

## **EXPLANATORY MEMORANDUM**

**SR 2020 No. 50**

### **The Historical Institutional Abuse Redress Board (Applications and Appeals) Rules (Northern Ireland) 2020**

#### **1. Introduction**

1.1 This Explanatory Memorandum has been prepared by the Executive Office to accompany the Historical Institutional Abuse Redress Board (Applications and Appeals) Rules (Northern Ireland) 2020, which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred by sections 5(4) and (5), 6(4), 9(2), 16(3) and 19 (1), (2), (5) and (6) of the Historical Institutional Abuse (Northern Ireland) Act 2019 and is subject to the negative resolution procedure.

#### **2. Purpose**

2.1 The Statutory Rule sets out the procedures to be followed by the HIA Redress Board in assessing claims for compensation by those suffered abuse as children whilst resident in an institution; advises applicants to the Board for compensation how they apply and the documentation to be provided in support of the application and also provides for the payment of fees to legal representatives assisting those applying to the Board for compensation.

#### **3. Background**

3.1 This is a new policy to implement two of the recommendations emerging from the Inquiry into Historical Institutional Abuse (HIA) Report (the Hart Report). Firstly, the establishment of a Redress Board to administer a publicly funded compensation scheme for victims and survivors of historical institutional abuse and, secondly, to appoint a Commissioner for Survivors of Institutional Childhood Abuse (COSICA).

3.2 The primary function of the Redress Board will be to award compensation to victims and survivors (or their surviving spouse or children) of historical institutional abuse. The Board will be responsible for receiving and processing applications and making payments of compensation. These Rules set out the procedures to be followed by the Board.

## **4. Consultation**

4.1 The Executive Office consulted on the establishment of the Redress Board and the Commissioner for the Survivors of Childhood Institutional Abuse (COSICA) between November 2018 and March 2019. A draft of the Statutory Rule was included in the consultation process.

4.2 Representations from victims and survivors, together with the main local political parties during the consultation process led to a number of amendments being made to the Act. Among the main changes proposed were:

- the minimum amount of compensation increasing from £7,500 to £10,000;
- the amount of compensation that could be claimed by the spouse/children of a deceased individual increasing from 75% of the award to 100%; and
- the eligibility date for a claim to be made in respect of a deceased individual changing from September 2011 to April 1953.

4.3 However, no changes were proposed to the draft Statutory Rule during the consultation process.

## **5. Equality Impact**

5.1 Equality screening at the primary legislation stage –screened out.

## **6. Regulatory Impact**

6.1 A regulatory impact assessment was addressed fully at the primary legislation stage.

## **7. Financial Implications**

7.1 Significant financial costs over the lifetime of the HIA Redress Board for the NI Block.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1 The Departmental Solicitor's Office has considered Section 24 of the Northern Ireland Act 1998 and is of the opinion that there are no issues that would affect a Minister's or Department's legislative competence to make, confirm or approve subordinate legislation. Nor do these Rules seek to modify retained EU Law.

## **9. EU Implications**

9.1 None.

## **10. Parity or Replicatory Measure**

10.1 The measures contained in the Rules do not replicate any legislation in place in other administrations.

## **11. Additional Information**

11.1 Not applicable.