



# Riot Compensation Act 2016

## 2016 CHAPTER 8

### *Claims for compensation*

#### **1 Claims for compensation for riot damage etc**

(1) Where—

- (a) a person's property has been damaged, destroyed or stolen in the course of a riot,
- (b) the property is property in respect of which a claim may be made under this subsection (see section 2(1)), and
- (c) the property was not insured, or was not adequately insured, for the damage, destruction or theft,

the person may claim compensation from the appropriate local policing body.

(2) Where—

- (a) a person's property has been damaged, destroyed or stolen in the course of a riot,
- (b) the property is property in respect of which a claim may be made under this subsection (see section 2(2)), and
- (c) an insurance company has (to any extent) met a claim by the person under a policy of insurance in respect of the damage, destruction or theft,

the insurance company may claim compensation from the appropriate local policing body.

(3) The appropriate local policing body is the local policing body which is responsible for the police area in which the property was situated at the time of the riot.

(4) A claim under this section must be made in accordance with regulations made under section 3.

(5) For the purposes of subsection (1)(c), property is not adequately insured if—

- (a) it is insured for an amount that is less than its value, or
- (b) it is insured subject to an excess.

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- (6) In this Act, “riot” is to be construed in accordance with section 1 of the Public Order Act 1986, but does not include a riot in any of the following places—
- (a) a prison, young offender institution or secure training centre;
  - (b) a hospital where persons are detained under Part 2 or 3 of the Mental Health Act 1983;
  - (c) a removal centre, a short-term holding facility or pre-departure accommodation (within the meaning given by section 147 of the Immigration and Asylum Act 1999).

#### Commencement Information

**II** [S. 1](#) in force at 6.4.2017 by [S.I. 2017/379](#), [reg. 2](#)

## 2 Property in respect of which claims may be made

- (1) A claim may be made under section 1(1) only in respect of—
- (a) a building,
  - (b) property falling within subsection (3), or
  - (c) a motor vehicle falling within any of the paragraphs of the Schedule (motor vehicles in respect of which claims may be made).
- (2) A claim may be made under section 1(2) only in respect of—
- (a) a building,
  - (b) property falling within subsection (3), or
  - (c) a motor vehicle falling within paragraph 4 of the Schedule (vehicle forming part of stock in trade of a business).
- (3) Property falls within this subsection if it is property (other than a motor vehicle) which
- [<sup>F1</sup>(a) at the time of the riot was situated—
    - (i) within a building,
    - (ii) within the curtilage of a building, or
    - (iii) on land being used for the purposes of a business carried on by the claimant, or
  - (b) was being used, or was intended for use, in connection with a business carried on by the claimant and which, at the time of the riot, was contained in—
    - (i) a motor vehicle falling within paragraph 1, 2 or 3 of the Schedule, or
    - (ii) a trailer or other device originally manufactured for attachment to a motor vehicle which was attached (or intended to be attached from time to time) to a motor vehicle falling within any of those paragraphs,
- and for the purposes of this subsection as it applies to a claim under section 1(2), “the claimant” means the person whose claim has been (to any extent) met by the insurance company as mentioned in section 1(2)(c).]
- (4) The Secretary of State may by regulations—
- (a) amend subsection (3);
  - (b) make provision about the meaning of terms used in that subsection.
- (5) In this section—
- “building” includes—

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- (a) a permanent or semi-permanent structure in the nature of a building (including a caravan or houseboat), and
  - (b) a building in the course of construction;
- “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads.

#### Textual Amendments

- F1** Words in s. 2(3) substituted (6.4.2017) by [The Riot Compensation Regulations 2017 \(S.I. 2017/371\)](#), regs. 1(1), 2

#### Commencement Information

- I2** S. 2 in force at 6.4.2017 by [S.I. 2017/379](#), reg. 2

### 3 Regulations about claims procedure

- (1) The Secretary of State must make regulations about the procedure for making a claim under section 1.
- (2) The regulations may include provision about—
  - (a) the appropriate person to make a claim (in particular where more than one person has an interest in property that has been damaged, destroyed or stolen), and
  - (b) the circumstances in which a single claim must cover a number of different items or types of property.
- (3) The regulations may also include provision about—
  - (a) the person to whom a claim must be addressed;
  - (b) the time period within which a claim must be made;
  - (c) the details and evidence that must be submitted by the claimant;
  - (d) the time period within which details and evidence must be submitted;
  - (e) the submission of new evidence relating to a claim already made or determined.
- (4) Regulations under subsection (3)(b) or (3)(d) must provide that—
  - (a) the time period within which a claim may be made ends no earlier than 42 days from the date of the riot;
  - (b) the time period within which details and evidence must be submitted ends no earlier than 90 days from the date the claimant first made the claim.
- (5) Regulations under subsection (3)(c) may include a requirement that any estimates of the cost of repairs are to be prepared by contractors approved by the Secretary of State or a local policing body.

#### Commencement Information

- I3** S. 3 in force at 6.4.2017 by [S.I. 2017/379](#), reg. 2

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