

Historical Institutional Abuse – a Consultation Paper

The closing date for responses is 10 February 2019.

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1. Introduction

This document sets out the background to the draft legislation on the Commissioner for Survivors of Institutional Childhood Abuse; the Historical Institutional Abuse Redress Board and the Compensation Scheme, which has been published for consultation. The Executive Office is seeking views on the proposals contained within the draft legislation.

2. Background

2.1 On 29 September 2011 the Northern Ireland Executive announced that it intended to set up an Inquiry into abuse in residential homes in Northern Ireland. On 31 May 2012, the First Minister and deputy First Minister announced the agreed Terms of Reference for the Historical Institutional Abuse Inquiry (**the “Inquiry”**) and advised the Northern Ireland Assembly of the appointment of the Chairman of the Inquiry and the panel members for the Acknowledgement Forum. The initial Terms of Reference were subsequently amended to extend the ambit of the Inquiry to cover the years 1922 to 1995.

2.2 Originally, the Inquiry was scheduled for three years from 19 January 2013; however, during the early stages of the Inquiry’s public hearings in 2014 it became apparent that it would not be possible for the Inquiry to hear oral evidence from every applicant within that timescale. The Terms of Reference of the Inquiry were formally amended by The Inquiry into Historical Institutional Abuse (Amendment of Terms of Reference) Order (Northern Ireland) 2015, which extended the period given to the Inquiry to carry out its investigations and deliver its Report from three to four years.

2.3 The Terms of Reference required the Inquiry to make recommendations and findings on the following matters:

- an apology - by whom and the nature of the apology;
- findings of institutional or state failings in their duties towards the children in their care and if these failings were systemic – in other words, general failings across the system;
- recommendations as to an appropriate memorial or tribute to those who suffered abuse; and

- the requirement or desirability for redress to be provided by the institution and/or the Executive to meet the particular needs of victims.

2.4 The Terms of Reference stated that it is for the Northern Ireland Executive to decide whether to accept the recommendations:

“However, the nature or level of any potential redress (financial or the provision of services) is a matter that the Executive will discuss and agree following receipt of the Inquiry and Investigation report.”

2.5 The Hart Report was published on 20 January 2017, shortly before the collapse of the Northern Ireland Executive. As a result, Ministers have not had the opportunity to consider the Report’s recommendations.

2.6 Given the continued uncertainty for victims and survivors created by the absence of the Northern Ireland Assembly and Executive, the Head of the Civil Service tasked officials to proceed with preparatory work around those recommendations in the Hart report which required a statutory foundation. As a result of this work, the following draft legislation is now being published for public consultation:

- a Bill for a Commissioner for Survivors of Institutional Childhood Abuse (COSICA);
- a Bill for an HIA Redress Board; and
- subordinate legislation dealing with the detail of compensation proposals.

2.7 In the absence of Ministers, the content of the draft legislation is based solely on the recommendations in the Hart Report. Feedback from the consultation will be provided to Ministers who can then take decisions on how to proceed and any amendments required to the legislation in light of the responses received. Further detail on the content of the legislation is provided below.

2.8 Whilst a consultation like this needs to focus on the detail of policy and legislation, The Executive Office is very aware of the people whose personal experiences have given rise to the need for these proposals. The Office offers support services through Advice NI and Wave Trauma Centre, for victims and survivors, and information on how to access these services is available at: <https://www.nidirect.gov.uk/articles/historical-institutional-abuse#toc-3>

3. The Commissioner for Survivor of Institutional Childhood Abuse (COSICA)

3.1 One of the main recommendations in the Hart Report relates to the creation of a statutory Commissioner for Survivors of Institutional Childhood Abuse (COSICA). The role of the Commissioner would be to support victims and survivors in a range of ways, detailed below. The Commissioner would be independent of government and the organisations that ran the institutions, and would support all those who were abused as children in residential institutions in Northern Ireland between 1922 and 1995.

3.2 The draft legislation makes practical arrangements for the operation of the Commissioner's office and provides for the appointment of an Advisory Panel, made up of HIA victims and survivors, who will support the work of the Commissioner. It sets out the duties and powers of the Commissioner. A **duty** is something that the Commissioner is required to do, while a **power** is something that the Commissioner is able to do. The duties and powers of the Commissioner are set out below.

