



# Historical Institutional Abuse (Northern Ireland) Act 2019

## 2019 CHAPTER 31

### PART 1

#### THE HISTORICAL INSTITUTIONAL ABUSE REDRESS BOARD

##### *Determination of application*

## 9 Procedure

- (1) An application for compensation under this Part is to be determined by the panel appointed under section 8 on the basis of—
  - (a) any material provided in support of the application,
  - (b) any material provided in response to a request by the panel (whether the request is made to the applicant, made for the purposes of subsection (2) or made for some other purpose),
  - (c) any evidence admitted under subsection (3) or given in a hearing directed under that subsection,
  - (d) any evidence provided or given pursuant to a notice under section 10,
  - (e) any advice from an advisor appointed under section 11, and
  - (f) any other material which the panel considers relevant.
- (2) The panel must, in so far as it is practicable to do so and in accordance with such provision as may be made in rules, request the body, society or organisation which provided residential accommodation in an institution to which the application relates to provide whatever information would enable the panel to verify the accuracy of information provided in support of the application.
- (3) The panel may, if it considers that there are exceptional circumstances which make it necessary to do so in the interests of justice—
  - (a) allow fresh evidence to be admitted;

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*Status: This is the original version (as it was originally enacted).*

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- (b) direct an oral hearing to be held with the evidence to be given on oath.
- (4) An oral hearing directed by the panel under subsection (3)(b) is to be held in private unless the panel considers that it would be in the interests of justice for the hearing to be held in public.
  - (5) Where the panel decides that it needs access to the records of the Inquiry in order to determine the application, the Public Record Office of Northern Ireland must allow the panel access to those records in accordance with whatever restrictions are in force under section 8 of the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013.
  - (6) The entitlement to compensation on the application is not affected by—
    - (a) whether or not any matters to which the application relates were reported to the police;
    - (b) whether or not the person by or in respect of whom the application is made provided evidence to the Inquiry;
    - (c) whether or not the person by or in respect of whom the application is made has been convicted of an offence.
  - (7) After the panel has determined the application, the secretary to the Board must notify the applicant in writing of the determination; and the notification must be accompanied by a summary of the panel’s reasons for the determination.
  - (8) The duty under subsection (2) does not arise if the person by or in respect of whom the application is made provided evidence to the Inquiry.
  - (9) In this section, “the Inquiry” means the inquiry held under the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013; but the references in this section to the Inquiry do not include a reference to that part of the Inquiry described in its terms of reference as the Acknowledgement Forum.