

F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Audrey Nicoll MSP
Convener
Criminal Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP
By email: justice.committee@parliament.scot

23 March 2026

Dear Convener

At the Criminal Justice Committee meeting of 18 March, I committed to follow up in writing on the following:

- Clarification of the functions of the Legacy Commission under the Northern Ireland Troubles Bill (“the Bill”) to carry out investigations and inquisitorial proceedings
- Information relating to meetings, or correspondence, with the Secretary of State for Northern Ireland about the Bill or the LCMs
- Any record of Police Scotland’s views on the Bill.

In relation to the first of these items, the Legacy Commission will be able to carry out investigations into conduct forming part of the Troubles that caused death and harm. It will publish reports detailing the findings of such investigations. In relation to such investigations, the Bill will extensively reform and update the powers already available to the Independent Commission for Reconciliation and Information Recovery, as established under the 2023 Act.

In respect of inquisitorial proceedings, as outlined in paragraph 23 of the UK Government’s explanatory notes:

The Bill introduces new inquisitorial proceedings that will be conducted by the Legacy Commission. The inquisitorial proceedings will be reserved for cases referred to the Commission that cannot otherwise proceed through the coronial system, and will be chaired by a member of the judicial panel. The inquisitorial proceedings, which draw on the Inquiries Act 2005 model, will have provision for public hearings and effective next of kin participation (including through legal representation), and will be able to consider sensitive information in closed hearings. The judicial member will publish a report following the conclusion of inquisitorial proceedings.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

The question was posed in Committee as to whether the opportunity for inquisitorial proceedings flowed from the outcome of an investigation. Our understanding, based on engagement with NIO officials, is that inquisitorial proceedings of the Legacy Commission will relate only to certain deaths which were within the jurisdiction of the Coronial Inquest in Northern Ireland system prior to 2024. The Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 halted coronial inquests into troubles related deaths which were not complete, and the Bill makes provision within clause 84 to allow certain such inquests to be restarted (specifically, those inquests where a responsible coroner had been allocated). Inquisitorial proceedings may be conducted as an alternative route to a coronial inquest for cases not restarted under this provision. Clause 50 within the Bill outlines in more detail, the process for determining which cases are within the scope of inquisitorial proceedings.

There is therefore no anticipated application of inquisitorial proceedings in Scotland, although we note here that the LCM is nevertheless required for the inquisitorial proceedings provisions of the Bill because of the underlying connection to the devolved matter of the investigation of deaths.

In relation to the two requests for information relating to engagement with the Secretary of State for Northern Ireland and Police Scotland, I have asked officials to review records.

There has only been official level engagement with the Northern Ireland Office in relation to the bill and the LCMs under consideration, since its introduction. That engagement has in the main related to reaching an agreed position as to what aspects of the Bill engaged the legislative consent process. The settled position on that question is reflected in the LCM and supplementary LCM.

In relation to Police Scotland's views on the Bill, as suggested during the meeting, the Scottish Government has not received a confirmed position to date. The Scottish Government gave Police Scotland opportunities to provide feedback, and meetings had concluded with a commitment from Police Scotland that a written position would be shared. However, we did not receive any feedback or a formal position from Police Scotland.

Yours sincerely,



ANGELA CONSTANCE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver

