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An Leabharlann Dlí

Opening Statement to the Joint Committee on Justice, Home Affairs and Migration on

THE GENERAL SCHEME OF THE LEGACY OF THE TROUBLES BILL 2026

29 September 2026

Chair and Members of the Committee,

1. I appear on behalf of the Council of The Bar of Ireland (the ***"Council"***), the representative body of the Bar of Ireland. The Council's submission addresses the General Scheme of the Legacy of the Troubles Bill 2026, published on 9 June 2026 (the ***"General Scheme"***).

2. The Council is broadly supportive of the General Scheme and considers that many matters are comprehensively addressed. This submission identifies issues within Parts 2 and 3 of the General Scheme which would benefit from consideration before the legislation is finalised.

3. Part 2 of the General Scheme makes provision for agreements providing for co-operation between An Garda Síochána and the Legacy Commission, subject to prior Government consent. Part 2 also establishes a process by which a judicial panel member conducting inquisitorial proceedings may seek sworn evidence, taken before a High Court Judge, from present or former office holders of designated State bodies, which includes An Garda Síochána and potentially the Defence Forces.

4. The Council's submission draws attention to the degree of executive control contemplated by Part 2 of the General Scheme in deciding: whether requests for assistance will be accepted; which questions will be answered; and who will give evidence. The Council recommends that this executive control be carefully considered and applied in light of the State's commitments under the Joint Framework and the European Convention on Human Rights.

5. The Council seeks clarification concerning the nominated High Court judge's role as contemplated by Part 2 of the General Scheme insofar as, he or she acts as a *persona designate* or as a court. The Council also seeks clarification concerning the same judge's powers and directions.

6. The Council notes that the General Scheme does not include former holders of ministerial office, which appears to be at variance with the International Co-operation (Omagh Bombing Inquiry) Act 2026. Finally, the Council recommends the inclusion of specific timeframes where the General Scheme presently refers to action being taken *"as soon as practicable"*.

7. Part 3 of the General Scheme addresses the establishment and functioning of the Independent Commission on Information Retrieval (ICIR).

8. The General Scheme prohibits the ICIR from prejudicing national security, endangering any person, or having a prejudicial effect on court or tribunal proceedings. The Council recommends allowing

for an extension of the 60-day ministerial review period concerning the draft report; clarifying who assesses the potential impact on court or tribunal proceedings and amending Head 18 to ensure the relevant criminal offence applies to ICIR staff and other individuals.

9. The Council's submission further recommends a clear process for the ICIR to seek information from An Garda Síochána, which would include a request procedure; response times; and a duty to give reasons where disclosure is refused.

10. The Council's submission notes that the proposed prohibition in legal proceedings on the use of information received by the ICIR and on any evidence obtained directly or indirectly as a result of that information, is broadly framed and requires careful consideration to avoid unintended consequences.

11. The Council highlights the cumulative effect of the ICIR's proposed immunities and exclusions from freedom-of-information and data-protection legislation. In the circumstances, the Council's submission recommends provision for a robust data-management policy.

12. Finally, the Council notes that the UK Northern Ireland Troubles Bill is currently at the Committee Stage before the UK House of Commons. Therefore, the Council's submission recommends that the same bill's progress should be monitored, to ensure the implementation of harmonious legal regimes.

13. The Council remains at the Committee's disposal if it can assist further in the consideration of any of the issues raised in its submission.

Thank you.



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The Law Library
BARRA NA hÉIREANN
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Distillery Building
145-151 Church Street
Dublin 7 D07 WDX8

Tel: +353 1 817 5000
Email: communications@lawlibrary.ie
www.lawlibrary.ie