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STATUTORY INSTRUMENTS

2020 No. 490

PAYMENT SCHEME

DISABLED PERSONS

The Victims' Payments (Amendment) Regulations 2020

<i>Made</i> - - - -	<i>5th May 2020</i>
<i>Laid before Parliament</i>	<i>7th May 2020</i>
<i>Coming into force</i> - -	<i>29th May 2020</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 10 and 11 of the Northern Ireland (Executive Formation etc) Act 2019^(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Victims' Payments (Amendment) Regulations 2020 and come into force on 29th May 2020.

(2) Regulations 1 and 2(1) and (3) extend to England and Wales, Scotland and Northern Ireland.

(3) Regulation 2(2) and (4) to (7) extend to Northern Ireland only.

Amendment of Victims' Payments Regulations 2020

2.—(1) The Victims' Payments Regulations 2020^(b) are amended as follows.

(2) In regulation 5, in paragraph (3), for "14(c)(i)" substitute "14(1)(c)(i) or (5)(c)(i)".

(3) In regulation 29—

(a) in paragraph (2), for sub-paragraphs (a) to (c) substitute—

"(2A) A person to whom a notice under this paragraph is given may make a claim to the Board that—

(a) the person is unable to comply with the notice, or

(b) it is not reasonable in all the circumstances to require the person to comply with the notice.";

(b) in paragraphs (3) and (4), for "(3)" substitute "(2A)".

(4) In regulation 34, in paragraph (1), after sub-paragraph (f) insert—

"(g) a determination made or varied under regulation 43(6)(b)."

(a) 2019 c. 22.
(b) S.I. 2020/103.

(5) In regulation 36—

(a) in paragraph (1)—

- (i) in the words before sub-paragraph (a), for “34(1)” substitute “34(1)(a) to (f)”;
- (ii) in sub-paragraphs (d) and (e), for “application” substitute “appeal”;

(b) after paragraph (1) insert—

“(1A) On an appeal under regulation 34(1)(g), where the determination reviewed under regulation 43 was a determination—

- (a) under regulation 10(4), the appeal is, for the purposes of paragraph (1), to be treated as an appeal under paragraph 34(1)(a);
- (b) under regulation 12(3)(b), the appeal is, for the purposes of paragraph (1), to be treated as an appeal under regulation 34(1)(b);
- (c) under regulation 12(3)(c), the appeal is, for the purposes of paragraph (1), to be treated as an appeal under regulation 34(1)(c);
- (d) of the amount of victims’ payments payable to a person, the appeal is, for the purposes of paragraph (1), to be treated as an appeal under regulation 34(1)(f).”

(6) In regulation 43, in paragraph (7), for “determination of an appeal” substitute “review of a determination”.

(7) In regulation 49, in paragraph (3), after “reason of mental disorder,” insert “is incapable”.

Robin Walker
Minister of State
Northern Ireland Office

5th May 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Victims’ Payments Regulations 2020 (S.I. 2020/103).

The amendments made by paragraphs (2), (3), (6) and (7) of regulation 2 correct defects in those Regulations.

The Victims’ Payment Regulations 2020 make provision allowing certain determinations to be appealed (regulation 34) or reviewed (regulation 43). The amendment made by paragraph (4) of regulation 2 makes clearer that, where the result of a review is the making of a new determination or the varying of the determination, an appeal may be brought in respect of that new determination or the determination as varied. The amendment made by paragraph (5) is consequential to that amendment.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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