

THE NORTHERN IRELAND CRIMINAL INJURIES  
COMPENSATION SCHEME  
2009

The Secretary of State, in exercise of the powers conferred on him by Articles 3 to 8 of the Criminal Injuries Compensation (Northern Ireland) Order 2002, hereby makes the attached Northern Ireland Criminal Injuries Compensation Scheme, a draft thereof having been approved by both Houses of Parliament:

Northern Ireland Office  
31 March 2009

Paul Goggins  
Minister of State

# THE NORTHERN IRELAND CRIMINAL INJURIES COMPENSATION SCHEME (2009)

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## **THE NORTHERN IRELAND CRIMINAL INJURIES COMPENSATION SCHEME (2009)**

1. This Scheme provides for the payment of compensation to, or in respect of, persons who have sustained criminal injury. This Scheme is made by the Secretary of State under the Criminal Injuries Compensation (Northern Ireland) Order 2002. This Scheme shall come into operation on such day or days as the Secretary of State may appoint.

### Administration of the Scheme

2. The Secretary of State is responsible for determining claims for compensation in accordance with this Scheme. The Secretary of State will be responsible for deciding, in accordance with this Scheme, what awards (if any) should be made in individual cases, and how they should be paid. Decisions of the Secretary of State will be open to review and thereafter to appeal in accordance with this Scheme. The general working of the Scheme will be kept under review by the Secretary of State.

3. Appeals against decisions taken on reviews under this Scheme will be determined by adjudicators. Persons appointed as adjudicators are appointed as members of the Criminal Injuries Compensation Appeals Panel for Northern Ireland (“the Panel”). The Secretary of State will appoint one of the adjudicators as Chairman of the Panel. The Secretary of State will also appoint persons as staff of the Panel to administer the provisions of this Scheme relating to the appeal system. There will be no appeal from decisions of the Panel.

4. The designated accounting officer for the Panel must submit a report to the Secretary of State as soon as possible after the end of each financial year, dealing with the discharge of the Panel’s functions under this Scheme. The designated accounting officer for the Panel must keep proper accounts and proper records in relation to those accounts, and must prepare a statement of accounts in each financial year in a form directed by the Secretary of State. These statements of accounts must be submitted to the Secretary of State as soon as possible after the end of each financial year.

5. The Panel will advise the Secretary of State on matters on which he or she seeks its advice, as well as on such other matters and at such times as it considers appropriate. Any advice given by the Panel will be referred to by the designated accounting officer for the Panel in his annual report made under the preceding paragraph.

### Eligibility to apply for compensation

6. Compensation may be paid in accordance with this Scheme:

- (a) to an applicant who has sustained a criminal injury;
- (b) where the victim of a criminal injury has since died, to an applicant who is a qualifying claimant for the purposes of paragraph 39 (compensation in fatal cases).

For the purposes of this Scheme, “applicant” means any person for whose benefit an application for compensation is made, even where it is made on his or her behalf by another person.

7. No compensation will be paid under this Scheme in the following circumstances:

- (a) in respect of a criminal injury sustained by a person before the coming into operation of this Scheme unless the requirements of paragraph 86 (transitional provision) are satisfied;
- (b) where the applicant has previously lodged any claim for compensation in respect of the same criminal injury under this or any other scheme for the compensation of the victims of violent crime in operation in Northern Ireland; or
- (c) where the criminal injury was sustained before 1 July 1988 and the victim and the assailant were living together at the time as members of the same family.

8. For the purposes of this Scheme, “criminal injury” means one or more personal injuries as described in paragraph 10, being an injury sustained in and directly attributable to an act occurring in Northern Ireland which is:

- (a) a crime of violence (including arson, fire-raising or an act of poisoning); or
- (b) an offence of trespass on a railway; or
- (c) the apprehension or attempted apprehension of an offender or a suspected offender, the prevention or attempted prevention of an offence, or the giving of help to any constable who is engaged in any such activity.

