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STATUTORY INSTRUMENTS

2018 No. 982

POLICE, ENGLAND AND WALES

The Riot Compensation (Amendment) Regulations 2018

<i>Made</i>	- - - -	<i>5th September 2018</i>
<i>Laid before Parliament</i>		<i>10th September 2018</i>
<i>Coming into force</i>	- -	<i>1st October 2018</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 3(1), (2) and (3)(c), 8(4)(a) and (c) and (5), 9 and 11(4) of the Riot Compensation Act 2016⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Riot Compensation (Amendment) Regulations 2018 and come into force on 1st October 2018.

Amendment of the Riot Compensation Regulations 2017

2.—(1) The Riot Compensation Regulations 2017⁽²⁾ are amended as follows.

(2) In regulation 3 (multiple interest claims)—

(a) in paragraph (1), for “a legal” substitute “an”;

(b) in paragraph (2)—

(i) in sub-paragraph (a), for the words from “of those” to the end substitute “(if any) of those premises, a person who has an interest in the property includes a person who is an insurer, mortgagee, freeholder, leaseholder or tenant of it;”;

(ii) in sub-paragraph (b), for the words from “of those” to the end substitute—

“(if any) of those premises, a person who has an interest in the property includes a person who—

(i) is an insurer, mortgagee, freeholder, leaseholder or tenant of it; or

(ii) is using it for the purposes of a business;”;

(1) 2016 c.8.

(2) [S.I 2017/371](#).

- (iii) after sub-paragraph (b), insert—
 - “(c) in the case of any property which does not fall within sub-paragraph (a) or (b), a person who has an interest in it includes a person who is an insurer, owner or joint owner of it.”.
- (3) In regulation 4 (claim consolidation)—
 - (a) in paragraph (1)—
 - (i) after “relation to”, insert “each of the following”;
 - (ii) in sub-paragraph (a), for “the same” substitute “a single”;
 - (iii) after sub-paragraph (a), omit “or”;
 - (iv) for sub-paragraph (b), substitute—
 - “(b) property which does not fall within sub-paragraph (a).”;
 - (b) omit paragraph (2).
- (4) In regulation 7 (details and evidence in support of a claim), in paragraph (2)(b), after “compensation” insert “under that policy”.
- (5) In regulation 9 (compensation in relation to ordinary claims: general provisions), in paragraph (b), for “that” to the end substitute—
 - “that—
 - (i) it is so insured (whether or not the insurance policy makes specific provision in relation to riots), and
 - (ii) the ordinary claimant has been compensated under the insurance policy,”.
- (6) In regulation 12 (compensation in relation to insurer claims: motor vehicle and stock in trade exceptions), in the heading, omit “motor vehicle and”.
- (7) In regulation 14 (deduction of compensation from ordinary claim where compensation already provided out of public funds), in paragraph (3), in the definition of “local authority”—
 - (a) in paragraph (b), omit “metropolitan”;
 - (b) for paragraph (c) substitute—
 - “(c) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009(3),”;
 - (c) in paragraph (d), omit “(in Wales)”;
- (8) In regulation 23 (decision on review), in paragraph (2)—
 - (a) in sub-paragraph (b), after “the claimant” insert “or representative (if any)”;
 - (b) in sub-paragraph (c), after “inform the claimant” insert “or representative (if any)”.

5th September 2018

Nick Hurd
Minister of State
Home Office

(3) 2009 c.20. Section 103 was amended by sections 12(2) and 14(2) of the Cities and Local Government Devolution Act 2016 (c. 1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Riot Compensation Regulations 2017 (S.I. 2017/371) which implement the Riot Compensation Act 2016 (c.8) (“the Act”).

Regulation 1 provides for citation and commencement.

Regulation 2(2) amends regulation 3, which provides for the circumstances in which more than one person may make a compensation claim under the Act in respect of the same property, to set out more fully types of interest in the property that are included for these purposes. It also makes corrections to that regulation to reflect the fact that residential and business premises may not have common parts.

Regulation 2(3) amends regulation 4, which prohibits a person from making more than one compensation claim under the Act for each of two categories of property listed in that regulation, by extending the prohibition to all property in respect of which a person may make a claim. It also corrects the first category of property listed in the Regulations and removes the provision allowing an insurer claimant to make separate compensation claims in respect of building and contents insurance relating to property at the same address.

Regulation 2(4) amends regulation 7 so that it provides that the obligation of a claimant to provide details of any compensation claim already made relates to any such claim under the claimant’s insurance policy for the same property.

Regulation 2(5) amends regulation 9 so that it provides that in determining a claimant’s loss, an Authority (as defined in regulation 1(2)) must disregard any loss for which the claimant has already been compensated under an insurance policy for the same property. Regulation 2(6) corrects an incorrect heading. Regulation 2(7) corrects the definition of “local authority” which is relevant to the provision in regulation 14 for the deduction of compensation equivalent to the amount a claimant has received out of public funds. Regulation 2(8) amends regulation 23 to allow for communications relating to an Authority’s decision on a review of its original decision to be made to a claimant’s representative instead of the claimant.

A full impact assessment was prepared for the Riot Compensation Regulations 2017 and is available from the Better Regulation Unit, Home Office, 2 Marsham Street, London SW1P 4DF. These Regulations will have no separate impact on the costs of business, the public sector and the voluntary sector and for that reason no further impact assessment has been produced.