commission officers to disclose information about them.

30. The Troubles Bill contains extensive provisions regarding conflicts of interest (Clauses 44-47). These were not contained in the Legacy Act, and are consistent with draft provisions from the Stormont House Agreement draft Bill. The Secretary of State will have no role whatsoever in considering or determining potential conflicts of interest.

31. Clause 44 of the Bill requires the Commission to publish a statement setting out how the Directors of Investigations and other Legacy Commission officers will comply with the statutory conflicts of

interest duties. Clause 45 makes clear that a Director of Investigations (2) or a Commission officer (3) must provide information to the CEO (2) or the relevant Director (3) with information about any matter which might reasonably be expected to give rise to a conflict of interest, or otherwise affect their ability to carry out their work fairly and impartially. The CEO, who sits on the Oversight Board, will determine conflicts of interest regarding the Directors under Clause 47.

32. In relation to families, Clauses 34(3) and (4) require the CEO, in relation to a proposed allocation of a case to a Director of Investigations, to consult and allow persons to give representations about any matter that they consider relevant to identifying and dealing with conflicts of interest in relation to the investigation. Clause 47 also provides for the reallocation of cases should a relevant conflict of interest arise following an initial allocation to a Director of Investigations.

The Government must also clarify what constitutes for one director, ‘experience of conducting criminal investigations in Northern Ireland’, given the proposal that the other director, ‘will not have that experience but will have experience of conducting criminal investigations outside Northern Ireland’.

33. The Troubles Bill requires the Secretary of State to ensure, so far as practicable, that one of the Directors has experience of conducting criminal investigations in Northern Ireland, and that the other Director does not have that experience, but has experience of conducting criminal investigations outside Northern Ireland (whether that experience was gained in Great Britain or elsewhere). To be clear, this is about a person’s experience and professional background, not where they are from. Investigators with experience of conducting Troubles-related criminal investigations as part of, for example, Operation Kenova, will be considered as having experience of conducting criminal investigations in Northern Ireland. As set out in the Joint Framework, the purpose of this provision is to ensure the two Directors of Investigations have different backgrounds, and that there is therefore scope to fully address any potential conflicts of interest at the most senior investigative level.

Who arbitrates if the Directors of Investigation disagree on how a case should progress?

34. Schedule 1, Part 3, Clause 17 of the Bill states that the Oversight Board will consider any disagreement between the Directors of Investigation regarding the functions that they are required to exercise jointly. The Directors of Investigation will be required to comply with the decision of the Oversight Board in those circumstances.

It is still unclear, however, what procedure there is to complain about maladministration or service failure by the Commission.

35. The ICIR has set out its Complaints Handling Policy publicly. The exercise of police powers by ICIR officers is subject to separate, external oversight arrangements, in line with standard practice for policing powers. Any complaint about the exercise of police powers should be raised through the Police Ombudsman for Northern Ireland or the Independent Office for Police Conduct, as appropriate. These arrangements will as a matter of default remain in place for the reformed Legacy Commission, which will continue to be responsible for its Complaints Handling Policy.
36. Clause 24 of the Troubles Bill creates a statutory provision for an independent person/body to undertake regular scheduled reviews of the performance by the Commission of its functions. Of course, the Bill also puts in place new arrangements to provide accountability for the Commission, including an Oversight Board with an independent, non-executive Chair, to which those responsible for the operational delivery of the Commission's functions (or failure to do so) are ultimately answerable. Furthermore, the Commission, as a public authority, is subject to public law principles, meaning that decisions that it takes can be legally challenged via judicial review.

The Government must also clarify whether the powers of the Police Ombudsman for Northern Ireland to investigate a relevant offence apply only to serving PSNI officers; and whether it would be more coherent and victim-centred for the Commission to investigate all Troubles-related alleged offences of state actors.

37. Clause 70 of the Bill ensures that potential criminal conduct by police officers that is identified by the Commission during the course of an investigation, but falls outside of the definition of offences that it is able to investigate, can be referred to the Police Ombudsman of Northern Ireland for consideration. This provision is not limited to current serving PSNI officers. References to PSNI in legislation are also references to the Royal Ulster Constabulary. The RUC was renamed the PSNI in Police (Northern Ireland) Act 2000, so they are the same body.
38. In terms of the Commission's investigative remit, this remains unchanged from the Legacy Act. The Commission will investigate serious (i.e. death or serious physical and mental harm) or connected Troubles-related offences as defined by the Bill. Clause 88 of the Troubles Bill will ensure that the relevant police forces will be able to investigate Troubles-related offences that are not considered to be a serious or connected Troubles-related offence. In the Government's view, this is a proportionate approach that ensures that the Commission is able to focus its resources on the most serious Troubles-related offences, whilst providing an avenue,

where necessary, for investigation by relevant police forces or the Police Ombudsman should evidence of other Troubles-related criminal conduct arise. These provisions close an investigative gap created by the Legacy Act.

