
STATUTORY INSTRUMENTS

2017 No. 371

The Riot Compensation Regulations 2017

Compensation

Compensation in relation to ordinary claims: general provisions

9. In deciding the amount that reflects an ordinary claimant's loss, the Authority must—
- (a) treat stolen property as lost if it is not recovered by or on behalf of the Authority or ordinary claimant before the first payment date,
 - (b) disregard any loss relating to property insured by the ordinary claimant for its damage, destruction or theft in the course of the riot to the extent that it is so insured (whether or not the insurance policy makes specific provision in relation to riots), and
 - (c) have regard to—
 - (i) in the case of immoveable property, the reasonable cost of its repair or reinstatement, and
 - (ii) in the case of moveable property and except in the circumstances specified in regulation 10, the cost of replacing it at current market value or, if it is cash, the cost of, or the Authority's estimate of the cost of, reimbursement.

Compensation in relation to ordinary claims: motor vehicle and stock in trade exceptions

10.—(1) Where an ordinary claim relates to a motor vehicle which is not stock in trade, the Authority must decide the amount that reflects the ordinary claimant's loss by reference to whichever of the following costs is relevant—

- (a) if the vehicle has been damaged in such manner that it can only be repaired at a cost that would exceed its market value immediately before the damage, the cost of replacing it at that market value;
- (b) if the vehicle has been damaged but not in the manner described in sub-paragraph (a), the cost of repairing it to its previous condition;
- (c) if the vehicle has been destroyed, or stolen and lost, the cost of replacing it at its market value immediately before its destruction or theft.

(2) Where an ordinary claim relates to the theft and loss, damage or destruction of stock in trade other than second-hand stock, the Authority must decide the amount that reflects the ordinary claimant's loss by reference to the cost of the stock at its replacement value or current market value, whichever is lower.

(3) Where an ordinary claim relates to the theft and loss, damage or destruction of second-hand stock in trade, the Authority must decide the amount that reflects the ordinary claimant's loss by reference to the Authority's reasonable estimate of the cost of the stock at its replacement value.

Compensation in relation to insurer claims: general provisions

11. In deciding the amount that reflects an insurer claimant's loss, the Authority must—

- (a) treat stolen property as lost if it is not recovered by or on behalf of the person who made the related claim against the insurer claimant or by the Authority before the first payment date, and
- (b) have regard to—
 - (i) in the case of immoveable property, the reasonable cost of its repair or reinstatement, and
 - (ii) in the case of moveable property and except in the circumstances specified in regulation 12, the cost of replacing it at current market value or, if it is cash, the cost of, or the Authority’s estimate of the cost of, reimbursement.

Compensation in relation to insurer claims: motor vehicle and stock in trade exceptions

12.—(1) Where an insurer claim relates to the theft and loss, damage or destruction of stock in trade other than second-hand stock, the Authority must decide the amount that reflects the insurer claimant’s loss by reference to the stock’s replacement value or current market value, whichever is lower.

(2) Where an insurer claim relates to the theft and loss, damage or destruction of second-hand stock in trade, the Authority must decide the amount that reflects the insurer claimant’s loss by reference to the Authority’s reasonable estimate of the stock’s replacement value.

Further decision on the payment of compensation

13.—(1) Where an Authority has refused a section 1 claim, it may make a further decision on the payment of compensation in relation to the claim after the refusal date if the claimant or representative (if any) submits new details or evidence (or both) relevant to the claim on or after that date.

(2) An Authority may make a further decision on the payment of compensation in relation to a section 1 claim after the first date on which all compensation payable in accordance with the original decision has been paid if the claimant or representative (if any) submits new details or evidence (or both) relevant to the claim on or after that date.

(3) The refusal by an Authority to make a further decision under paragraph (1) or (2) is to be treated as a refusal of the claim for the purposes of these Regulations.

