



Preservation of Documents (Historical Institutions) Act (Northern Ireland) 2022

2022 CHAPTER 26

An Act to make provision for the preservation of documents relating to certain institutions and residents of those institutions between 1922 and 1995, and to certain children of those residents. [12th May 2022]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Preservation of relevant documents

1.—(1) A person (“P”) who has in P’s custody or under P’s control a relevant document—

- (a) must not alter, destroy or otherwise dispose of the document,
- (b) must not remove or transfer the document to a place outside of Northern Ireland, and
- (c) must take appropriate measures to ensure that the document is not stolen, lost, destroyed or otherwise damaged.

(2) A relevant document is under the control of P if it is in P’s possession or if P has a right to possession of it.

(3) A person who intentionally or recklessly—

- (a) contravenes subsection (1), or
- (b) causes or permits a contravention of subsection (1),

is guilty of an offence.

(4) Proceedings for an offence under subsection (3) may be instituted only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(5) A person who is guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding six months, or to both.

Meaning of “relevant document”

2.—(1) A document is a relevant document if it satisfies the conditions in subsections (2) to (4), but this is subject to subsection (5) and such exceptions as may be prescribed.

(2) The first condition is that the document contains relevant information.

(3) The second condition is that the document was created by or on behalf of—

- (a) a relevant institution,
- (b) a person who was a resident of a relevant institution in the relevant period,
- (c) a person in communication with a relevant institution or with a person mentioned in paragraph (b),
- (d) a body with responsibility for the health, welfare or care of women or children,
- (e) a body involved in the removal, retention, storage, use or disposal of human tissue from deceased persons, or
- (f) such other person as may be prescribed.

(4) The third condition is that the document is likely to be of interest to a person conducting an inquiry or investigation relating to the implementation of the recommendations made by the Truth Recovery Design Panel as set out in a statement to the Assembly made by the First Minister and deputy First Minister acting jointly on 15th November 2021.

(5) A document is not a relevant document if a copy of the document or the information it contains is generally available to the public.

(6) In this section and in section 3, “the relevant period” means the period between 1922 and 1995 (both inclusive).

Meaning of “relevant information”

3.—(1) Information is relevant information if it falls within subsection (2), (3) or (4).

(2) Information falls within this subsection if it is information about the operation of a relevant institution in the relevant period including information relating to—

- (a) the occupancy of the institution,

- (b) the admission, treatment, care or discharge of residents,
- (c) the management of staff or volunteers,
- (d) the names and addresses of staff or volunteers,
- (e) financial documents, annual accounts or statements of account,
- (f) any inspection of the institution, or
- (g) such other matters as may be prescribed.

(3) Information falls within this subsection if it is information about a resident of a relevant institution in the relevant period including information relating to—

- (a) the resident's admission to the institution,
- (b) the resident's departure from the institution,
- (c) travel undertaken by the resident while resident in or on departure from the institution,
- (d) the treatment or care of the resident in the institution,
- (e) any letter, diary entry, or note created by or sent to the resident in the institution,
- (f) work undertaken by the resident in the institution,
- (g) the birth, death or burial of the resident,
- (h) the birth, death or burial of the resident's child,
- (i) the removal, retention, storage, use or disposal of human tissue from deceased persons,
- (j) the resident's parents or relatives, or
- (k) such other matters as may be prescribed.

(4) Information falls within this subsection if it is information about accommodation or care provided to a child who was born to a resident of a relevant institution in the relevant period and the information relates to—

- (a) the period in which the mother remained a resident,
- (b) if the mother ceased to be a resident, any subsequent period in which the mother and child were separated, or
- (c) such other circumstances as may be prescribed.

(5) For the purposes of subsection (4)(b), a mother and child were separated if the child was provided with care and accommodation by a person other than the mother, but this is subject to such exceptions as may be prescribed.

Meaning of “relevant institution” etc.

4.—(1) An institution is a relevant institution if it falls within subsection (2) or (3), but this is subject to such exceptions as may be prescribed.