Those providing ICRIR with information such as the PSNI and others will face new demands on their records. Without additional support for these organisations, these reforms risk failure.

- 39. The Government is committed to delivering on the funding for legacy mechanisms previously announced, with a total envelope of £250m.
- 40. Funding for the PSNI is a matter for the Department of Justice. The Government has provided the Northern Ireland Executive with a record £19.3bn per year, on average, over the Spending Review period. This ensures Northern Ireland is funded above its independently assessed level of need. This includes an increased Additional Security Funding of £113 million for the Police Service of Northern Ireland.
- 41. It is for the Northern Ireland Executive to consider how and where it allocates funding, as well as considering the revenue raising measures needed to deliver improved public services and better outcomes for citizens.
- 42. The vast majority of the over 1000 cases formerly within the remit of the PSNI Legacy Investigation Branch no longer form part of its caseload, allowing the police service to focus its investigative resources elsewhere. The challenge of resourcing disclosure obligations for legacy mechanisms is one faced by several organisations, including Government departments and agencies.

The Secretary of State has broad discretion to wind up the Commission, raising concerns that it could be closed prematurely for political or resource-based reasons. There is a case for clearer consultation requirements and evidence-based decisions to protect ongoing investigations and uphold commitments to truth and justice.

- 43. The Secretary of State's power to wind up the Legacy Commission under Clause 25 is subject to significant safeguards. The Secretary of State can only do so, by regulations, when they are satisfied that the need for the exercise of the Legacy Commission functions (including those conferred on Directors of Investigations and judicial panel members) has ceased.
- 44. The Secretary of State must consult the Legacy Commission and take into account its annual reports before taking a decision. The Secretary of State must also consult any other person that they consider appropriate. A report must be published by the Secretary of State setting out who has been consulted, a summary of the views expressed, and explaining why they are satisfied that the need for the exercise of the Legacy Commission functions has ceased.

45. Finally, any decision to wind up the Legacy Commission will be subject to a vote in Parliament, via the affirmative procedure.

Troubles-related cases and inquests

There is a concern that there will be an effective hierarchy of victims in terms of investigative processes and standards for different families, depending on the circumstances of their case and whether Article 2 of the ECHR is engaged.

46. All investigations and inquisitorial proceedings undertaken by the Commission are required to examine all the circumstances of the death or serious harm to which the referral relates. Similarly, all investigations and inquisitorial proceedings undertaken by the Commission will conclude with a report provided to families, which in the majority of cases will be published. All cases will be capable of leading to a prosecution should sufficient evidence exist of criminal wrongdoing, in line with established UK investigative standards. This approach ensures that all families are given the greatest possible opportunity to access the information they seek, whilst ensuring the Government can fulfil its human rights obligations.
47. Similarly, in the small number of cases that proceed as an inquest, the coronial system will provide a route for families to obtain information, and enable the State to discharge its human rights obligations.

There are also still concerns, however, about how practically independent judges can be who are appointed by the Secretary of State, rather than by the Northern Ireland Judicial Appointments Commission.

48. Anybody appointed as a Judicial Panel Member must already hold, or have held, high judicial office. In order to hold judicial office, judges will already have been required to undergo the relevant judicial appointments process.
49. The approach taken to the appointment of judicial panel members to the Commission is consistent with the approach taken to the appointment of inquiry chairs under the Inquiries Act 2005. It is also consistent with the approach taken to many other public appointments.
50. Clause 9 of the Bill is clear that the Secretary of State must publish a list of persons that the Secretary of State will consult for each appointment, including Judicial Panel Members. The Joint Framework also makes clear that advice on appointments for judicial panel members must include judicial advice from both Northern Ireland and Great Britain. The Government envisages that this will, of course, include the Lady Chief Justice for Northern Ireland.

For veterans, there must be fairness under the law and safeguards to ensure that investigations do not become punitive in nature. The measures referred to by the Government as six new protections may go some way to address concerns raised by former armed forces personnel, but in packaging these as protections—rather than safeguards available to all—the Government risks undermining trust in this process among the very groups in which it hopes to instil confidence.