3.3 Duties

- The Commissioner must provide advice on the interests of victims and survivors to the Executive Committee of the Assembly, or anyone providing services to victims and survivors.
- The Commissioner must ensure that HIA victims and survivors are made aware of the Commissioner's role, the assistance and support they can provide, their location, and how to contact them.
- The Commissioner will be responsible for appointing an Advisory Panel, made up of HIA victims and survivors. The Advisory Panel will assist the Commissioner in engaging with HIA victims and survivors on an ongoing basis.
- The Commissioner must encourage the provision of relevant services for HIA victims and survivors in Northern Ireland and identify any gaps in service provision. The Commissioner will also be responsible for providing advice and information to HIA victims and survivors on the services and facilities available to them and for helping individuals to access these services.

- The Commissioner must monitor the operation of specialist facilities which are providing specified services to HIA victims and survivors.
- The Commissioner must publicise the role of the HIA Redress Board and support victims and survivors in making applications to the HIA Redress Board. This will include providing information and advice to applicants and helping people to access records about the time they spent in institutions. The Commissioner will also be responsible for monitoring the operation of the HIA Redress Board.
- The Commissioner must provide an annual report on their work, which will be sent to the Northern Ireland Assembly.

3.4 Powers

- The Commissioner can make representations or recommendations to anyone about the interests of HIA victims and survivors. It should be noted that this would include making representations to statutory authorities, such as the Regulation and Quality Improvement Authority (RQIA) and Northern Ireland Social Care Council (NISCC), as recommended by the Hart Report.

Note: While the RQIA and NISCC are named in the Hart report, discussions with the Department of Health have indicated that these are not the only regulatory bodies which would have a remit over present day institutions. The draft Bill therefore enables the Commissioner to make representations or recommendations to anyone, ensuring that all are included.

- The Commissioner can :
 - Commission research about the interests of HIA victims and survivors.
 - Gather information about the interests of HIA victims and survivors.
 - Provide advice or information about the interests of HIA victims and survivors.
 - Publish information about the interests of HIA victims and survivors, including the results of research.

Note: The above powers are not explicitly mentioned in the Hart Report, however they are included because they are considered to be part of the Commissioner's role as an advocate for victims and survivors.

- 3.5 There are a range of other provisions contained within the draft Bill. These include setting out the Commissioner's primary role as supporting and promoting the interests of HIA victims and survivors. The Bill places a duty on the First Minister and deputy First Minister to commission an independent review of the Commissioner every five years, or more often if desired. The draft Bill also sets out the practical and administrative arrangements for the Commissioner's office.
- 3.6 A detailed breakdown of the provisions in the draft legislation and how they relate to the Hart Report, is attached at Annex A.

4. The Historical Institutional Abuse Redress Board

- 4.1 On 4 November 2015 the Inquiry announced that, based on the evidence they had heard, they would recommend that compensation should be payable to those who had been abused whilst in residential institutions, within the Terms of Reference of the Inquiry. However, detailed recommendations would be provided in the final report.
- 4.2 The Hart Report subsequently recommended that compensation should take the form of a lump sum payment and that the Northern Ireland Executive should create a publicly funded compensation scheme. A Historical Institutional Abuse Redress Board should be responsible for receiving and processing applications for, and making payments of, compensation.
- 4.3 The draft legislation provides for the creation of the Redress Board. It sets out that the Lord Chief Justice will be responsible for appointing the President and judicial members of the Board and that, to be appointed to the Board, a person must hold, or have held, a judicial position in the Court of Appeal, High Court or County Court in Northern Ireland. It also makes provision for the staffing, funding and reporting arrangements in respect of the Board. It enables the First Minister and deputy First Minister to appoint a government department to provide administrative support to the Board.
- 4.4 The legislation provides the basis on which victims and survivors can apply for compensation and sets out criteria they need to meet to do so. To meet the criteria to apply, a person must have suffered abuse while a child and while resident in an institution in Northern Ireland at some time between 1922 and 1995 (both inclusive). Applications can also be made in respect of individuals who have died on or after 29 September 2011 - this is the date on which the Northern Ireland Executive announced that it intended to set up the HIA Inquiry. (Further detail on making an application is provided in the subordinate legislation, detailed below.)
- 4.5 A person is considered to have suffered abuse if they: suffered sexual, physical or emotional abuse or abuse in the form of neglect or maltreatment; witnessed one or more other children suffer this type of abuse; were exposed to a harsh environment, or were sent to Australia under the programme commonly known as the “Child Migrants Programme”.

Applications must be received by the Redress Board no more than five years from the date on which the establishment of the Board is advertised in the Belfast Gazette. This date will be widely publicised.

