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*Changes to legislation:* There are currently no known outstanding effects for the Birmingham Commonwealth Games Act 2020, Cross Heading: Compensation. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 3

#### ENFORCEMENT OF OFFENCES UNDER PART 3

##### *Compensation*

- 15 (1) A person whose property is damaged in the course of the exercise or purported exercise of a relevant power by an officer of a relevant authority is entitled to compensation from that authority if—
- (a) the exercise of the power was unlawful, or
  - (b) any force used in the exercise of the power was unreasonable.
- (2) In sub-paragraph (1) “relevant power” means—
- (a) a power conferred by this Schedule, or
  - (b) a power conferred by Part 3 or 4 of Schedule 5 to the 2015 Act that is exercised (or purportedly exercised) for the purpose of enforcing a relevant offence.
- (3) The amount of compensation payable is the sum of the following amounts—
- (a) an amount equal to—
    - (i) the cost of repairing the property to its previous condition, or
    - (ii) if it is impossible or not commercially worthwhile to repair the property to that condition, the cost of replacing it, and
  - (b) the amount of any other loss that is a direct result of the damage to the property.
- 16 (1) The Secretary of State may by regulations make provision supplementing the provisions of paragraph 15, including (among other things)—
- (a) provision about how to make a claim for compensation under that paragraph;
  - (b) provision about the person to whom a claim must be made;
  - (c) provision about the period within which a claim must be made;
  - (d) provision requiring a person to provide specified information when making a claim;
  - (e) provision conferring discretion on any person to decide whether a person is entitled to compensation under that paragraph and, if so, the amount to be paid;
  - (f) provision requiring a person making a claim to be given specified information about the decision on the claim;
  - (g) provision about reviews or appeals.
- (2) In sub-paragraph (1) “specified” means specified in the regulations.

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