



Crime and Security Act 2010

2010 CHAPTER 17

Compensation of victims of overseas terrorism

47 **Introductory**

- (1) The Secretary of State may make arrangements for making payments to, or in respect of, persons who are injured as a result of an act designated under subsection (2).
- (2) The Secretary of State may designate an act under this subsection if—
 - (a) it took place outside the United Kingdom,
 - (b) it took place on or after 18 January 2010,
 - (c) in the view of the Secretary of State the act constitutes terrorism within the meaning of the Terrorism Act 2000 (see section 1 of that Act), and
 - (d) having regard to all the circumstances, the Secretary of State considers that it would be appropriate to designate it.
- (3) Nothing in this section affects any power of the Secretary of State to make payments to, or in respect of, persons who are injured as a result of terrorism outside the United Kingdom.
- (4) In sections 47 to 54, “injury” includes fatal injury (and “injured” is to be construed accordingly).

48 **Compensation scheme**

- (1) Arrangements under section 47 may include the making of a scheme providing, in particular, for—
 - (a) the circumstances in which payments may be made, and
 - (b) the categories of person to whom payments may be made.
- (2) The scheme is to be known as the Victims of Overseas Terrorism Compensation Scheme (“the Scheme”).
- (3) Sums required for payments to be made in accordance with the Scheme are to be provided by the Secretary of State.

- (4) Schedule 2 (which makes consequential amendments relating to the Scheme) is part of this section.

49 Eligibility and applications

- (1) The Scheme may make provision about a person's eligibility for a payment under it by reference to any or all of the following factors—
- (a) the nationality of the person (or the injured person);
 - (b) the place of residence of the person (or the injured person);
 - (c) the length of time the person (or the injured person) has resided there;
 - (d) any other factors that the Secretary of State considers appropriate.
- (2) The Scheme may provide that applications for payments under it may only be made—
- (a) by eligible persons;
 - (b) within a period specified in the Scheme (and the Scheme may specify different periods for different descriptions of act);
 - (c) in a manner or form specified in the Scheme.

50 Payments

- (1) The Scheme may make provision determining the amount of payments to be made under it to, or in respect of, persons injured as a result of an act designated under section 47(2) by reference to any or all of the following factors—
- (a) the nature of the injury;
 - (b) loss of earnings resulting from the injury;
 - (c) expenses that have been or will be incurred as a result of the injury;
 - (d) any other factors that the Secretary of State considers appropriate.
- (2) The Scheme may make provision—
- (a) as to the circumstances in which a payment may be withheld or the amount of a payment reduced;
 - (b) for payments to be repayable in circumstances specified in the Scheme;
 - (c) for payments to be made subject to conditions;
 - (d) for payments not to exceed such maximum amounts as may be specified in the Scheme.
- (3) Any amount which falls to be repaid by virtue of subsection (2)(b) is recoverable as a debt due to the Crown.
- (4) Any sums received by the Secretary of State under any provision of the Scheme made by virtue of subsection (2)(b) are to be paid by the Secretary of State into the Consolidated Fund.
- (5) Any assignment (or, in Scotland, assignation) of, or charge on, a payment made under the Scheme, and any agreement to assign or charge such a payment, is void.
- (6) On the bankruptcy of an individual to whom a payment is made under the Scheme (or in Scotland, on the sequestration of such an individual's estate), the payment shall not pass to any trustee or other person acting on behalf of the individual's creditors.

51 Claims officers etc

- (1) The Scheme may include provision for applications to be determined and payments to be made by persons (“claims officers”) appointed for the purpose by the Secretary of State.
- (2) A claims officer—
 - (a) is to be appointed on such terms and conditions as the Secretary of State considers appropriate;
 - (b) is not to be regarded as having been appointed to exercise functions of the Secretary of State or to act on behalf of the Secretary of State.
- (3) No decision taken by a claims officer shall be regarded as having been taken by, or on behalf of, the Secretary of State.
- (4) The Secretary of State may pay such remuneration, allowances or gratuities to or in respect of claims officers and other persons exercising functions in relation to the Scheme as the Secretary of State considers appropriate.

52 Reviews and appeals

- (1) The Scheme must include provision for the review, in such circumstances as it may specify, of any decision taken in respect of an application made under it.
- (2) The Scheme must secure that such a review is conducted by a person other than the person who made the decision under review.
- (3) The Scheme must include provision for rights of appeal to the First-tier Tribunal against decisions taken on reviews under provisions of the Scheme made by virtue of subsection (1).
- (4) The power conferred by section 50(2)(a) to provide for the reduction of an amount of a payment includes power to provide for a reduction where, in the opinion of the First-tier Tribunal determining an appeal, the appeal is frivolous or vexatious.

53 Reports, accounts and financial records

- (1) The Scheme must include provision for such person as the Secretary of State considers appropriate to make a report to the Secretary of State as soon as possible after the end of each financial year on the operation of the Scheme during that year.
- (2) The Secretary of State must lay a copy of every such report before Parliament.
- (3) The Scheme must also include provision—
 - (a) for such person as the Secretary of State considers appropriate—
 - (i) to keep proper accounts and proper records in relation to the accounts;
 - (ii) to prepare a statement of accounts in each financial year in such form as the Secretary of State may direct;
 - (b) requiring such a statement of accounts to be submitted to the Secretary of State at such time as the Secretary of State may direct.
- (4) Where a statement of accounts is submitted to the Secretary of State, the Secretary of State must send a copy of it to the Comptroller and Auditor General as soon as is reasonably practicable.

- (5) The Comptroller and Auditor General must—
- (a) examine, certify and report on any statement of accounts received under subsection (4);
 - (b) lay copies of the statement and of the report made under paragraph (a) before Parliament.
- (6) In this section “financial year” means the period beginning with the day on which this section comes into force and ending with the following 31st March and each successive period of 12 months.

54 Parliamentary control

- (1) Before making the Scheme, the Secretary of State must lay a draft of it before Parliament.
- (2) The Secretary of State must not make the Scheme unless the draft has been approved by a resolution of each House of Parliament.
- (3) Before making any alteration to a provision of the Scheme made by virtue of—
 - (a) section 49(1) (eligibility for payments under the scheme),
 - (b) section 50(1) (determination of amount of payment),
 - (c) section 50(2)(a) (circumstances in which payment may be withheld or reduced),
 - (d) section 50(2)(d) (payments not to exceed specified maximum amount), or
 - (e) section 52 (reviews and appeals),the Secretary of State must lay before Parliament a draft of the provision as proposed to be altered.
- (4) The Secretary of State must not give effect to the proposal concerned unless the draft has been approved by a resolution of each House of Parliament.
- (5) Before making any other alteration to the Scheme the Secretary of State must lay a statement of the altered provision before Parliament.
- (6) If a statement laid before either House of Parliament under subsection (5) is disapproved by a resolution of that House passed before the end of the period of 40 days beginning with the date on which the statement was laid, the Secretary of State must—
 - (a) make such alterations in the Scheme as appear to the Secretary of State to be required in the circumstances, and
 - (b) before the end of the period of 40 days beginning with the date on which the resolution was made, lay a statement of those alterations before Parliament.
- (7) In calculating the period of 40 days mentioned in subsection (6), any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days is to be disregarded.