51. We owe our Operation Banner veterans an enormous debt of gratitude – their service and their sacrifice will never be forgotten. The Government has a duty of care to all those who served.
52. The collection of protections were designed following consultation with veterans, and were not included in the previous government’s Legacy Act. All of these measures have been introduced in order to protect and ensure the fair treatment of any veteran who is asked to engage with legacy mechanisms.
53. Some of the measures proposed will, in fact, apply only to veterans, including the proposed protection from cold calling and the new safeguard that ensures veterans do not have to give unnecessary witness evidence on historical context and general operational details. Other measures, including the right to give evidence remotely and having regard to the welfare of witnesses, will necessarily apply to others. This will ensure, for example, that former police officers are able to avail of these measures if asked to participate in legacy mechanisms.
54. The Legacy Commission’s duty to avoid duplication unless it is considered essential will apply to all of its investigations. This will ensure that the Commission’s investigations are effective, efficient, and focused on getting answers for families, whilst also protecting veterans from needlessly having to provide information previously covered. This protection also applies to inquests, with Clause 84 stating that a coroner conducting a resumed inquest must not do anything which duplicates anything previously done in connection with the inquest, unless that duplication is essential.
55. The Government recognises, however, the concern in the defence community that these measures do not go far enough. The Government continues to engage closely with veterans and their representatives at both ministerial and official level, and to listen to their views. This includes meetings with the UK Veterans Commissioners, the Royal British Legion, and specific regimental associations. Those discussions will continue to inform the Government’s careful consideration of additional measures that could be brought forward to address the legitimate concerns of veterans that legacy issues are addressed in a way that is fair, balanced, and proportionate.

56. Any such measures must be practically deliverable and human rights compliant. The Government will not, therefore, accept any proposals that seek to reintroduce the immunity provisions from the previous government's Legacy Act, which have been widely discredited – both politically and legally. Those provisions were widely opposed, including by many individuals who served the State in Northern Ireland who saw them as an affront to the rule of law they sought to protect, and as inferring a moral equivalence between them and the terrorists intent on causing violence. They were also vigorously opposed by families who endured unimaginable loss at the hands of paramilitaries, and felt hurt that the State was prepared to see those responsible offered immunity from prosecution.

In pursuit of truth and justice, the new provisions must ensure the effective investigation of legacy cases including, with clear and appropriate safeguards for all, the reopening of previously defective investigations, only where necessary for the purposes of ECHR compatibility or owing to new evidence.

57. Part 3 of the Bill puts in place a clear regime for the conduct of investigations by the Legacy Commission. In particular, Clause 36 sets out the circumstances in which the Commission will conduct a criminal investigation capable of leading to a prosecution, or an investigation that seeks only to determine the facts of the conduct to which the investigation relates (referred to as a fact-finding investigation in the Joint Framework).
58. As part of this process, the Director of Investigations will, under Clause 36(8) be under a duty to consider any previous investigations conducted in relation to that case, and must ensure that the Legacy Commission does not do anything that duplicates any aspect of those previous investigations, unless it is essential to do so. This is a very high threshold. As noted by the Committee, this might be in order to discharge outstanding ECHR obligations, or where there is new evidence.

The Troubles Bill assigns the Government a new role in balancing information disclosure with national security—something Ministers did not undertake under previous legacy measures before the 2023 Act or with Operation Kenova—and thus concerns persist about trust, appeal rights, and how this provision will operate in practice. There may be merit, for example, in amending the right of appeal against Legacy Commission and ministerial decisions on information disclosure to allow for a merits-based rehearing.

59. National security is the first responsibility of the Government, and the Secretary of State is accountable to Parliament on matters of national security. Some information—even if historic—has present day implications for the life and safety of individuals, and national security. The need for ministers to balance the public interest against the interests of national

security when considering public disclosure is a well established principle. It forms an important part of the process for Public Interest Immunity, and there are specific provisions regarding such a balancing exercise in the Inquiries Act 2005.

60. The Troubles Bill puts in place a fairer disclosure regime, ensuring that the Commission has the powers it needs to find answers for families, and can make public the maximum possible amount of information, consistent with the State's responsibility to protect life and national security. That includes the introduction of a balancing exercise, akin to the Inquiries Act 2005, where the relevant Secretary of State is required to conduct when considering whether the public interest requires the disclosure of sensitive information.
61. Any decision to prohibit disclosure can, consistent with the approach taken in the Inquiries Act 2005, be subject to an appeal on judicial review principles. The Government does not intend to introduce a merits-based appeal against ministerial decisions regarding information disclosure. The primacy of the Executive in decisions relating to the security of the State is a principle long recognised by our judiciary, and is a crucial element of the State's ability to keep people safe. This is also currently subject to consideration by the UK Supreme Court in *Dillon*, with judgment awaited.