Deduction of compensation from ordinary claim where compensation already provided out of public funds

14.—(1) If an ordinary claimant has received compensation provided out of public funds for the damage, destruction or theft in the course of the riot of all or any of the property which is the subject of the ordinary claim, the Authority must deduct an equivalent amount from the amount of compensation in respect of the ordinary claim.

(2) Paragraph (1) does not apply if the compensation provided out of public funds was in the form of a loan to the ordinary claimant.

(3) In this regulation—

“compensation provided out of public funds” means compensation provided directly or indirectly—

- (a) out of the Consolidated Fund or Welsh Consolidated Fund, or
- (b) by a local authority;

“local authority” means—

- (a) a county council,

- (b) a metropolitan district council,
- (c) a non-metropolitan district council for which there is no county council,
- (d) a county borough council (in Wales),
- (e) a London borough council,
- (f) the Common Council of the City of London, or
- (g) the Council of the Isles of Scilly.

Claims by ordinary claimants whose homes have been rendered uninhabitable by a riot

15.—(1) This regulation applies where an ordinary claimant’s home has been rendered uninhabitable by a riot and, as a result, the ordinary claimant needs alternative accommodation and makes an ordinary claim for this purpose.

(2) Where this regulation applies, in deciding the amount of compensation payable, the Authority must have regard to—

- (a) the period during which, in the Authority’s opinion, the ordinary claimant needs alternative accommodation which must not exceed 132 days starting with the day on which the ordinary claimant’s home was rendered uninhabitable by the riot;
 - (b) the reasonable cost of, and any reasonable cost directly relating to the provision of, alternative accommodation of an equivalent standard (in the Authority’s opinion) to the home rendered uninhabitable by the riot as it was immediately before the riot;
 - (c) (if applicable) the extent to which, in the Authority’s opinion, the ordinary claimant is not insured for a similar purpose.
- (3) An alternative accommodation claim must be supported by adequate evidence—
- (a) that the ordinary claimant’s home has been rendered uninhabitable by the riot,
 - (b) that the ordinary claimant needs alternative accommodation, and
 - (c) of any cost of, and any cost directly relating to the provision of, alternative accommodation of an equivalent standard to the home rendered uninhabitable by the riot as it was immediately before the riot.
- (4) The Authority may refuse an alternative accommodation claim if—
- (a) the Authority determines that the supporting evidence required under paragraph (3) is inadequate, or
 - (b) in respect of the whole period to which the claim relates—
 - (i) in the Authority’s opinion, the ordinary claimant is insured for a similar purpose and to at least an equivalent extent, or
 - (ii) the ordinary claimant has received, or has made a claim for and is entitled to receive, a relevant benefit.
- (5) The Authority may provide for the deduction from compensation payable in relation to an alternative accommodation claim—
- (a) a sum equivalent to any sums paid or payable (or both) to the ordinary claimant for a similar purpose, in the Authority’s opinion, under a policy of insurance, or
 - (b) a sum equivalent to any sums paid or payable (or both) to the ordinary claimant as a relevant benefit in respect of any period to which the claim relates.
- (6) The Authority may recover as a debt—
- (a) all compensation paid in relation to an alternative accommodation claim if, in relation to the whole period for which the claim was made—

- (i) the ordinary claimant was, in the Authority’s opinion, insured for a similar purpose and to at least an equivalent extent under a policy of insurance, or
- (ii) the ordinary claimant has received or has made a claim for and is entitled to receive a relevant benefit;
- (b) part of the compensation paid in relation to an alternative accommodation claim if, in relation to any part of the period for which the claim was made—
 - (i) the ordinary claimant was, in the Authority’s opinion, insured for a similar purpose and to at least an equivalent extent under a policy of insurance, or
 - (ii) the ordinary claimant has received or has made a claim for and is entitled to receive a relevant benefit.