- 4.6 The legislation also sets out those situations where it will not be possible to make a claim to the Redress Board. These are based on the Hart Report recommendations. Someone who has already completed a claim through the civil courts for compensation will not be able to apply again about that same institution, whether or not the court ruled in their favour. Likewise, someone who has already received an out-of-court settlement will not be able to apply. The Hart report explained this by saying that litigation should be final, and that the Redress Board was intended as an alternative to the courts, not an add-on. The exception is where a civil claim failed only because it was brought too late. If someone has commenced a claim for compensation in the civil courts on which the court has not yet given a ruling, they will be able to discontinue that claim and make a claim to the Redress Board instead, if they prefer.
- 4.7 Where an application is made in respect of someone who has died, the draft legislation implements Hart's recommendation that, where an application to the Redress Board is successful, the applicant will receive 75% of the award that would have been given to the person had they been alive.
- 4.8 The draft legislation provides for the Board to appoint advisors to give the Board expert advice on issues the Board identifies.
- 4.9 The Bill sets out how the Board will make decisions on applications for compensation. Each application will be decided by a single judicial member of the Board solely by reference to what is in the application form and any written material provided in support of the application, such as medical reports. Applications will normally be decided on the basis of this written evidence, but an applicant may also be asked to provide oral evidence to the Board in exceptional circumstances when this would be in the interests of justice.
- 4.10 Under the draft legislation, the Executive Office is required to put in place a compensation scheme. However it will be for the Redress Board to decide, on the balance of probabilities – that is, it is more likely than not that the abuse took place -

whether compensation should be awarded and the amount in each case. Further detail on the compensation scheme is provided in Section 5.

- 4.11 Compensation awarded under this legislation will be paid as a lump sum and will not be subject to Income Tax or National Insurance. It will not be taken into consideration when assessing an individual's eligibility for means tested social security benefits, their ability to pay for residential accommodation (e.g. a care home), or their entitlement to legal aid.
- 4.12 Where an individual is unhappy with the outcome of their application to the Board, they can appeal this decision. They need to specify the grounds, or reasons, for their appeal. Appeals will be considered by three judicial members of the Board but will not include the judicial member who made the original decision.
- 4.13 A detailed breakdown of the provisions in the draft legislation and how they relate to the Hart report, is attached at Annex B.

5. The Historical Institutional Abuse Subordinate Legislation

- 5.1 The HIA Redress Board Bill establishes the Board and provides the framework for how it will consider applications. It does not, however, contain all the detail. Instead it says that “subordinate legislation” – a Compensation Scheme, and Rules for the Redress Board – must be made by The Executive Office.
- 5.2 To help make consultation more straightforward, the Office has combined these into one set of subordinate legislation, but they will be separated out into a Scheme and Rules following consultation. It would also be the Office’s intention to consult an incoming Redress Board on the detail of the Rules.
- 5.3 The subordinate legislation sets out, in detail, how the compensation scheme will operate. The content of this is outlined below.

Application Process

- 5.4 Applications for compensation must be made in writing on the application form that will be issued by the Board. People applying will also need to send:
- an official, certified copy of their birth certificate. In the case of those born in Northern Ireland, these can be obtained from the General Register Office; and
 - a copy of an identification document or card with a photograph. A solicitor needs to certify that this is a true copy. The Board will use the same list of acceptable documentation as is used for elections in Northern Ireland:
 - a UK, Irish or EEA driving licence;
 - a UK, Irish or EU passport;
 - an Electoral Identity Card
 - a Translink Senior SmartPass, 60+ SmartPass, War Disabled SmartPass, or Blind Person’s SmartPass.

Where none of these is available, the Board will have discretion to accept other forms of identification.

- 5.5 If a person’s name has changed since they were resident in the institution, they will also need to send evidence of the change of name (eg a marriage certificate). If the application is in respect of someone who has died, the relevant documentation – the

death certificate, and other relevant papers which could include a Will, grant of probate, or grant of letters of administration – will be required.

- 5.6 The subordinate legislation also asks applicants to send relevant medical records. However, where someone engaged with the HIA Inquiry they do not need to send their medical records again as the Board will have the power to obtain them from the Inquiry files.
- 5.7 A person appointed by the Court under the Mental Health (Northern Ireland) Order 1986, or someone who holds power of attorney, may make an application on behalf of someone who lacks the mental capacity to do so.
- 5.8 The Board may sometimes wish to request additional information, to help it make its decision. This request will be made in writing and the person applying for compensation must be given at least 14 days to respond. If they do not respond to this request or to a reminder, the Board will normally go ahead and make a decision on the application using the information already supplied.

