

GUIDANCE NOTE (GN 02/21): DATE OF OCCURRENCE OF A TROUBLES-RELATED INCIDENT

AUGUST 2021

Background

1. The Victims' Payments Regulations 2020 set out the eligibility requirements for a payment from the Troubles Permanent Disablement Payment Scheme. The Regulations define a "relevant incident" as "*a Troubles-related incident determined by a panel under regulation 12(3)(b) and 12(3)(c) to be an incident in relation to which the applicant is entitled to victims' payments*".
2. Regulation 5(1)(d) provides that a person is entitled to victims' payments in respect of injury caused by a Troubles-related incident if the Troubles-related incident took place on or after midnight on 1 January 1966 but before 11:59 pm on 12 April 2010.
3. The Regulations also provide that:

5 (5) Paragraph (1)(d) does not apply in any case where a panel considers that the application of that paragraph would undermine the purposes of this Scheme.

5 (6) For the purpose of paragraph (5), the purposes of this Scheme are to:

- (a) acknowledge the harm suffered by those injured in the Troubles, and*
- (b) promote reconciliation between people in connection with Northern Ireland's troubled past.*

4. This guidance note sets out how the Victims' Payments Board will apply discretion in relation to date parameters when considering entitlement to a payment under the Troubles Permanent Disablement Payment Scheme.

Detail

5. A determination in every case before the Panel will be made as to whether an incident constitutes a Troubles-related incident as defined in regulation 2(1).
6. Each case will be considered on its individual merits and on a case-by-case basis.

7. If a Panel is required to consider an application where the date of a Troubles-related incident falls outside of the dates specified in regulation 5(1)(d), it shall take into account the specific purposes of the scheme as outlined at paragraph five above.
8. It is the general view of the Victims' Payments Board that any successful application where the date of the incident falls outside of the specified dates would occur on an exceptional basis. This is in view of the fact that the overwhelming majority of Troubles-related incidents took place pre-1998 and signing of the Belfast Agreement.
9. It is recognised that applications in relation to a limited number of incidents falling outside of the specified dates may be considered to be in line with the requirements of the Scheme, should the refusal of such an application be considered to undermine the purposes of the Scheme.
10. Should an application to the Scheme meet all other eligibility criteria as outlined in regulation 5 **except** the date of incident, it shall be considered for eligibility if excluding the application solely on the basis of time limits would undermine the purposes of the Scheme.
11. Should the Victims' Payments Board decide to exercise its discretion in relation to a case involving an incident falling outside of the specified dates, the application as a whole shall thereafter be considered in the same way as other applications.