



# Historical Institutional Abuse (Northern Ireland) Act 2019

## 2019 CHAPTER 31

### PART 1

#### THE HISTORICAL INSTITUTIONAL ABUSE REDRESS BOARD

##### *Award of compensation*

#### **12 Assessment of compensation**

- (1) The amount of an award of compensation under this Part is to be assessed by the panel appointed under section 8 in accordance with this section and section 13.
- (2) The amount of compensation which may be awarded is—
  - (a) an amount of £10,000,
  - (b) an amount not exceeding £70,000 if the panel is satisfied that an additional amount is justified by the severity of the matters raised by the application, and
  - (c) an amount of £20,000 if the application is made by or in respect of a person who was sent to Australia under the programme commonly known as the “Child Migrants Programme”.
- (3) Accordingly, the maximum amount of compensation which may be awarded on an application under this Part is—
  - (a) £80,000, or
  - (b) if the application is made by or in respect of a person who was sent to Australia under the programme commonly known as the “Child Migrants Programme”, £100,000.
- (4) A person entitled to compensation under subsection (2)(c) is entitled to compensation under subsection (2)(a) or (b) only if the panel has determined that the person by or in respect of whom the application is made also suffered the abuse referred to in section 2(2)(a), (b) or (c) (abuse in institution in Northern Ireland).

- (5) In a case where more than one person is entitled to compensation by virtue of section 6, the proportion of the compensation to which each person is entitled is—
  - (a) the proportion which that person's share of the deceased's residuary estate bears to the total of the shares of every other person entitled to the compensation, or
  - (b) where the application is made by virtue of section 6(2) or the panel considers in the case of an application made by virtue of section 6(1) that the result which would be brought about under paragraph (a) of this subsection would not be in the interests of justice, such proportion as the panel considers would be in the interests of justice.
- (6) In the case of an application which relates to more than one institution, only one determination of an amount of compensation may be made under each of paragraphs (a), (b) and (c) of subsection (2) (or, in a case of the kind mentioned in subsection (5), only one determination under each of those paragraphs in accordance with that subsection), regardless of the number of institutions concerned.
- (7) The Board may make arrangements for facilitating access for a person who is awarded compensation under this Part to advice on the financial management of the award.
- (8) The Executive Office may by order amend this section so as to increase the amount of compensation which may be awarded on an application under this Part.
- (9) An order under subsection (8) may include transitional or saving provision.
- (10) The power to make an order under subsection (8) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979; and an order may not be made under that subsection unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.