Private Oral Hearings

- 5.9 As explained at paragraph 4.9 above, applications will normally be decided on the basis of the information the applicant has put forward in writing. In exceptional cases, and where it is in the interests of justice, the Board will be able to direct that there should be an oral hearing as well. Applicants will be able to request an alternative date where they are unable to attend on the date put forward by the Board.
- 5.10 Applicants will be allowed to bring a companion and their legal advisers but apart from this, the hearing will be in private.

Amount of compensation

- 5.11 The draft legislation reflects the amounts of compensation recommended in the Hart Report.
- 5.12 Anyone who, as a child, suffered abuse in an institution or institutions in Northern Ireland, would receive £7,500. This includes those who experienced a harsh

environment, as defined by the Hart Inquiry, or who witnessed abuse. This is called the “standard amount”.

- 5.13 The Board will be able to award an additional amount where it is satisfied that the severity of the matters raised in the application justifies it. The maximum additional amount will be £72,500.
- 5.14 Anyone who was sent to Australia under the “Child Migrants Programme” will receive £20,000. If they also suffered abuse in Northern Ireland before they were sent to Australia, they would qualify for the standard amount above, and also for consideration for an additional amount depending on the severity of what they experienced before they were sent to Australia.
- 5.15 Where the application relates to someone who has died, the award paid will be 75% of what that person would have received if they were alive. This again reflects the Hart Report’s recommendation.
- 5.16 Where someone lived in a number of institutions, only one compensation payment can be made but the Board will take account of the experience in all the institutions in deciding on the amount of compensation.

Notification of the Board’s decision

- 5.17 Applicants will be notified, in writing, whether their application has been successful or not. If it has been successful, they will also be advised of the amount of compensation awarded. The applicant should then write to the Board advising if they wish to accept the decision or if they want to appeal. They will be required to do so within 28 days of the date of the letter from the Board.

Appeals Procedure

- 5.18 If an applicant wishes to appeal the decision in their case, they must write to the Board advising them of this and setting out clear reasons. When the appeal has been considered, the Board will write to the applicant advising them of the outcome and the reason for the decision. The applicant will then have 14 days to inform the Board, in writing, if they accept that decision so that the compensation can be paid.

Payment of Awards and Financial Advice

- 5.19 Applicants will be asked to provide their bank details so that compensation awarded can be paid directly into the bank. Compensation will be paid as a lump sum. Financial advice will be available to individuals who receive an award.

Legal Assistance and Payment of Expenses

- 5.20 All applicants will be able to obtain financial assistance towards legal support from a solicitor. Solicitors can apply to the Board to recover the costs of providing legal assistance to applicants. This is detailed in the subordinate legislation and based on the County Court scales. Where an application for compensation is not successful, the Board will pay the solicitor £150.
- 5.21 The Board will also refund costs incurred by applicants in obtaining records from a GP or (where advance permission has been given) an expert report, on production of the relevant receipts. The Board may also pay reasonable expenses incurred by the applicant or witnesses in attending the Board.

6. Impact Assessments

6.1 Statutory screening exercises were carried out on the provisions within the draft legislation and no adverse impacts were identified. The outcome of these exercises is included in the Explanatory Memoranda for each piece of legislation and the screening documentation has been published on the Executive Office website at www.executiveoffice-ni.gov.uk for your consideration. Should you wish to receive hard copies of the screening documentation please e-mail: HIAConsultation@executiveoffice-ni.gov.uk

7. Key Documents

7.1 The key documents on which your views are sought are:

- Draft Commissioner for Survivors of Institutional Childhood Abuse Bill and associated Explanatory and Financial Memorandum;
- Draft Historical Institutional Abuse Redress Board Bill and associated Explanatory and Financial Memorandum; and
- Draft subordinate legislation

7.2 The purpose of the Explanatory and Financial Memoranda are to provide an explanation of each of the clauses in the legislation and they should be read along with the draft legislation.

8. Consultation Questionnaire

8.1 The Executive Office wants to hear from as wide a range of people with an interest in these proposals as possible, whether they are themselves victims or survivors of institutional abuse or have an interest in or knowledge of these issues. A Consultation Questionnaire has been provided separately. The purpose of this is to obtain your views on the specific provisions within each of the draft bills. Responses can be provided in the Questionnaire booklet or on-line through the Citizen Space portal, which can be accessed online at www.executiveoffice-ni.gov.uk/HIA-consultation

9. Other Formats

9.1 The consultation documents are available online at (insert TEO website link). Alternatively, should you wish to receive hard copy documents these can be requested

by email at HIAConsultation@executiveoffice-ni.gov.uk or by telephone on (+44) 28 9052 3250.

