
STATUTORY INSTRUMENTS

2020 No. 103

The Victims' Payments Regulations 2020

PART 7 N.I.

Appeal, further assessment and review

Further assessment where disablement worsens N.I.

33.—(1) A person may apply to have their degree of permanent disablement assessed again where—

- (a) the person's permanent disablement has become worse, and
- (b) the person reasonably believes that their assessed degree of permanent disablement (“the original assessment”) does not provide a reasonable assessment of the degree of permanent disablement resulting from the relevant incident.

(2) An application under paragraph (1) must—

- (a) be made to the Board
- (b) be in writing;
- (c) be on a form approved for the purpose by the Board;
- (d) be signed by or on behalf of the claimant;
- (e) be made within the period of 12 months beginning with the date on which the worsening began;
- (f) specify the grounds on which the application is made;
- (g) include medical evidence that the applicant's disablement has become worse, and
- (h) include such information as the President of the Board may from time to time determine.

(3) On receipt of an application under paragraph (1), the Board must—

- (a) arrange for the applicant to be assessed by a health care professional, and
- (b) provide that health care professional with any relevant information obtained under regulation 29 or otherwise in the possession of the Board.

(4) The health care professional must—

- (a) assess the applicant's degree of permanent disablement in accordance with regulation 15(2) to (8), and
- (b) make a report to the Board—
 - (i) specifying the assessed degree of permanent disablement, and
 - (ii) reporting the reason for the assessment.

(5) Where the assessed degree of permanent disablement specified under paragraph (4)(b)(i) (“the further assessment”) is higher than the original assessment—

- (a) the Board must determine the amount of victims' payments payable to the applicant in accordance with regulations 18(2) to (5), 19 and 20 by reference to the further assessment, and
 - (b) the applicant is entitled to the amount of victims' payments determined under sub-paragraph (a) from the date of that determination.
- (6) Following the report made under paragraph (4)(b) or (in a case where paragraph (5) applies) following the determination made under paragraph (5)(a), the Board must as soon as reasonably practicable notify the applicant in writing of—
- (a) the assessed degree of permanent disablement of the applicant;
 - (b) in a case where paragraph (5) applies, the amount determined under paragraph (5)(a), and
 - (c) the right to appeal.
- (7) A person may make an application under this regulation only once.

Commencement Information

II Reg. 33 in force at 29.5.2020, see reg. 1(3)

Changes to legislation:

There are currently no known outstanding effects for the The Victims' Payments Regulations 2020, Section 33.