

# **Victims of Overseas Terrorism Bill [HL]**

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[NOTE: The words marked in bold type were inserted by the Lords to avoid questions of privilege.]

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# B I L L

TO

Make provision for advice and assistance to victims of acts of terrorism taking place outside the United Kingdom; for arrangements under which insurance is made available to individuals in respect of risks against injury resulting from acts of terrorism taking place outside the United Kingdom; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Scope and interpretation

(1) In this Act—

“act of terrorism” means an act involving serious violence against a person or serious damage to property, done for the purpose of advancing a political, religious or ideological cause and designed to—

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(a) overthrow or influence the government of the United Kingdom, any other government de jure or de facto, or an international governmental organisation, or

(b) intimidate the public or a section of the public;

“victim of overseas terrorism” means an individual who has sustained injury as a direct result of an act of terrorism taking place outside the United Kingdom on or after 1 January 2002.

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(2) The arrangements and scheme for which this Act provides need only benefit individuals who are—

(a) British citizens ordinarily resident in the United Kingdom, or

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(b) of a description specified in an order made by the Secretary of State by statutory instrument.

(3) No order under subsection (2) shall be made unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

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## 2 Advice and assistance

- (1) The Secretary of State shall make arrangements for the provision of assistance to, or in respect of, victims of overseas terrorism.
- (2) Assistance provided under subsection (1) shall consist of –
  - (a) all advice and assistance of the kind that is commonly provided, as at the time this Act is passed, by or on behalf of the government of the United Kingdom to, or in respect of, victims of overseas terrorism; and
  - (b) such other advice and assistance as the Secretary of State considers appropriate.
- (3) The Secretary of State shall, before making arrangements under subsection (1), consult such persons appearing to him to represent victims of overseas terrorism (or their relatives) as he considers appropriate.
- (4) The Secretary of State shall publish, in the way he considers appropriate, the arrangements made under subsection (1).

## 3 Arrangements with insurers

- (1) The Secretary of State shall take such steps as appear to him appropriate with a view to making arrangements under which –
  - (a) insurance is made readily available to individuals in respect of risks against injury resulting from acts of terrorism taking place outside the United Kingdom and loss consequential on such injury, and
  - (b) the Treasury undertakes the whole or part of the liability of reinsuring such risks.
- (2) Section 1 of the Reinsurance (Acts of Terrorism) Act 1993 (c. 18) (financial provisions and obligation to lay agreement or guarantee before Parliament) applies to arrangements under which the Treasury undertakes liability of reinsuring risks for the purpose of this section as it applies to the arrangements described in section 2 of that Act; and the Treasury may administer the two sets of arrangements in common.

## 4 Overseas Terrorism Awards Scheme

- (1) The Secretary of State shall make a scheme, to be known as the Overseas Terrorism Award Scheme (“the Scheme”), for the purpose of making awards of compensation to, or in respect of, victims of overseas terrorism, to the extent appropriate having regard to the availability of compensation under arrangements made under section 3 or otherwise.
- (2) The Scheme shall provide, in particular, for –
  - (a) the circumstances in which awards may be made, and
  - (b) the categories of person to whom awards may be made.
- (3) In this section and sections 5 to 7 of this Act –
 

“the 1995 Act” means the Criminal Injuries Compensation Act 1995 (c. 53);

“award” means an award of compensation made in accordance with the provisions of the Scheme; and

“specified” means specified by the Scheme.

## **5 Basis on which compensation to be calculated**

- (1) The amount of compensation payable under an award shall be determined in accordance with the provisions of the Scheme.
- (2) Provision shall be made for –
  - (a) a standard amount of compensation, determined by reference to the nature of the injury; and 5
  - (b) in such cases as may be specified, additional amounts of compensation calculated by reference to such kinds of loss and expense as may be specified.
- (3) Provision shall be made for the following to be taken into account, in such cases and in such manner as may be specified, in computing the amount of compensation payable under an award – 10
  - (a) compensation receivable under the provisions of a specified scheme applicable in the place where the injury took place;
  - (b) specified benefits payable in the United Kingdom or elsewhere to the injured person or, in a case of fatal injury, to any person entitled to an award of compensation under the Scheme in respect of the injured person; 15
  - (c) compensation payable as a result of a claim which has been, or could be, made in legal proceedings against a person responsible for the injury; and 20
  - (d) sums payable in respect of the injury (and any consequential loss) under a policy of insurance of a specified kind issued to, or for the benefit of, the injured person.
- (4) Subsections (3) to (7) of section 2 of the 1995 Act (specification of standard amounts of compensation, maximum limits upon compensation and the making of transitional provision in respect of any alteration of provisions relating to compensation) apply to the Scheme as they apply to the Criminal Injuries Compensation Scheme. 25

## **6 Claims, awards, reviews and appeals** 30

- (1) Subsections (1) to (3) of section 3 of the 1995 Act (further provisions about compensation, provision for the standard of proof in determinations, and provision for recovery of amounts repayable) apply to the Scheme as they apply to the Criminal Injuries Compensation Scheme.
- (2) Subject to subsection (4) below, the functions for the time being of any Scheme manager or claims officer under subsections (4) to (7) of that section shall be exercised in relation to the Scheme as they are in relation to the Criminal Injuries Compensation Scheme. 35
- (3) Subject to subsection (4) below, the provision made by, and for the time being made under, sections 4 (reviews) and 5 (appeals) of the 1995 Act applies to the scheme as it applies to the Criminal Injuries Compensation Scheme. 40
- (4) The Scheme shall provide for –
  - (a) payment of a specified sum to the injured person (or, in the case of fatal injuries, to a dependent of that person or, if more than one, to those persons jointly) forthwith on receipt of a claim; 45
  - (b) the making of an interim award in respect of the injury, loss of earnings and the cost of care and treatment;

- (c) the final determination of a claim (including any review or appeal) within two years of the date on which the injury took place, unless that is impracticable or inappropriate in specified circumstances.

## 7 Application of other provisions

- (1) The provisions of sections 6 (reports and accounts) and 9 (financial provisions) of the 1995 Act shall apply in relation to the Scheme as they apply in relation to the Criminal Injuries Compensation Scheme for the time being. 5
- (2) Section 7 of the 1995 Act (inalienability of awards) applies to an award under the Scheme as it applies to an award under the Criminal Injuries Compensation Scheme. 10
- (3) In section 732(1) of the Income Tax (Trading and Other Income) Act 2005 (c. 5) (exemption of certain annuities from tax), the reference to the Criminal Injuries Compensation Scheme shall be taken as including a reference to the Scheme.
- (4) In section 11B(1) of the Parliamentary Commissioner Act 1967 (c. 13), “Scheme functions” shall be read as including functions exercisable by an administrator of the Criminal Injuries Compensation Scheme in relation to the Scheme. 15
- (5) Section 11 of the 1995 Act (Parliamentary control) applies to the Scheme as it applies to the Criminal Injuries Compensation Scheme.

## 8 Short title, commencement and extent

- (1) This Act may be cited as the Victims of Overseas Terrorism Act 2007. 20
- (2) This Act comes into force at the end of the period of one month beginning with the date on which it is passed.
- (3) This Act does not extend to Northern Ireland.
- (4) **Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.** 25

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To make provision for advice and assistance to victims of acts of terrorism taking place outside the United Kingdom; for arrangements under which insurance is made available to individuals in respect of risks against injury resulting from acts of terrorism taking place outside the United Kingdom; and for connected purposes.

*Brought from the Lords, 4th June 2007.*

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to be Printed, 13th June 2007.*

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