- 9.2 Alternative formats of the document can be made available on request. Any such requests should be made by e-mail to HIAConsultation@executiveoffice-ni.gov.uk or by telephone on (+44) 28 9052 3250.

Draft Commissioner for Survivors of Institutional Childhood Abuse (COSICA) Bill – Breakdown of Provisions

The draft Bill provides for the establishment of a Commissioner for Survivors of Institutional Childhood Abuse (COSICA), hereafter referred to as "the Commissioner".

The tables below set out each function, and provide references for where they can be found in the draft Bill. The third column provides a reference to the appropriate recommendation in the Hart Report (all from Volume 1, Chapter 4).

Duties

Duty	Location	Hart Report reference
<p>The Commissioner must appoint an Advisory Panel, composed of HIA victims and survivors. Similar to the Victims Forum which works with the Commissioner for Victims and Survivors of the conflict, the Advisory Panel will enable the Commissioner to engage with HIA victims and survivors on an ongoing basis.</p> <p>Note: While the Hart Report recommends that the Advisory Panel should be chosen by the First Minister and deputy First Minister, the draft Bill gives this duty to the Commissioner. This is in order to protect the independence of the Commissioner.</p>	Clause 3	Volume 1 Chapter 4 Para. 17 p.232
<p>The Commissioner must provide advice on the interests of victims and survivors to the Executive Committee of the Assembly, or anyone providing services to victims and survivors.</p>	Clause 4	Volume 1 Chapter 4 Para.16(a) P.232
<p>The Commissioner must ensure that HIA victims and survivors are made aware of their functions, their location, and how to contact them.</p>	Clause 4	Volume 1 Chapter 4 Para.16(c) P.232
<p>The Commissioner must encourage the provision of relevant services for HIA victims and survivors in Northern Ireland.</p>	Clause 6	Volume 1 Chapter 4 Para.16(b) P.232

The Commissioner must also identify any gaps in service provision.	Clause 6	Volume 1 Chapter 4 Para.15 P.231
The Commissioner must provide advice and information to HIA victims and survivors on the services and facilities available to them, and how they may access these.	Clause 6	Volume 1 Chapter 4 Para. 16(c) P.232
The Commissioner must monitor the operation of specialist facilities which are providing specified services to HIA victims and survivors.	Clause 7	Volume 1 Chapter 4 Para. 16(d) P. 232
The Commissioner must publicise the role of the HIA Redress Board.	Clause 8	Volume 1 Chapter 4 Para. 91 P.249-250
The Commissioner must support people in making applications to the HIA Redress Board.	Clause 8	Volume 1 Chapter 4 Para. 16(e) and (f) P.232
The Commissioner must monitor the operation of the HIA Redress Board.	Clause 8	Volume 1 Chapter 4 Para. 16(g) P. 232

Powers

Power	Location	
The Commissioner can commission research about the interests of HIA victims and survivors. Note: Although not explicitly mentioned in the Hart Report, this power is included as it is considered to form part of the Commissioner's role as an advocate for victims and survivors.	Clause 5	Volume 1 Chapter 4 Para.16(a) P.232
The Commissioner can gather information about the interests of HIA victims and survivors. Note: Although not explicitly mentioned in the Hart Report, this power is included as it is considered to form part of the	Clause 5	Volume 1 Chapter 4 Para.16(a) P.232

Commissioner's role as an advocate for victims and survivors.		
<p>The Commissioner can provide advice or information about the interests of HIA victims and survivors.</p> <p>Note: Although not explicitly mentioned in the Hart Report, this power is included as it is considered to form part of the Commissioner's role as an advocate for victims and survivors.</p>	Clause 5	Volume 1 Chapter 4 Para.16(a) P.232
<p>The Commissioner can publish information about the interests of HIA victims and survivors, including the results of research.</p> <p>Note: Although not explicitly mentioned in the Hart Report, this power is included as it is considered to form part of the Commissioner's role as an advocate for victims and survivors.</p>	Clause 5	Volume 1 Chapter 4 Para.16(a) P.232
<p>The Commissioner can make representations or recommendations to anyone about the interests of HIA victims and survivors. It should be noted that this would include making representations to statutory authorities, such as the RQIA and NISCC, as recommended by the Hart Report.</p> <p>Note: While the RQIA and NISCC are named in the Hart Report, discussions with the Department of Health have indicated that these are not the only regulatory bodies which would have a remit over present day institutions. The draft Bill therefore enables the Commissioner to make representations or recommendations to anyone, ensuring that all are included.</p>	Clause 5	Vol 1 Ch. 4 Para. 92 P.250