The obligation on organisations such as the PSNI to assess and classify information as 'sensitive or prejudicial' before transfer to the Commission is potentially unnecessary and will impose a substantial and unfunded administrative burden to deal with the past, for organisations already under pressure to deliver services in the present.

62. The Commission has access to full disclosure by relevant authorities. It is important that sensitive material provided to the Commission is suitably marked to ensure it is appropriately handled. Organisations that create and store information are often best placed to identify, in the first instance, whether or not it is sensitive.
63. As previously noted, the question of funding for the PSNI and other devolved organisations is a matter for the Northern Ireland Executive. The challenge of resourcing disclosure obligations for legacy mechanisms is one faced by several organisations, including Government departments and agencies.

Information Retrieval (ICIR)

The Government must provide more detail on the Independent Commission on Information Retrieval (ICIR), including its relationship with the Legacy Commission, the sequencing of the work of both bodies, the extent to which an information 'firewall' exists between them, the

ICIR's information verification processes, and the justification for its proposed pilot phase. Without this clarity, confidence in the ICIR may not be assured.

64. The ICIR is subject to a treaty between the UK and Irish governments, and legislative provisions in both jurisdictions, which set out its functions. The treaty will be amended to reflect the changes to the original ICIR proposal in the Stormont House Agreement, as set out by the Joint Framework. This includes, for example, a move from three commissioners to two, both jointly appointed by the UK and Irish governments.
65. As part of the Joint Framework, the two governments agreed that a three year pilot phase was appropriate to properly test whether the ICIR is able to provide effective outcomes for families. This includes, for example, whether the ICIR is able to secure the participation of those who might hold the information that families seek. The pilot phase will consist of a one year preparatory period, and two years of operation.
66. The Troubles Bill sets out the sequencing of work between the Commission and the ICIR, providing families with choice whilst ensuring that legal proceedings are not prejudiced, and UKG is able to discharge its ECHR obligations. Specifically, Clause 75 prohibits the ICIR from accepting a request to pursue information in relation to a case if an investigation is required by the Legacy Commission for the purposes of ECHR compatibility, or if the Legacy Commission is already undertaking a criminal investigation in that case. Clause 78 also requires the Legacy Commission to notify the ICIR if it subsequently begins a criminal investigation into that case. In those circumstances, the ICIR must then cease any work in that case.
67. The Troubles Bill also sets out that a ICIR report must only contain information the credibility of which has been established to the satisfaction of the ICIR. The two year preparatory phase of the ICIR will allow its appointed Commissioners to establish much of the operational procedures that it will require to work effectively.

Irish Government

The Irish Government needs to demonstrate its commitment to establishing and completing human rights-compliant investigations, underpinned by legislation. The Committee urges Dublin to move at pace to show their commitment and mutual good faith, and maximise confidence and the likelihood of successful outcomes.

68. The Joint Framework contains very clear and important commitments by the Irish Government. This includes the commitment to facilitate the fullest possible cooperation with the Legacy Commission, to establish a dedicated unit within An Garda Síochána for Troubles-related cases, and to investigate all unresolved Troubles-related incidents within its jurisdiction, and ensure that any potential investigative opportunities are proactively pursued.
69. It is important that both governments faithfully implement, in a timely fashion, processes that are human rights compliant and can command public confidence, so that we can collectively address legacy issues.
70. The Government engages regularly with the Irish Government on these matters. The Irish Government Minister for Foreign Affairs and Trade, Helen McEntee, confirmed on 22 January 2026 that the dedicated unit within An Garda Síochána for Troubles-related cases (the Troubles Legacy Liaison Unit), has been established. An Garda Síochána has also issued a statement to provide contact details for the unit, which “will endeavour to answer questions that victims or family members may have in relation to An Garda Síochána Troubles-related investigations and will liaise with Divisional level investigators nationwide in respect of same. It is headed by a Detective Chief Superintendent, who reports into the Assistant Commissioner, Garda Crime & Security Intelligence Service”.
71. The Irish Government has also confirmed that work is underway on legislation to facilitate cooperation with the reformed Legacy Commission, and is hopeful that the General Scheme of that Bill (titled, the Legacy of the Troubles Bill) will be published in April or May of this year. This is an important initial step in the Irish legislative process.
72. Faithful and timely implementation of the commitments in the Joint Framework are crucial to rebuild public confidence that legacy issues can be properly and fairly addressed.

