

GUIDANCE NOTE (GN 03/21): PRESENCE AT A TROUBLES-RELATED INCIDENT OR IMMEDIATE AFTERMATH

AUGUST 2021

Background

1. The Victims' Payments Regulations 2020 set out the eligibility requirements for a payment from the Troubles Permanent Disablement Payment (TPDP) 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 7(1) provides that, for the purpose of these Regulations, a person's injury may only be considered to be caused by a Troubles-related incident if it is suffered by that person when—
 - (a) present at a Troubles-related incident;
 - (b) present in the immediate aftermath of a Troubles-related incident in which a loved one died or suffered an injury;
 - (c) responding, in the course of employment, to a Troubles-related incident, in which the person reasonably believed a loved one had died or suffered significant injury.
3. This guidance note sets out how the Victims' Payments Board will consider presence at a Troubles-related incident and what is considered appropriate as immediate aftermath of an incident.

Detail

4. The TPDP Scheme has two specific purposes: "*... 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. It is intended that the scheme should make payments to those injured by a Troubles-related incident when:-
 - (a) present at a Troubles-related incident;

(b) present in the immediate aftermath of a Troubles-related incident in which a loved one died or suffered an injury;

(c) responding, in the course of employment, to a Troubles-related incident, in which the person reasonably believed a loved one had died or suffered significant injury.

6. The Northern Ireland Office (NIO) response to the consultation on the Scheme noted that it would not be possible to meet all the psychological needs of the Northern Ireland population given the extent to which so many people were impacted by the Troubles. However, the importance of those individuals being able to access other support services was noted.
7. Evidence will be required to confirm that the victim was present at the scene of an incident. Presence at the incident must have resulted in permanent disablement where disablement means damage, disfigurement and loss of physical or mental capacity resulting from the injury sustained as a result of the incident.
8. If not directly involved in a Troubles-related incident, being present in the 'immediate aftermath' includes any time when a loved one witnessed the victim in the same condition as they would have been at the scene of the Troubles-incident.
9. For the purposes of this requirement, the regulations provide that a loved one means another person with whom the victim had a close relationship of love and affection, and such a relationship will be presumed to exist between:
 - a. two people who are married to each other, civil partners, or live together as husband and wife or as if they were civil partners; and,
 - b. a parent and a child.
10. While those relationships will be presumed to exist, a loved one may also include other close relationships of love and affection such as that between siblings, grandparent / grandchild, etc.
11. It was the view of the UK Government that the scheme should take an appropriately generous approach to what is considered to be the immediate aftermath of an incident.
12. Immediate aftermath could also potentially include attending a loved one in hospital in the same condition that they were in at the scene of the incident shortly afterwards.