Riot Compensation Act 2016

2016 CHAPTER 8

The decision-maker

4 The decision-maker on a claim

(1) The decision on a claim is to be made by the appropriate local policing body, except where—

(a) the body delegates functions to another person in accordance with regulations made under subsection (2)(b), or

(b) the Secretary of State makes a direction under section 5(1)(b) (transfer of claims to the Secretary of State).

(2) The Secretary of State may make regulations allowing a local policing body to delegate to another person either or both of the following functions—

(a) dealing with procedural matters on a claim;

(b) making a decision on a claim.

(3) Regulations under subsection (2) may in particular make provision about—

(a) the persons to whom functions may be delegated,

(b) the types of claim in relation to which functions may be delegated (by reference to the nature of the property, the amount of the claim, the identity of the claimant or otherwise), and

(c) the payment and auditing of persons to whom functions are delegated.

5 Transfer of claims to the Secretary of State

(1) The Secretary of State may direct a local policing body to transfer to the Secretary of State either or both of the following functions—

(a) dealing with procedural matters on a claim;

(b) making a decision on a claim.

(2) A direction under this section may relate to—

(a) all claims to the local policing body (whether made before or after the time of the direction), or

(b) claims of a particular description.

(3) The Secretary of State may make a direction only if—

(a) riots have occurred in two or more police areas at or about the same time,

(b) a riot has moved from one police area to another, or

(c) a local policing body has requested the Secretary of State to make a direction in respect of claims that have been or may be made to it.

(4) Before making a direction in the circumstances described in subsection (3)(a) or (b), the Secretary of State must consult all local policing bodies that may be affected by the direction.

(5) The Secretary of State must publish a direction made under this section.

6 Delegation of Secretary of State's functions

(1) The Secretary of State may by regulations establish a body in connection with a direction under section 5 that the Secretary of State has made, or is considering making (the "riot claims bureau").

(2) The regulations must provide that the principal function of the riot claims bureau is to exercise either or both of the following functions on behalf of the Secretary of State—

(a) dealing with procedural matters on claims that have been transferred to the Secretary of State under section 5;

(b) making decisions on claims that have been transferred to the Secretary of State under section 5.

(3) The regulations may make provision about—

(a) additional functions of the riot claims bureau;

(b) its status and constitution;

(c) the appointment of its members;

(d) the payment of remuneration and allowances to its members;

(e) the delegation of its functions to other persons;

(f) reporting and audit requirements;

(g) any other matters in connection with its operation and establishment.

(4) The Secretary of State may make regulations allowing the Secretary of State to delegate to another person either or both of the following functions—

(a) dealing with procedural matters on claims that have been transferred to the Secretary of State under section 5;

(b) making decisions on claims that have been transferred to the Secretary of State under section 5.

(5) Regulations under subsection (3)(e) or (4) may in particular make provision about—

(a) the persons to whom functions may be delegated;

(b) the types of claim in relation to which functions may be delegated (by reference to the nature of the property, the amount of the claim, the identity of the claimant or otherwise), and

(c) the payment and auditing of persons to whom functions are delegated.