



Historical Institutional Abuse (Northern Ireland) Act 2019

2019 CHAPTER 31

PART 1

THE HISTORICAL INSTITUTIONAL ABUSE REDRESS BOARD

Entitlement to compensation

6 Entitlement to claim compensation in respect of deceased person

- (1) In the case of a person who died on or after 28 April 1953, an application for compensation under this Part may (subject to subsection (2)) be made only by—
 - (a) the deceased's surviving spouse, civil partner or cohabiting partner, if that person is a residuary beneficiary of the deceased's estate;
 - (b) any surviving child of the deceased, if that person is a residuary beneficiary of the deceased's estate.
- (2) In a case where the surviving spouse, civil partner or cohabiting partner, or a surviving child, of a person who died on or after 28 April 1953 is a beneficiary of the deceased's estate, but not a residuary beneficiary, a panel appointed by the President of the Board may, on behalf of the Board, agree to receive an application for compensation under this Part from that person if the panel considers that it would be in the interests of justice to do so.
- (3) An application for compensation under this Part may be made jointly by two or more of the persons entitled to apply under subsection (1) or (2); and, in the case of such an application, any reference in this Act to a person making an application under this Part is to be read as a reference to those persons acting jointly.
- (4) Where an applicant for compensation under this Part dies before the application is determined, the application may continue to proceed in accordance with provision made in rules.

Changes to legislation: There are currently no known outstanding effects for the Historical Institutional Abuse (Northern Ireland) Act 2019, Section 6. (See end of Document for details)

- (5) A person is the surviving cohabiting partner of a deceased person if, immediately before the death, they were not married to, or civil partners of, each other but were living together as if they were.
- (6) A reference in this section to a residuary beneficiary of a deceased person's estate is a reference to a person who is a beneficiary of some or all of the deceased's residuary estate under the deceased's will or under the law of intestacy in the country or territory in which the deceased was residing at the time of death.
- (7) A reference in this section to a beneficiary of a deceased person's estate other than a residuary beneficiary is to be read in light of subsection (6).
- (8) In this section, “child”, in relation to a person, does not include a step-child of that person or a child of that person's civil partner or cohabiting partner; and a reference in this section to a child is not limited to a person aged under 18.
- (9) A panel appointed under subsection (2) is to consist of—
 - (a) one judicial member of the Board, who is to be the chair of the panel, and
 - (b) two other members of the Board, neither of whom is a judicial member.

Commencement Information

II S. 6 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, Section 6.