



Riot Compensation Act 2016

2016 CHAPTER 8

Decisions on claims

7 Decision on validity of claim

- (1) Where a person makes a claim under section 1, the decision-maker must first decide whether the claim is valid.
- (2) A claim is valid if—
 - (a) it meets the conditions set out in—
 - (i) section 1(1)(a) to (c) (in the case of a claim under section 1(1)), or
 - (ii) section 1(2)(a) to (c) (in the case of a claim under section 1(2)), and
 - (b) it is made in accordance with regulations under section 3.
- (3) The Secretary of State may issue guidance on assessing the validity of claims, which may in particular include guidance on deciding whether property was damaged, destroyed or stolen in the course of a riot.
- (4) Decision-makers must have regard to any guidance issued under subsection (3).

Commencement Information

II [S. 7](#) in force at 6.4.2017 by [S.I. 2017/379](#), [reg. 2](#)

8 Amount and payment of compensation

- (1) If the decision-maker decides that a claim is valid, the decision-maker must then decide the amount of compensation, up to a maximum of £1 million per claim (the “compensation cap”), that is fair and reasonable.
- (2) The amount of compensation must reflect only the loss directly resulting from the damage, destruction or theft of the property, and in particular must not reflect any consequential loss resulting from it, except in the circumstances described in subsection (3).

Changes to legislation: There are currently no known outstanding effects for the Riot Compensation Act 2016, Cross Heading: Decisions on claims. (See end of Document for details)

- (3) Where a claimant's home is rendered uninhabitable, the amount of compensation may reflect costs that the claimant incurs as a result of needing alternative accommodation.
- (4) The Secretary of State may make regulations setting out—
 - (a) considerations that decision-makers must take into account in deciding the amount that reflects the claimant's loss,
 - (b) considerations that decision-makers must take into account in deciding the amount of compensation payable as a result of a claimant needing alternative accommodation (and the regulations may include provision limiting the amount of time for which the costs of alternative accommodation may be claimed),
 - (c) other factors that may affect the amount of compensation to be paid, and
 - (d) the process for deciding and paying compensation.
- (5) Regulations under subsection (4)(a) may also make provision about—
 - (a) the appropriate method for deciding the amount of compensation for different types of property or different types of damage;
 - (b) the effect of the property being insured (or partially insured) on the amount of compensation.
- (6) Regulations under subsection (4)(c) may in particular provide for—
 - (a) the amount of compensation to be increased to reflect costs or expenses incurred by the claimant in making a claim;
 - (b) the amount of compensation to be decreased to reflect the costs of administering the compensation scheme;
 - (c) the amount of compensation to be decreased, or for no compensation to be awarded, where the decision-maker considers this appropriate in view of any act or omission of the claimant;
 - (d) a claim to be refused where the decision-maker believes that the claim, or any other claim made by the claimant, is fraudulent (to any extent).
- (7) Regulations under subsection (4)(d) may in particular—
 - (a) provide for a claim to lapse where a claimant fails to provide the required details or evidence;
 - (b) provide for interim payments to be made before a claim is finally decided;
 - (c) provide for the payment of compensation in instalments;
 - (d) provide that, instead of monetary compensation, the decision-maker may arrange for repairs to be carried out on property that has been damaged, at the expense of the appropriate local policing body;
 - (e) make provision about administrative requirements that must be satisfied before any payment is made or repairs carried out.
- (8) The appropriate local policing body must pay to the claimant the amount of compensation decided under this section.
- (9) The Secretary of State may by regulations change the amount of the compensation cap for the time being specified in subsection (1).

Commencement Information

I2 [S. 8](#) in force at 6.4.2017 by [S.I. 2017/379](#), [reg. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Riot Compensation Act 2016, Cross Heading: Decisions on claims. (See end of Document for details)

9 **Reviews and appeals**

The Secretary of State must make regulations giving a person affected by a decision under section 7 or 8—

- (a) a right to request a review of the decision;
- (b) a right to appeal against the decision, or any decision following a review by virtue of paragraph (a).

Commencement Information

I3 [S. 9](#) in force at 6.4.2017 by [S.I. 2017/379](#), [reg. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Riot Compensation Act 2016, Cross
Heading: Decisions on claims.