(7) Where an ordinary claimant has claimed or has received compensation in relation to an alternative accommodation claim, the Secretary of State or any person providing services to the Secretary of State may supply to the Authority any information it holds relating to any relevant benefit paid or payable (or both) to the ordinary claimant for the purpose of assisting the Authority in the exercise of its functions in relation to the alternative accommodation claim.

(8) An Authority must not supply to any other person, or use for any other purpose, any information supplied to it in accordance with paragraph (7) without the written consent of the Secretary of State.

(9) In this regulation—

“relevant benefit” means housing benefit or assistance with housing costs payable as part of an ordinary claimant’s award of income support, employment and support allowance, jobseeker’s allowance, state pension credit or universal credit, as the case may be, in respect of a home rendered uninhabitable by a riot or alternative accommodation (or both) mentioned in paragraph (1);

“alternative accommodation claim” means an ordinary claim in the circumstances described in paragraph (1).

Effect of acts or omissions of claimants

16.—(1) An Authority may refuse an ordinary claim or decrease compensation to an ordinary claimant where it considers this appropriate because—

- (a) the ordinary claimant, whether by act or omission—
 - (i) has participated in, assisted, encouraged or facilitated the riot or spread of the riot, or
 - (ii) has contributed, directly or indirectly, to any damage, destruction or theft of property during the riot, or
- (b) the ordinary claimant has committed a criminal offence relating to the riot.

(2) An Authority may refuse an insurer claim or decrease compensation to an insurer claimant where it considers this appropriate because—

- (a) the insurer claimant or the insured person, whether by act or omission—
 - (i) has participated in, assisted, encouraged or facilitated the riot or spread of the riot, or
 - (ii) has contributed, directly or indirectly, to any damage, destruction or theft of property during the riot, or
- (b) the insurer claimant or the insured person has committed a criminal offence relating to the riot.

(3) In paragraph (2)(a) and (b), “the insured person” means the person who has made a related insurance claim against the insurer claimant.

Fraud

17. An Authority may refuse a section 1 claim if the Authority believes that the claim, any other section 1 claim made by the claimant or, in the case of an insurer claim, the related claim against the insurer claimant is fraudulent (to any extent).

Further provisions relating to compensation

18.—(1) In deciding the amount of compensation to be paid in relation to a section 1 claim, an Authority may include reasonable costs and expenses incurred by the claimant where the claimant or representative (if any) has submitted to the Authority adequate evidence in support of the claim at the Authority's request.

(2) An Authority may deduct from any compensation a reasonable amount to reflect the costs it incurs in administering compensation to claimants.

Interim payments and compensation in instalments

19.—(1) An Authority may provide for interim payments in relation to a section 1 claim before making its decision on the claim where it considers that it is reasonable to do so.

(2) An Authority may provide for the payment of compensation in instalments in relation to an ordinary claim after making its decision for either or both of the following purposes—

- (a) the repair or replacement of stolen, damaged or destroyed moveable property;
- (b) the reinstatement of immovable property.

Payments for repairs instead of monetary compensation

20. An Authority may, instead of monetary compensation, arrange for repairs to be carried out on property that has been damaged and which is the subject of an ordinary claim, at the expense of the appropriate local policing body.

Notification of Authority's decision

21.—(1) An Authority must notify a claimant or representative (if any) in writing of any decision—

- (a) to refuse the claim;
- (b) to meet the claim for an amount that is less than the amount claimed;
- (c) to meet the claim in full;
- (d) to arrange for repairs in accordance with regulation 20;
- (e) to provide for interim payments in accordance with regulation 19(1);
- (f) to provide for the payment of compensation in instalments in accordance with regulation 19(2).

(2) A notification under paragraph (1)(a), (b) or (d) must—

- (a) include the Authority's reasons for the decision,
- (b) inform the claimant or representative (if any) of the right the claimant has under regulation 22 to apply for a review of the decision, and
- (c) inform the claimant or representative (if any) of the right the claimant has under regulation 24 to appeal against a decision on review under regulation 23.