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STATUTORY INSTRUMENTS

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**2020 No. 103**

**The Victims' Payments Regulations 2020**

**PART 3**

**Entitlement to victims' payments**

**Posthumous applications**

**10.**—(1) This regulation applies on the death of a person (“the deceased”) who would have been, before death, entitled to victims' payments if an application had been made in accordance with regulation 8.

(2) An application for victims' payments may be made in accordance with regulation 8(1) by a person who the deceased could (following the determination of entitlement) have nominated under regulation 9(2).

(3) On receipt of an application made by a person pursuant to paragraph (2), the Board must so far as reasonably practicable—

- (a) consider whether any other person may make an application pursuant to paragraph (2), and
- (b) notify in writing any such person of their right to make an application.

(4) Where there is more than one person who has—

- (a) made an application pursuant to paragraph (2), or
- (b) notified the Board of an intention to make an application pursuant to that paragraph,

a panel appointed for this purpose by the President of the Board must determine which application may proceed.

(5) The panel must so far as possible make a determination under paragraph (4) by deciding who the panel reasonably considers the deceased would have nominated had the deceased made an application for victims' payments.

(6) In making a determination under paragraph (4), the panel must have regard to any will made by the deceased.

(7) Where the panel is unable to decide who the deceased would have nominated—

- (a) in a case where a person who was the deceased's spouse, civil partner or cohabiting partner seeks to make an application, the panel must determine that application may proceed unless the Board considers it would be inequitable to do so, and
- (b) in any other case, or where the Board considers it inequitable for an application to proceed under sub-paragraph (a), the panel must determine which application is, in the interests of fairness, to proceed.

(8) Paragraph (7)(a) does not apply in the case of a spouse or civil partner who was estranged from the deceased.

(9) After making a determination under paragraph (4), the Board must as soon as reasonably practicable notify in writing the persons referred to in paragraph (4) of—

- (a) the determination and the reason for it, and
  - (b) the right to appeal.
- (10) Where this regulation applies, a person entitled to victims' payments is entitled to such payments—
- (a) in a case where the deceased died on or before 23rd December 2014, for the period beginning with the 23rd December 2014 and ending 10 years after the date of death of the deceased, or
  - (b) in any other case, for the period of 10 years beginning with the date of death of the deceased.