



Historical Institutional Abuse (Northern Ireland) Act 2019

2019 CHAPTER 31

PART 1

THE HISTORICAL INSTITUTIONAL ABUSE REDRESS BOARD

Entitlement to compensation

2 Entitlement to claim compensation

- (1) An application for compensation under this Part may be made by or in respect of a person who suffered abuse while a child and while resident in an institution at some time between 1922 and 1995 (both inclusive); but this is subject to sections 3 and 4.
- (2) A reference to having suffered abuse is a reference to—
 - (a) having suffered sexual, physical or emotional abuse or neglect or maltreatment,
 - (b) having witnessed one or more other children suffer abuse of a kind referred to in paragraph (a),
 - (c) having otherwise been exposed to a harsh environment, or
 - (d) having been sent to Australia under the programme commonly known as the “Child Migrants Programme”.
- (3) “Institution” means an institution in Northern Ireland in which a body, society or organisation with responsibility for the care, health and welfare of children provided residential accommodation for children, took decisions about them and made provision for their day-to-day care.
- (4) A reference to an institution does not include a reference to an institution at which education was provided, other than—
 - (a) a school certified under the Children Act 1908,

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the Historical Institutional Abuse (Northern Ireland) Act 2019, Section 2. (See end of Document for details)

- (b) a training school under the Children and Young Persons Act (Northern Ireland) 1950 or 1968,
 - (c) a Borstal institution, or
 - (d) a young offenders centre under the Treatment of Offenders Act (Northern Ireland) 1968.
- (5) A reference to being resident in an institution includes a reference to being absent from the institution while under the care of—
- (a) the body, society or organisation which provided residential accommodation for the child in the institution, or
 - (b) a person authorised by that body, society or organisation.
- (6) But subsection (5) does not apply to a case within subsection (2)(c); and subsection (2)(c) is accordingly to be read as referring only to a person who was exposed to a harsh environment while in the institution in question.
- (7) The reference in subsection (1) to a person who suffered abuse while resident in an institution is, in a case within subsection (2)(d), to be read as a reference to a person who was resident in an institution immediately before being sent to Australia as mentioned in that provision.

Commencement Information

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

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