9. Where, on or after the day on which this paragraph comes into operation, a person sustains a personal injury that is directly attributable to conduct mentioned in paragraph 8, but it cannot be established whether the injury was sustained in Northern Ireland or in the Republic of Ireland, the injury shall be deemed to have been sustained in Northern Ireland if the person was ordinarily resident in Northern Ireland when the injury was sustained.

10. For the purposes of this Scheme, personal injury includes physical injury (including fatal injury), mental injury (that is, a disabling mental illness confirmed by psychiatric diagnosis) and disease (that is, a medically recognised illness or condition). Mental injury or disease may either result directly from the physical injury or from a sexual offence or may occur without any physical injury. Compensation will not be payable for mental injury or disease without physical injury, or in respect of a sexual offence, unless the applicant:

- (a) was put in reasonable fear of immediate physical harm to his or her own person; or
- (b) had a close relationship of love and affection with another person at the time when that person sustained physical and/or mental injury (including fatal injury) directly attributable to conduct within paragraph 8(a), (b) or (c), and
  - (i) that relationship still subsists (unless the victim has since died), and
  - (ii) the applicant either witnessed and was present on the occasion when the other person sustained the injury, or was closely involved in its immediate aftermath; or
- (c) in a claim arising out of a sexual offence, was the non-consenting victim of that offence (which does not include a victim who consented in fact but was deemed in law not to have consented); or
- (d) being a person employed in the business of a railway, either witnessed and was present on the occasion when another person sustained physical (including fatal) injury directly attributable to an offence of trespass on a railway, or was closely involved in its immediate aftermath. Paragraph 13 does not apply where mental illness is sustained as described in this sub-paragraph.

11. It is not necessary for the assailant to have been convicted of a criminal offence in connection with the injury. Moreover, even where the injury is attributable to conduct within paragraph 8 in respect of which the assailant cannot be convicted of an offence by reason of age, insanity or diplomatic immunity, the conduct may nevertheless be treated as constituting a criminal act.

12. A personal injury is not a criminal injury for the purposes of this Scheme where the injury is attributable to the use of a vehicle, except where the vehicle was used so as deliberately to inflict, or attempt to inflict, injury on any person. For the purposes of this Scheme a “vehicle” is any device by which persons, animals or goods are or can be transported on or under land or water, or by air.

13. Where an injury is sustained accidentally by a person who is engaged in:

- (a) any of the law-enforcement activities described in paragraph 8(c), or
- (b) any other activity directed to containing, limiting or remedying the consequences of a crime,

compensation will not be payable unless the person injured was, at the time he or she sustained the injury, taking an exceptional risk which was justified in all the circumstances.

Eligibility to receive compensation

14. (1) The Secretary of State may withhold or reduce an award where he or she considers that:
- (a) the applicant failed to take, without delay, all reasonable steps to inform the police, or other body or person considered by the Secretary of State to be appropriate for the purpose, of the circumstances giving rise to the injury; or
  - (b) the applicant failed to co-operate with the police or other authority in attempting to bring the assailant to justice; or
  - (c) the applicant has failed to give all reasonable assistance to the Secretary of State or other body or person in connection with the application; or
  - (d) the conduct of the applicant before, during or after the incident giving rise to the application makes it inappropriate that a full award or any award at all be made; or
  - (e) the applicant's character as shown by his or her criminal convictions (excluding convictions spent under the Rehabilitation of Offenders (Northern Ireland) Order 1978 at the date of application or death) or by evidence available to the Secretary of State makes it inappropriate that a full award or any award at all be made.

(2) No amount awarded in accordance with paragraph 36(1)(e), (f) or (g) (expenses associated with lack of mental capacity or trusts) will be reduced under sub-paragraph (1) above or under paragraph 15 unless the whole award would be withheld under those provisions, in which case the whole amount awarded under paragraph 36(1)(e), (f) and (g) will be withheld.

15. (1) In considering the issue of conduct under paragraph 14(1)(d) above, the Secretary of State may withhold or reduce an award where he or she considers that excessive consumption of alcohol or use of illicit drugs by the applicant contributed to the circumstances which gave rise to the injury in such a way as to make it inappropriate that a full award, or any award at all, be made.

