



Northern Ireland (Executive Formation etc) Act 2019

2019 CHAPTER 22

Duties to make regulations

10 Victims' payments

- (1) The Secretary of State must by regulations establish a scheme under the law of Northern Ireland which provides for one or more payments to be made to, or in respect of, a person who has sustained an injury as a result of a Troubles-related incident.
- (2) The first regulations under subsection (1) must be made before the end of January 2020 and come into force before the end of May 2020.
- (3) Regulations under subsection (1) must make provision as to the eligibility criteria for payments under the scheme which may, in particular, relate to—
 - (a) the nature or extent of a person's injury;
 - (b) how, when or where the injury was sustained;
 - (c) residence or nationality;
 - (d) whether or not a person has been convicted of an offence.
- (4) Regulations under subsection (1) may make provision for the reimbursement of costs incurred by a person in connection with an application under the scheme (whether or not the application is successful).
- (5) Regulations under subsection (1) may, in particular, make provision—
 - (a) for determining the amount of any payment;
 - (b) for payments to be made in respect of past periods (including periods before this Act was passed);
 - (c) for payments to be reduced or repaid (in whole or in part) in specified circumstances;
 - (d) about the treatment under other legislation (for example social security legislation) of payments under the scheme.

- (6) Regulations under subsection (1) must make provision of the kind mentioned in subsection (5)(b) so as to ensure that where—
- (a) a person is eligible under the scheme as the result of an injury sustained by that person before the scheme comes into force, and
 - (b) the person makes an application within a period specified in the regulations (which must not be less than the period of two years beginning with the day on which the scheme comes into force),
- the person is entitled to a payment to reflect the amount that the person would have received had the scheme been in force since the making of the Stormont House Agreement.
- (7) Regulations under subsection (1) may, in particular, make provision about—
- (a) the administration of the scheme (including provision establishing a body or conferring functions on an existing body);
 - (b) the funding of the scheme by money from the Consolidated Fund of Northern Ireland (whether by virtue of grant funding from a Northern Ireland department, the appropriation of money by an Act of the Northern Ireland Assembly or otherwise);
 - (c) the sharing of information between public authorities for the purposes of the scheme;
 - (d) evidential matters;
 - (e) the procedure for the making and deciding of applications (including provision imposing time limits);
 - (f) appeals and reviews;
 - (g) information, advice or assistance in relation to the scheme or payments under it.
- (8) Regulations under subsection (1) may make provision conferring a discretion on a person.
- (9) Regulations under subsection (1)—
- (a) may include provision amending, repealing or revoking any provision made by an Act of Parliament or Northern Ireland legislation, and
 - (b) in so far as made in reliance on section 11(2), may also include provision amending or repealing provision made by an Act or Measure of the National Assembly for Wales or an Act of the Scottish Parliament.
- (10) In making the first regulations under this section the Secretary of State must have regard to any advice given by the Commission for Victims and Survivors for Northern Ireland.
- (11) In this section—
- “injury” means any illness or injury (whether physical or mental);
 - “the Stormont House Agreement” means the agreement made between parties represented in the Northern Ireland Assembly, the Government of the United Kingdom and the Government of Ireland on 23 December 2014;
 - “Troubles-related incident” means an incident involving an act of violence or force carried out in Ireland, the United Kingdom or anywhere in Europe for a reason related to the constitutional status of Northern Ireland or to political or sectarian hostility between people there.