
DRAFT STATUTORY INSTRUMENTS

2021 No.

**The Birmingham Commonwealth Games (Compensation
for Enforcement Action) Regulations 2021**

Authority's decision on a claim

5.—(1) If, under regulation 4, a relevant authority determines that it has received sufficient information and evidence, it must, within 28 days beginning with the day on which it made that determination or decision, decide—

- (a) the matter referred to in regulation 4(1)(a), and
- (b) if it decides that the enforcement activity in the course of which the claimant alleges their property was damaged was carried out by an officer of the authority, the matters referred to in regulation 4(1)(b) and (c).

(2) If the authority decides that the enforcement activity (in the course of which the claimant alleges their property was damaged) was not carried out by an officer of the authority, the authority must, within a reasonable period—

- (a) notify the claimant of this in writing, and
- (b) take any steps it considers reasonable to assist the claimant in identifying the appropriate relevant authority.

(3) If the authority decides that the claimant is entitled to compensation, it must, within a reasonable period—

- (a) pay to the claimant the amount of compensation stated in the notice of claim, or
- (b) if it decides that the claimant is entitled to a lesser amount of compensation than that stated in the notice of claim, send a written notice to the claimant—
 - (i) offering that lesser amount to the claimant, and
 - (ii) stating the reasons for its decision.

(4) A claimant who receives a notice under paragraph (3)(b) offering a lesser amount of compensation than that stated in the notice of claim may agree, in writing, to accept that lesser amount (in which case the authority must pay that amount to the claimant).

(5) If the authority decides that the claimant is not entitled to compensation, it must, within a reasonable period, send a written notice to the claimant—

- (a) declining the claim, and
- (b) stating the reasons for its decision.

(6) Any notification under regulation 4(5)(b), 5(2)(a), 5(3)(b), or 5(5) (a “decision notice”) must contain particulars of the claimant’s rights to—

- (a) request a review of the decision under regulation 6, and
- (b) appeal a decision on a review under regulation 7.

(7) In paragraph (2)(b), “appropriate relevant authority” means the relevant authority that appointed or authorised the officer who carried out the enforcement activity in the course of which the claimant alleges their property was damaged.