(2) In considering the issue of character under paragraph 14(1)(e) above, the Secretary of State must withhold or reduce an award to reflect unspent criminal convictions.

16. Where the victim has died since sustaining the injury (whether or not in consequence of it), paragraphs 14 and 15 will apply in relation both to the deceased and to any applicant for compensation under paragraphs 38-45 (fatal awards). In such a case the convictions excluded as spent under paragraph 14(1)(e) are those convictions of the victim which were spent at the date of his death, and those convictions of the applicant which were spent at the date of the application.

17. The Secretary of State will make an award only where he or she is satisfied:

- (a) that there is no likelihood that an assailant would benefit if an award were made; or
- (b) where the applicant is under 18 years of age when the application is determined, that it would not be against his or her interest for an award to be made.

18. (1) Where a case is not ruled out under paragraph 7(c) (injury sustained before 1 July 1988) but at the time when the injury was sustained, the victim and any assailant (whether or not that assailant actually inflicted the injury) were living in the same household as members of the same family, an award will be withheld unless:

- (a) the assailant has been prosecuted in connection with the offence, or the Secretary of State considers that there are practical, technical or other good reasons why a prosecution has not been brought; and
- (b) in the case of violence between adults in the family, the Secretary of State is satisfied that the applicant and the assailant stopped living in the same household before the application was made and are unlikely to share the same household again.

(2) For the purposes of this paragraph, a man and woman living together as husband and wife (whether or not they are married) or same sex partners living together (whether or not they are civil partners) will be treated as members of the same family.

(3) For the purposes of this Scheme, two people are 'civil partners' if they are civil partners for the purposes of the Civil Partnership Act 2004.

#### Consideration of applications

19. An application for compensation under this Scheme in respect of a criminal injury ("injury" hereafter in this Scheme) must be made in writing on a form obtainable from the Secretary of State. It should be made as soon as possible after the incident giving rise to the injury and must be received by the Secretary of State within two years of the date of the incident, or where the applicant is under the age of eighteen at the date of the incident, within two years of the applicant's eighteenth birthday. The Secretary of State may waive this time limit only where he or she considers that:-

(a) it is practicable for the application to be considered; and

(b) in the particular circumstances of the case, it would not have been reasonable to expect the applicant to have made an application within the two-year period.

20. (1) It will be for the applicant to make out his or her case including, where appropriate:

(a) making out the case for a waiver of the time limit in paragraph 19; and

(b) satisfying the Secretary of State that an award should not be reconsidered, withheld or reduced under any provision of this Scheme.

(2) Where an applicant is represented, the costs of representation will not be met by the Secretary of State. Where an applicant incurs ancillary costs in making the application, such as a fee paid to an expert for a medical or other specialist report, these will not be met by the Secretary of State.

21. The Secretary of State may make such directions and arrangements for the conduct of an application, including the imposition of conditions, as he or she considers appropriate in all the circumstances. The standard of proof to be applied by the Secretary of State in all matters will be the balance of probabilities.

22. Where the Secretary of State considers that an examination of the injury is required before a decision can be reached, the Secretary of State will make arrangements for such an examination by a duly qualified medical practitioner. Reasonable expenses incurred by the applicant in that connection will be met by the Secretary of State.

23. A Guide to the operation of this Scheme will be published by the Secretary of State and will set out the procedures for dealing with applications. It will also give details of any body providing advice, assistance and support to applicants which has been designated for the time being under article 11 of the Criminal Injuries Compensation (Northern Ireland) Order 2002.