There is a lack of clarity on the remit, independence and oversight of the proposed legacy unit in the Garda.

73. Questions regarding the independence and oversight of the dedicated unit within An Garda Síochána for Troubles-related cases are a matter for the Irish Government. As noted above, it is important that both governments faithfully implement, in a timely fashion, processes that are human rights compliant and can command public confidence, so that we can collectively address legacy issues.

The lack of progress on the Republic of Ireland’s inquiry into the Omagh bombing remains a profound obstacle to uncovering the full truth. It continues to cause deep hurt for many and represents a serious failure of accountability. We have reservations about the

Memorandum of Understanding on the Inquiry which the Government of Ireland has agreed, and we do not believe it is a sustainable position for the Government to await its outworkings to determine whether our concerns are confirmed.

74. The Irish Government has taken steps to facilitate cooperation by the Irish authorities with the Omagh Bombing Inquiry. This has included the signing of a memorandum of understanding directly with the Inquiry, issuing regulations (under section 2B of the Irish Data Protection Act 1988) to support the disclosure of personal data to the Inquiry, and issuing a formal Directive to An Garda Síochána (under section 37 of the Irish Policing, Security and Community Safety Act 2024) on cooperation with the Inquiry. Furthermore, the Irish Government has committed to introducing legislation in the first quarter of 2026 to facilitate the provision of oral testimony to the Omagh bombing inquiry. These are welcome steps. The General Scheme of that Bill, titled the Criminal Justice (International Co-operation) (Amendment) Bill 2025, has been published and is available [here](#).
75. The Chair of the Inquiry, Lord Turnbull, spoke about cooperation with the Irish authorities during the opening statement hearings, outlining his intention to approach cooperation with an open mind and without being constrained by previous experience. The Government firmly agrees that this is the most sensible approach. It is important to give the Inquiry the space it needs to do its work and demonstrate its effectiveness in obtaining answers.
76. The question as to whether a separate inquiry is required in Ireland is a matter for the Irish Government, although the Government recognises that this is the view held by many of the families. It is, of course, important that ECHR obligations are discharged in all cases where that is required.

Reconciliation

For Part 4 to succeed, the Government must progress its provisions in tandem with implementation of the Troubles Bill, ensure the process for choosing those who deliver it is transparent and allocate capital funding to enable reconciliation projects to commence.

77. This Government remains absolutely committed to the provisions contained in Part 4 of the Legacy Act regarding oral history, memorialisation, and academic themes and patterns, which are not being repealed.
78. While our focus has been on addressing the Legacy Act's problems and delivering for victims and their families, I am pleased to have seen progress on two related projects that seek to provide greater access to UK archival material on the Troubles. This includes an independently led official history,

and a digitisation project to make records held at The National Archives freely available online. Both of these projects support reconciliation by helping understanding of the past.

It is clear—not least from the brave testimony of victims and survivors during this inquiry—that reconciliation stands a chance of succeeding only if accompanied by people’s admissions— and acknowledgment— of the truth.

79. The Government agrees that unequivocal recognition and acknowledgement of past harm is an important element in reconciliation. The Joint Framework commits the UK and Irish governments to taking the lead in considering such statements of acknowledgment, noting also the importance that such statements are forthcoming from others.

Concluding remarks

80. In the 18 months since the General Election, the Government has been informed and guided by the many stakeholders with whom we have conducted significant engagement. We have been listening, and the measures that we have brought forward, primarily via the Troubles Bill, seek to reflect what we have been told by them. As I have stated on a number of occasions, given the range of perspectives held by so many people, it is always going to be impossible to deliver an approach that provides everybody with everything that they want. The Government will, however, continue to engage closely with all interested parties, including the Committee, as the Troubles Bill continues its parliamentary passage, and to consider how it can be improved.
81. That engagement will take place in a spirit of openness, as we consider suggestions on how to further improve the current draft of the Bill that many have already recognised as a fundamental improvement on the flawed Legacy Act of the previous Government. While we cannot please everybody, it is absolutely vital—for victims and survivors, for those who served, and for wider society in Northern Ireland—that we act, and that we will continue to do our utmost to get this right so that the families who have waited for so long for answers may finally find them.