
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules, made under the Historical Institutional Abuse (Northern Ireland) Act 2019 (“the Act”), deal with matters of procedure on applications to the Historical Institutional Abuse Redress Board (“the Board”) for compensation under the Act. The Rules also deal with matters of procedure on appeals under the Act.

Rule 3 sets out the basic requirements for every application for compensation under the Act, including the methods of delivery of an application to the Board.

Rule 4 sets out the material which an applicant must provide in support of an application for compensation.

Rule 5 provides for the procedure to be followed where an applicant for compensation dies before the application is determined and an eligible family member wishes to continue the application.

Rule 6 provides for an application for compensation to be dismissed if the applicant dies before the application is determined and, within the following three months, nobody expresses a wish to continue the application.

Rule 7 requires the Board, once it has received an application for compensation, to contact any institution referred to in the application and to ask it for certain information relating to the case.

Rule 8 gives the panel determining an application for compensation case management powers. It also enables the judicial member who chairs the panel to exercise those powers on its behalf.

Rule 9 deals with requests made by the panel under section 9(1)(b) of the Act for further material.

Rule 10 deals with notices given by the panel requiring a person to give oral evidence.

Rule 11 sets out the procedure for notifying the determination of an application for compensation.

Rule 12 sets out the procedure for bringing an appeal under the Act and provides, in particular, for some of the preceding rules to apply to the appeal as they applied to the original application.

Rule 13 deals with the administrative process for making payments of compensation.

Rules 14 and 15 enable solicitors and counsel to recover costs, with the amount recoverable generally determined by the scales in the Schedule. Where compensation is awarded, the amounts recoverable vary according to whether a hearing was held or whether the application was determined merely on the papers. Where compensation is not awarded, the solicitor is generally entitled to a sum of £150.

Rule 16 enables solicitors and counsel to recover travel expenses where a hearing was held.

Rule 17 enables solicitors to recover the costs of obtaining medical records and expert reports in support of an application for compensation.

Rule 18 enables persons who are called to give evidence to a hearing on an application for compensation to recover legal costs. It also enables the recovery of other expenses.

Rule 19 requires an applicant for compensation or an appellant who wishes to withdraw the application or appeal to give written notice to the Board.

Rule 20 enables the panel determining an application for compensation, or the judicial member determining an appeal, to extend time periods imposed by the Rules.

Rule 21 provides that procedural irregularities do not invalidate an application for compensation or an appeal but enables the panel or single judicial member concerned to take steps where a person has been prejudiced by the irregularity.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Schedule sets out the scales for determining costs payable to solicitors and counsel in cases where compensation was awarded (as provided for in Rules 14, 15 and 18).