

# **Residential Institutions Redress Act 2002 (Section 17)**

## **Regulations 2002**

I, Noel Dempsey, Minister for Education and Science in exercise of the powers conferred on me by section 17 of the Residential Institutions Redress Act 2002 (No. 13 of 2002) and having regard to the report referred to in section 16 of that Act, hereby make the following regulations:

1. These Regulations may be cited as the Residential Institutions Redress Act 2002 (Section 17) Regulations 2002.

2. (1) In these Regulations, unless the context otherwise requires –

“Act” means the Residential Institutions Redress Act 2002 (No. 13 of 2002);

“applicant” has the meaning assigned to it by the Act;

“Report” means the report made in accordance with section 16 of 15 January 2002 and entitled “Towards Redress and Recovery”.

(2) In these Regulations –

- (a) a reference to a Regulation or a Schedule is a reference to a Regulation of or a Schedule to these Regulations, unless it is indicated that reference to some other Regulations is intended, and
- (b) a reference to a paragraph or a subparagraph is a reference to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

3. The Board when making an award or the Review Committee when reviewing an award, as the case may be, shall –

- (a) determine the weighting to be allocated to the applicant concerned by applying the weighting scale specified in the Table set out in Schedule 1 having regard to the Report and in particular to paragraph 7.14 of the Report, and
- (b) having determined the weighting allocated to the applicant in accordance with paragraph (a), make an award to that applicant which is within the limits of the amounts specified in column 3 of the Table set out in Schedule 2 for such weighting.

4. In addition to the award made in accordance with Regulation 3 or 5, the Board or the Review Committee, as the case may be, may make an additional award to an applicant on the same basis as an award of the High Court calculated by reference to the principles of aggravated damages where the Board or the Review Committee is satisfied that it is appropriate to do so having regard to the circumstances of abuse of the applicant but such additional award shall not exceed 20 per cent of the award made in accordance with Regulation 3 or 5.

5. The Board when making an award or the Review Committee when reviewing an award may-

(a) where the weighting allocated in accordance with Regulation 3 is 100,  
and

(b) in the opinion of the Board or the Review Committee, as the case may  
be, the application concerned is an exceptional case,

make an award in excess of €300,000 for such an exceptional case and shall specify the reasons for making such award.

6. (1) The Board when making an award or the Review Committee when reviewing an award shall include an additional award in respect of the reasonable expenses of medical treatment which the applicant has received for the effects of the injury which the applicant has suffered.

(2) The Board when making an award or the Review Committee when reviewing an award may include an additional award in respect of the reasonable costs of medical treatment which the applicant will receive in the future but such award shall not exceed 10 per cent of the award made in accordance with Regulation 3 or 5.

7. The Board shall have regard to the Report when giving effect to these Regulations.

## SCHEDULE 1

Table of the weighting scale for evaluation of severity of abuse and consequential injury

<i>Constitutive elements of redress</i>	Severity of abuse	Severity of injury resulting from abuse		
		Medically verified physical/psychiatric illness	Psycho-social sequelae	Loss of opportunity
<i>Weighting</i>	1 – 25	1 – 30	1 – 30	1 - 15

## SCHEDULE 2

Amounts payable for weightings allocated

REDRESS BAND	TOTAL WEIGHTING FOR SEVERITY OF ABUSE AND INJURY/EFFECTS OF ABUSE	AWARD PAYABLE BY WAY OF REDRESS
V	70 OR MORE	€200,000 - €300,000
IV	55 – 69	€150,000 - €200,000
III	40 – 54	€100,000 - €150,000
II	25 – 39	€50,000 - €100,000
I	LESS THAN 25	Up to €50,000

GIVEN under my Official Seal,  
this \_\_\_\_\_ day of December, 2002.

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Noel Dempsey, T.D.,  
Minister for Education and Science