#### Types and limits of compensation

24. Subject to the other provisions of this Scheme, the compensation payable under an award will be:

(a) a standard amount of compensation determined by reference to the nature of the injury in accordance with paragraphs 27-30;

(b) where the applicant has lost earnings or earning capacity for longer than 28 weeks as a direct consequence of the injury (other than injury leading to his or her death), an additional amount in respect of such loss of earnings or loss of earnings capacity, calculated in accordance with paragraphs 31-35;

- (c) where the applicant has lost earnings or earning capacity for longer than 28 weeks as a direct consequence of the injury (other than injury leading to his or her death) or, if not normally employed, is incapacitated to a similar extent, an additional amount in respect of any special expenses, calculated in accordance with paragraphs 36-37;
- (d) where the victim has died in consequence of the injury, the amount or amounts calculated in accordance with paragraphs 38-44;
- (e) where the victim has died otherwise than in consequence of the injury, a supplementary amount calculated in accordance with paragraph 45.

25. The injury, or any acceleration or exacerbation of a pre-existing condition, must be sufficiently serious to qualify for compensation equal at least to the minimum award under this Scheme in accordance with paragraph 27, but lesser compensation may be paid if an award is reduced under paragraph 14, 15, or 16.

26. For awards which are in excess of £500,000, a staged payment arrangement may apply. For these purposes, where the victim has died in consequence of the injury, any application made by the victim before his or her death and any application made by any qualifying claimant or claimants after the victim's death will be regarded as being in respect of the same injury.

#### Standard amount of compensation

27. The standard amount of compensation will be the amount shown in respect of the relevant description of injury in the Tariff, which sets out:

- (a) a scale of fixed levels of compensation;
- (b) the level and corresponding amount of compensation for each description of injury; and
- (c) qualifying notes.

Level 1 represents the minimum award under this Scheme, and Level 25 represents the maximum award for any single description of injury. Where the injury has the effect of accelerating or exacerbating a pre-existing condition, the compensation awarded will reflect only the degree of acceleration or exacerbation.

28. Minor multiple injuries will be compensated in accordance with *Note 9* of the Scheme. The standard amount of compensation for more serious but separate multiple injuries will, unless expressly provided for otherwise in the Tariff, be calculated as:

- (a) the Tariff amount for the highest-rated description of injury; plus
- (b) 30 per cent of the Tariff amount for the second highest-rated description of injury; plus
- (c) 15 per cent of the Tariff amount for the third highest-rated description of injury; plus
- (d) 10 per cent of the Tariff amount for any remaining injuries.

29. Where the Secretary of State considers that any description of injury for which no provision is made in the Tariff is sufficiently serious to qualify for at least the minimum award under this Scheme, he or she shall consult the Panel about the possible inclusion of that description of injury in the Tariff and also the amount of compensation for which it should qualify. Any such consultation with the Panel must not refer to the circumstances of any individual application for compensation under this Scheme other than the relevant medical reports.

30. Where an application for compensation is made in respect of an injury for which no provision is made in the Tariff and the Secretary of State consults the Panel under paragraph 29, an interim award may be made. The amount of the interim award will not exceed the amount of compensation for which it is suggested in the consultation that such description of injury should qualify if subsequently included in the Tariff. No part of such an interim award will be

recoverable if the injury is not subsequently included in the Tariff or, if included, qualifies for less compensation than the interim award paid.

#### Compensation for loss of earnings

31. (1) Where the applicant has lost earnings or earning capacity for longer than 28 weeks as a direct consequence of the injury (other than injury leading to his or her death), no compensation in respect of loss of earnings or earning capacity will be payable for the first 28 weeks of loss. The period of loss for which compensation may be payable will begin after 28 weeks incapacity for work and, subject to sub-paragraph (2) below, will continue for such period as the Secretary of State may determine.

(2) Where an injury has resulted in a reduction in the life expectancy of the applicant to an age below the applicant's expected retirement age, the period of loss for which compensation may be payable must be restricted to reflect that fact. No compensation in respect of loss of earnings or earning capacity will be payable in respect of any years of employment lost as a result of a reduction in life expectancy, subject to the right of a qualifying claimant to make an application for compensation under paragraphs 38-45.

(3) For the purposes of this Scheme, "earnings" includes any profit or gain payable in respect of an office or employment (including salary, benefits in kind, pensions benefits (whether or not paid as a lump sum), redundancy payments and other severance payments) and will be calculated net of tax, national insurance and pension contributions.