As well as legislating for the functions of the Commissioner, the draft Bill also includes the following:

Provision	Location	
It sets out that the Commissioner's principal aim is to promote the interests of HIA victims and survivors.	Clause 2	Vol 1 Ch. 4 Para. 16(a) P.232

<p>It sets out definitions for the following terms: "HIA victims and survivors", "abuse", "institution", and "child". These definitions have the same meaning as those used by the Inquiry into Historical Institutional Abuse. The draft Bill to establish the HIA Redress Board uses the same definitions, ensuring that there is consistency across both draft Bills and the Inquiry.</p>	<p>Clause 2</p>	<p>N/A</p>
<p>It places a duty upon the First Minister and deputy First Minister to commission an independent review of the Commissioner at least every five years. They also have a power to commission a review more frequently if desired.</p>	<p>Clause 9</p>	<p>Vol 1 Ch. 4 Para. 19 P.232</p>
<p>It provides that publication of any matter by the Commissioner will be absolutely privileged.</p>	<p>Clause 10</p>	<p>N/A</p>
<p>It includes a Schedule which sets out the practical and administrative arrangements for the Commissioner's office and includes some additional duties and powers. It broadly mirrors similar schedules for existing Commissioners in Northern Ireland such as the Commissioner for Older People, The Commissioner for Children and Young People and the Commission for Victims and Survivors. More detail is provided in the Explanatory and Financial Memorandum.</p>	<p>Schedule</p>	<p>Vol 1 Ch. 4 Para. 21 P.233</p>

Draft Historical Institutional Abuse Redress Board Bill – Breakdown of Provisions

Power	Location on Bill	Hart Report Reference
To establish the Redress Board	Clause 1 and the Schedule	Volume 1, Chapter 4, Paras. 30 – 38, Page 235
To set out the criteria to apply to the Board for Redress	Clause 2	Volume 1, Chapter 4, Paras. 42-43, Page 238
The power to set out the circumstances where a claim for compensation cannot be made to the Board	Clause 3	Volume 1, Chapter 4, Paras. 49 – 56, Pages 240 - 241
To prescribe how an applicant applies to the Board for compensation	Clause 4	Volume 1, Chapter 4, Paras 57-58, Page 241-242 and Para. 90, Page 249
To allow applications in respect of individuals who died on or after 29 September 2011	Clause 5	Volume 1, Chapter 4, Paras. 45 – 48, Page 239
To appoint persons to act as advisors to the Board	Clause 6	No provision in Hart but power needed to permit the Board to appoint advisors to provide expert advice to the Board as and when deemed necessary
To prescribe how the Board makes determination of applications for compensation	Clause 7	Volume 1, Chapter 4, Paras. 39 – 40, Page 237 and Para. 57, Page 241
To compel individuals to provide evidence to the Board	Clause 8	Volume 1, Chapter 4, Para. 68, Page 244
To introduce a compensation scheme	Clauses 9 and 14	Volume 1, Chapter 4, Para. 29, Page 235; Para. 48, Page 239 and Paras. 78 - 93, Pages 247 - 248
To enable compensation paid by the Board to be made as a lump sum and be exempt from tax and national insurance	Clause 10	Volume 1, Chapter 4, Para. 24, Pages 233 - 234 and Paras.83 - 84, Page 248
To allow appeals against the decision of the Board	Clause 11	Volume 1, Chapter 4, Para. 40, Page 237
To let the Board restrict public access to information provided to the Board	Clause 12	Not provided for in Hart but the power is needed to protect personal information provided to the Board in confidence

To let the Board provide TEO with the names and addresses of applicants who have received legal advice and assistance and the solicitors who have provided this service.	Clause 13	No specific provision in Hart but power required to let the Board inform DoJ of individuals who have received legal advice and assistance and the solicitors who have provided this service.
To make procedural Rules with the approval of the Lord Chief Justice (LCJ)	Clause 15	Volume 1, Chapter 4, Para. 38, Page 236
To enable the Lord Chief Justice (LCJ) to appoint the judicial members and President of the Board	Paragraph 3 of the Schedule	Volume 1, Chapter 4, Para. 34, Page 236