

**REVISED GUIDANCE NOTE (GN 04/21): DEFINING A TROUBLES RELATED  
INCIDENT**

**August 2025**

Background

1. Section 10(11) of the Northern Ireland (Executive Formation etc) Act 2019 (“the Act”) defines a Troubles-related incident as:

“.....an incident involving an act of violence or force carried out in Ireland, the United Kingdom or anywhere in Europe for a reason related to the constitutional status of Northern Ireland or to political or sectarian hostility between people there.”

2. The Victims’ Payments Regulations 2020 (“the Regulations”) set out the eligibility requirements for victims’ payments. 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”
3. Regulation 12(3)(c) provides for an application relating to more than one Troubles-related incident with a requirement for the Victims’ Payments Board to determine in respect of which of the incidents an applicant may be entitled to a payment.
4. In determining an application where there is a question as to whether or not an incident is a Troubles-related incident, the panel should bear in mind the overarching purposes of the Scheme as outlined in regulation 5(6) of the Regulations “.....*to acknowledge the harm suffered by those injured in the Troubles and promote reconciliation between people in connection with Northern Ireland’s troubled past.*”
5. This guidance sets out how the Victims’ Payments Board will consider what constitutes a Troubles-related incident.

## Detail

6. A determination in every case before the panel will be made as to whether an incident constitutes a Troubles-related incident as defined in section 10(11) of the Act.
7. The burden of proving an incident is Troubles-related rests with the applicant; or appellant in any subsequent appeal against a decision of the panel. The standard of proof is the balance of probabilities.
8. Each application will be considered on its individual merits and on a case-by-case basis.
9. A wide range of incidents took place during the period of the Troubles. Under the Regulations, a person is entitled to victims' payments in respect of injury caused by a Troubles-related incident if the incident took place on or after 1 January 1966 but before 12 April 2010. A panel has discretion to disapply these date parameters where their application would undermine the purposes of the Scheme.
10. In line with the definition provided in section 10(11) of the Act, a Troubles-related incident must firstly involve an "*act of violence or force*". It is imperative to **clearly identify the act of violence or force carried out** in respect of **each** incident referenced in the application. In considering whether a particular incident involves an act of violence or force, it may be of assistance to have regard to the presence/causation requirements of regulation 7. The incident must involve an act of violence or force at which the applicant was present.
11. Some Troubles-related incidents involved acts of violence or force against the state or its apparatus. Some Troubles-related incidents involved acts of violence or force carried out by, or on behalf, of the state. Some incidents occurred as a result of tensions between, or within, communities in Northern Ireland. It shall be for the Victims' Payments Board, having considered the available evidence and information, to decide if a particular incident involved an act of violence or force.
12. Where a perpetrator makes a threat to kill, or a threat to destroy or damage property, directly to an individual, this could be considered to involve an act of violence or force for the purpose of a Troubles-related incident. It is likely to be of assistance to consider the presence/causation requirements of regulation 7 in such a scenario.

13. Where a threat to kill or to destroy or damage property is conveyed to an individual by police or other similar authority/body or by an employer, such provision/relaying of information to an applicant cannot constitute a Troubles-related incident as the provision/relaying of such information does not involve an act of violence or force at which an applicant is present. The provision of such information by the police (or other similar body) in the execution of their duty to protect the public, or the relaying of such information by an employer who in turn has been provided with such information by the police, does not constitute a Troubles-related incident within the terms of the definition set out in the Act and Regulations and, therefore, cannot give rise to an entitlement to payments under the Scheme. In such cases, the information is conveyed to the applicant by, or on behalf of, the police in furtherance of a duty to protect life, and in order to protect the applicant from attack and/or to allow the applicant to take steps or precautions to mitigate the risk of attack.
14. Once it has been established an act of violence or force was carried out, it must then be proven on the balance of probabilities by the applicant/appellant that the reason for that act of violence or force was related to one of the following:
- a) the constitutional status of Northern Ireland,
  - b) political hostility between people in Northern Ireland, or
  - c) sectarian hostility between people in Northern Ireland.
15. Panels should carefully consider whether the act of violence or force was “carried out” for a reason related to one of the three matters outlined above.