32. For a period of loss ending before or continuing to the time the claim is assessed, the net loss of earnings or earning capacity will be calculated on the basis of:

- (a) the applicant's emoluments (being any profit or gain accruing from an office or employment) at the time of the injury and what those emoluments would have been during the period of loss; and
- (b) any emoluments which have become payable to the applicant in respect of the whole or part of the period of loss, whether or not as a result of the injury; and
- (c) any changes in the applicant's pension rights; and
- (d) in accordance with paragraphs 46-48 (reductions to take account of other payments), any social security benefits plus any other state benefits, insurance payments and pension which have become payable to the applicant during the period of loss; and
- (e) any other pension which has become payable to the applicant during the period of loss, whether or not as a result of the injury.

33. Where, at the time the claim is assessed, the Secretary of State considers that the applicant is likely to suffer continuing loss of earnings and/or earning capacity, an annual rate of net loss (the multiplicand) or, where appropriate, more than one such rate will be calculated on the basis of:

- (a) the current rate of net loss calculated in accordance with the preceding paragraph; and
- (b) such future rate or rates of net loss (including changes in the applicant's pension rights) as the Secretary of State may determine; and
- (c) the Secretary of State's assessment of the applicant's future earning capacity; and
- (d) in accordance with paragraphs 46-48 (reductions to take account of other payments), any social security benefits plus any other state benefits, insurance payments and pension which will become payable to the applicant in future; and
- (e) any other pension which will become payable to the applicant in future, whether or not as a result of the injury.

The compensation payable in respect of each period of continuing loss will be a lump sum, which is the product of that multiplicand and an appropriate multiplier. When the loss does not start until a future date, the lump sum will be discounted to provide for the present value of the money. The multipliers, discounts and life expectancies to be applied are those contained in the Government Actuary's Department's Actuarial Tables for Personal Injury and Fatal Accident Cases in force at the time of the incident. Any rate of return prescribed by the Lord Chancellor under section 1 of the Damages Act 1996 shall be applied in discounting the lump sum.

34. Where the Secretary of State considers that the approach in the preceding paragraph is impracticable, the compensation payable in respect of continuing loss of earnings and/or earning capacity will be such other lump sum as he or she may determine.

35. Any rate of net loss of earnings or earning capacity (before any reduction in accordance with this Scheme) which is to be taken into account in calculating any compensation payable under paragraphs 31-34 must not exceed one and a half times the median gross weekly industrial earnings in Northern Ireland at the time of assessment according to the latest figures published by the Department of Enterprise, Trade and Investment.

#### Compensation for special expenses

36. (1) Where the applicant has lost earnings or earning capacity for longer than 28 weeks as a direct consequence of the injury (other than injury leading to his death), or, if not normally employed, is incapacitated to a similar extent, additional compensation may be payable in respect of any special expenses incurred by the applicant from the date of the injury for:

- (a) loss of or damage to property or equipment belonging to the applicant on which he or she relied as a physical aid, where the loss or damage was a direct consequence of the injury;
- (b) costs (other than by way of loss of earnings or earning capacity) associated with treatment for the injury provided by, or under arrangements with, a Health and Social Services Board or any other health services body within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1991;
- (c) the cost of private health treatment for the injury, but only where the Secretary of State considers that, in all the circumstances, both the private treatment and its cost are reasonable;
- (d) the reasonable cost, to the extent that it falls to the applicant, of
  - (i) special equipment, and/or
  - (ii) adaptations to the applicant's accommodation, and/or
  - (iii) care (in connection with the applicant's bodily functions or the preparation of meals) and supervision (to avoid substantial danger to the applicant or others), whether in a residential establishment or at home, which are not provided or available free of charge from a health services body such as mentioned in sub-paragraph (b) or any other agency, provided that the Secretary of State considers such expense to be necessary as a direct consequence of the injury; and
- (e) fees payable to the Public Guardian or the Court of Protection, or to any sheriff court in respect of an application made under the Adults with Incapacity (Scotland) Act 2000 (the "2000 Act");
- (f) other costs associated with the administration of the applicant's affairs due to his lack of mental capacity (such as the costs of administering a power of attorney, the fees of a receiver or deputy appointed to act in a professional capacity, or the costs associated with a guardianship or intervention order under the 2000 Act) provided that the Secretary of State considers that the costs were necessarily incurred as a result of the injury and are reasonable;
- (g) the reasonable cost of setting up and administering a trust pursuant to a direction given by the Secretary of State under paragraph 51 (determination of applications and payment of awards).

