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STATUTORY INSTRUMENTS

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**2017 No. 371**

**POLICE, ENGLAND AND WALES**

**The Riot Compensation Regulations 2017**

<i>Made</i>	- - - -	<i>13th March 2017</i>
<i>Laid before Parliament</i>		<i>15th March 2017</i>
<i>Coming into force</i>	- -	<i>6th April 2017</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 2(4), 3, 4(2) and (3), 8(4) to (7), 9 and 11(4)(d) of the Riot Compensation Act 2016<sup>(1)</sup>:

**Citation, commencement and interpretation**

1.—(1) —These Regulations may be cited as the Riot Compensation Regulations 2017 and come into force on 6th April 2017.

(2) In these Regulations—

“the Act” means the Riot Compensation Act 2016;

“Authority” means the appropriate local policing body or a person to whom it has delegated functions under regulation 8(1);

“business premises” means premises used wholly or partly for the purposes of a business;

“claimant”, except in regulation 2, means an ordinary claimant or insurer claimant;

“first payment date” means the date or, if there is more than one such date, the first date on which compensation is paid in relation to a section 1 claim;

“insurer claim” means a claim for compensation under section 1(2) of the Act;

“insurer claimant” means an insurance company making an insurer claim;

“ordinary claim” means a claim for compensation under section 1(1) of the Act;

“ordinary claimant” means a person making an ordinary claim;

“representative” means a person acting on behalf of an ordinary claimant;

“residential premises” means premises normally used as one or more dwellings;

“section 1 claim” means a claim for compensation under section 1(1) or (2) of the Act.

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(1) 2016 c.8

### *Scope of Claims*

#### **Amendment of section 2 of the Act**

2. In section 2(3) of the Act (property in respect of which claims may be made), for the words from “at the time” to the end, substitute—

- “(a) at the time of the riot was situated—
  - (i) within a building,
  - (ii) within the curtilage of a building, or
  - (iii) on land being used for the purposes of a business carried on by the claimant, or
- (b) was being used, or was intended for use, in connection with a business carried on by the claimant and which, at the time of the riot, was contained in—
  - (i) a motor vehicle falling within paragraph 1, 2 or 3 of the Schedule, or
  - (ii) a trailer or other device originally manufactured for attachment to a motor vehicle which was attached (or intended to be attached from time to time) to a motor vehicle falling within any of those paragraphs,

and for the purposes of this subsection as it applies to a claim under section 1(2), “the claimant” means the person whose claim has been (to any extent) met by the insurance company as mentioned in section 1(2)(c).”.

### *Claim Procedures*

#### **Multiple interest claims**

3.—(1) Where more than one person has, or claims to have, a legal interest in property in respect of which a section 1 claim may be made, a section 1 claim may be made by each person.

(2) For the purposes of paragraph (1)—

- (a) in the case of residential premises including the common parts of those premises, a person has a legal interest in the property if, in relation to the property, that person is an insurer, mortgagee, freeholder, leaseholder or tenant;
- (b) in the case of business premises including the common parts of those premises, a person has a legal interest in the property if—
  - (i) in relation to the property, that person is an insurer, mortgagee, freeholder, leaseholder or tenant; or
  - (ii) that person is using the property for the purposes of a business.

(3) In paragraph (2), “tenant” means a person entitled in possession to the property under a contract of tenancy.

#### **Claim consolidation**

4.—(1) No person may make more than one section 1 claim in relation to—

- (a) property at the same postal address, or
- (b) property comprising or within the common parts of residential premises or business premises.

(2) Despite paragraph (1), where an insurer claimant has provided building insurance to one person and contents insurance to another person in relation to property at the same postal address, it may make a separate insurer claim in relation to each of those types of insurance.

### **Claim handling**

- 5.—(1) A section 1 claim must be made to the Authority.
- (2) The claim must be made—
- (a) in a hard copy form approved by the Authority,
  - (b) in an electronic form approved by the Authority, or
  - (c) orally by telephone or in person if the Authority offers appropriate facilities for the oral submission of claims.
- (3) A claim made under paragraph (2)(a) must be sent by post or delivered by hand to the Authority.
- (4) A claim made under paragraph (2)(b) must be submitted to the Authority by an electronic means approved by the Authority.

### **Claim time limits**

- 6.—(1) Subject to paragraph (3)—
- (a) an ordinary claim must be made within—
    - (i) 43 days starting with the riot reference date unless the ordinary claimant makes a claim against an insurance company, under a policy of insurance, for the damage, destruction or theft of property in the course of the riot, or
    - (ii) 43 days starting with the date of issue by an insurance company of its decision to refuse or meet (partially or fully) a claim mentioned in paragraph (i);
  - (b) an insurer claim must be made within 43 days starting with the riot reference date.
- (2) Except in the circumstances described in regulation 13, any further details and any evidence in support of the section 1 claim must be received by the Authority within 91 days starting with the day on which the claim—
- (a) was received, if made under regulation 5(2)(a); or
  - (b) was made under regulation 5(2)(b) or (c).
- (3) For the purposes of determining either 43-day period referred to in paragraph (1) and the 91-day period referred to in paragraph (2), any period during which paragraph (4) applies is to be disregarded.
- (4) This paragraph applies to any period during which in the Authority’s opinion—
- (a) an ordinary claimant is prevented from making, or submitting details or evidence (or both) in support of, an ordinary claim due to the ordinary claimant’s health, personal circumstances or other circumstances beyond the ordinary claimant’s control,
  - (b) an ordinary claimant or representative (if any) delays making, or submitting details or evidence (or both) in support of, an ordinary claim due to an unsettled legal issue concerning the ownership, rebuilding or repair of property relating to the claim, or
  - (c) an insurer claimant is prevented from making, or submitting details or evidence (or both) in support of, an insurer claim because—
    - (i) it has not received any related insurance claim against it, or
    - (ii) it has not received adequate details of, or adequate evidence relevant to, any such related insurance claim.
- (5) In this regulation, “riot reference date” means, in relation to a riot, the date on which the riot ends and, for the purposes of this definition, a riot which occurs in any police area within 24 hours of the last riot (whether or not in the same area) is to be treated as part of the same riot.

### **Details and evidence in support of a claim**

7.—(1) A section 1 claim must be supported by adequate details and adequate evidence of losses incurred.

(2) If an ordinary claimant is entitled to claim or has claimed compensation against an insurance company, under a policy of insurance, 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 ordinary claim must include—

- (a) adequate details of that policy, and
- (b) if the ordinary claimant has claimed compensation, adequate details of the claim and adequate evidence in support of it.

(3) It is the duty of the Authority to determine whether adequate details and adequate evidence under paragraph (1) and (if applicable) paragraph (2) have been submitted.

(4) The Authority may treat as lapsed (and accordingly refuse) a section 1 claim if, within the 91-day period determined in accordance with regulation 6, it considers that neither the claimant nor the representative (if any) has submitted to it adequate details of or adequate evidence in support of the claim..

(5) The Authority may require any estimate of repair costs submitted as evidence of losses incurred to be prepared by contractors approved by it.

### **Local policing body's powers to delegate functions**

8.—(1) A local policing body may delegate to another person either or both of the following functions in relation to a section 1 claim—

- (a) dealing with procedural matters;
- (b) making a decision.

(2) The local policing body may only delegate functions—

- (a) under paragraph (1)(a) to a person it considers has the expertise and capacity to handle the volume of anticipated claims, and
- (b) under paragraph (1)(b) to a person it considers has such expertise and capacity and providing the claim is for compensation for or to the value of £25,000 or less.

### *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 immovable 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.