



Historical Institutional Abuse (Northern Ireland) Act 2019

2019 CHAPTER 31

PART 1

THE HISTORICAL INSTITUTIONAL ABUSE REDRESS BOARD

Appeal

16 Right to appeal

- (1) A person who applied for compensation under this Part may appeal against a determination under section 8—
 - (a) that no compensation is to be awarded to the person, or
 - (b) as to the amount of compensation to be awarded to the person.
- (2) The person bringing the appeal must, when doing so, set out in writing the grounds of the appeal.
- (3) An appeal under this section must be made in accordance with such provision as may be made in rules.
- (4) An appeal under this section is to be determined on behalf of the Board by a single judicial member of the Board.
- (5) It is for the President of the Board to select the judicial member who is to determine the appeal; but the President may not select the judicial member who was the chair of the panel which made the determination under section 8.
- (6) An appeal under this section is to be by way of a reconsideration; and accordingly sections 9, 10 and 12 to 14 apply in relation to the appeal as they apply in relation to an application for compensation, but with references to the panel appointed under section 8 to be read as references to the single judicial member of the Board selected under this section.

Changes to legislation: There are currently no known outstanding effects for the Historical Institutional Abuse (Northern Ireland) Act 2019, Cross Heading: Appeal. (See end of Document for details)

- (7) Section 14 applies by virtue of subsection (6) in relation to an appeal only in the case of an appeal under subsection (1)(a).
- (8) In a case where the amount of an award of compensation was adjusted under section 13 (actuarial adjustments), the reference in subsection (1)(b) of this section to an amount of compensation is to be read as a reference to the amount of the award before the adjustment was made.
- (9) On an appeal under this section, the single judicial member of the Board may—
 - (a) confirm the decision,
 - (b) reverse the decision, or
 - (c) increase or reduce the amount of the award of compensation.
- (10) Where a single judicial member of the Board acts under subsection (9)(b) to reverse a decision, the member may make an award of compensation in accordance with section 12.
- (11) A decision on an appeal under this section is final.

Commencement Information

II S. 16 in force at 27.3.2020 by S.R. 2020/48, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Historical Institutional Abuse (Northern Ireland) Act 2019, Cross Heading: Appeal.