(2) In the case of subparagraph (1)(d)(iii) above, the expense of unpaid care provided at home by a relative or friend of the victim will be compensated by having regard to the level of care required, the cost of a carer, assessing the carer's loss of earnings or earning capacity and/or additional personal and living expenses, as calculated on such basis as the Secretary of State considers appropriate in all the circumstances. Where the foregoing method of assessment is considered by the Secretary of State not to be relevant in all the circumstances, the compensation payable will be such sum as he or she may determine having regard to the level of care provided.

(3) For the purposes of this Scheme, the "Court of Protection" includes the superior court of record created by section 45(1) of the Mental Capacity Act 2005 (the "2005 Act") and the office of the Supreme Court called the Court of Protection which ceased to exist under section 45(6) of that Act; and the "Public Guardian" includes the officer appointed by the Lord Chancellor under section 57 of the 2005 Act and the Public Guardian established under section 6 of the 2000 Act.

37. (1) Where, at the time the claim is assessed, the Secretary of State is satisfied that the need for any of the special expenses mentioned in the preceding paragraph, other than special equipment, is likely to continue, he or she will determine the annual cost and select an appropriate multiplier in accordance with paragraph 33, taking account of any other factors and contingencies which appear to him or her to be relevant.

(2) Where, at the time the claim is assessed, the Secretary of State is satisfied that the need for special equipment is likely to continue and that the equipment will require replacement on occasions in the future, he or she will calculate the replacement value at each date of replacement, being the cost of the new equipment less the sale value of the old equipment, and select an appropriate discount factor in accordance with paragraph 33 taking account of any other factors and contingencies which appear to him or her to be relevant.

#### Compensation in fatal cases

38. Where the victim has died in consequence of the injury, no compensation other than funeral expenses will be payable for the benefit of his or her estate. Such expenses will, subject to the application of paragraphs 14 and 15 in relation to the actions, conduct and character of the deceased, be payable up to an amount considered reasonable by the Secretary of State, even where the person bearing the cost of the funeral is otherwise ineligible to claim under this Scheme.

39. (1) Where the victim has died:

(a) if the death was in consequence of the injury, compensation may be payable to a quantifying claimant under paragraphs 40-44; or

(b) if the death was otherwise than in consequence of the injury, and occurred before title to the award had been vested in the victim (see paragraph 51), compensation may be payable to a qualifying claimant under paragraph 45, and no standard amount or other compensation will be payable to the estate or to the qualifying claimant other than under that paragraph.

(2) A "qualifying claimant" is a person who at the time of the deceased's death was:

(a) the partner of the deceased, being only, for these purposes:

(i) a person who was living together with the deceased as husband and wife or as a same sex partner in the same household (or a person who would have been so living but for infirmity or ill health preventing physical proximity in the same house) immediately before the date of death and who, unless married to that person or a civil partner of that person, had been so living throughout the two years before that date, or

(ii) a spouse or civil partner or former spouse or civil partner of the deceased who was financially supported by the deceased immediately before the date of death; or

(b) a natural parent of the deceased, or a person who was not the natural parent, but was accepted by the deceased as a parent within the deceased's family; or

- (c) a natural child of the deceased, or a person who was not the natural child, but was accepted by the deceased as a child within the deceased's family or was dependent on the deceased

But a person who was criminally responsible for the death of a victim may not be a qualifying claimant.

40. A qualifying claimant may claim an award under this paragraph (a "bereavement award") unless he or she was a former spouse or civil partner of the deceased or was otherwise estranged from the deceased immediately before the date of death. In cases where only one person qualifies for a bereavement award, the standard amount of compensation will be Level 13 of the Tariff, save that where the Secretary of State is aware of the existence of one or more other persons who would in the event of their making a claim qualify for a bereavement payment, the standard amount of compensation will be level 10 of the tariff. Where more than one person qualifies for a bereavement payment, the standard amount of compensation for each claimant will be Level 10 of the Tariff.

41. Additional compensation calculated in accordance with paragraph 42 may be payable to a qualifying claimant where the Secretary of State is satisfied that the claimant was financially or physically dependent on the deceased. A financial dependency will not be established where the deceased's only normal income was from social security benefits.

42. The amount of compensation payable in respect of dependency will be calculated on a basis similar to paragraphs 32-35 (loss of earnings) and paragraph 36 (1)(d)(iii) (cost of care). The period of loss will begin from the date of the deceased's death and continue for such period as the Secretary of State may determine, with no account being taken, where the qualifying claimant was married to or a civil partner of the deceased, of remarriage or prospects of remarriage or of a new civil partnership or the prospects of a new civil partnership. In assessing the dependency, the Secretary of State will take account of the qualifying claimant's earnings and other income, if any. Where the deceased had been living in the same household as the qualifying claimant before death, the Secretary of State will, in calculating the multiplicand, make such proportional reduction as he or she considers appropriate to take account of the deceased's own personal and living expenses.

43. Where a qualifying claimant was under 18 years of age at the time of the deceased's death and was dependent on the deceased for parental services, the following additional compensation may also be payable:

- (a) a payment for loss of that parent's services at an annual rate of Level 5 of the Tariff; and
- (b) such other payments as the Secretary of State considers reasonable to meet other resultant losses.

Each of these payments will be multiplied by an appropriate multiplier selected by the Secretary of State in accordance with paragraph 33 (future loss of earnings), taking account of the period remaining before the qualifying claimant reaches age 18 and of any other factors and contingencies which appear to the Secretary of State to be relevant.

44. Application may be made under paragraphs 38-43 (compensation in fatal cases) even where an award had been made to the victim in respect of the same injury before his or her death. Any such application will be subject to the conditions set out in paragraphs 58-59 for the re-opening of cases, and any compensation payable to the qualifying claimant or claimants, except payments made under paragraphs 38 and 40 (funeral expenses and standard amount of compensation), will be reduced by the amount paid to the victim.

45. Where a victim who would have qualified for additional compensation under paragraph 24(b) (loss of earnings) and/or paragraph 24(c) (special expenses) has died, otherwise than in consequence of the injury, before such compensation was awarded, supplementary compensation under this paragraph may be payable to a qualifying claimant who was financially dependent on the deceased within the terms of paragraph 41 (dependency), whether or not a relevant application was made by the victim before his or her death. Payment may be made in accordance with paragraph 32 in respect of the victim's loss of earnings (except for the first 28 weeks of the victim's loss of earnings and/or earning capacity) and in accordance with paragraph 36 in respect of any special expenses incurred by the victim before his or her death.

#### Effect on awards of other payments

46. (1) The compensation payable to an applicant under this Scheme, other than compensation payable under paragraphs 27, 28, 38 and 43(a) (tariff-based amounts of compensation), will be reduced to take account of any social security benefits or insurance payments made by way of compensation for the same contingency.

(2) No reduction under this paragraph will be made to take account of an insurance payment if it is made under an insurance arrangement entered into and wholly funded by the victim personally (or by the parent or guardian of a victim who was under the age of 18 at the time of the injury), except where the reduction is to compensation payable under paragraph 36(1)(c), (d), (e) or (f) (as affected, as the case may be, by paragraph 37).

(3) Subject to sub-paragraph (4) below, a reduction under this paragraph will be made irrespective of the period in respect of which the social security benefit or insurance payments have been or will be paid. In particular, the reduction will be made whether or not any actual loss occurred or will occur in that period.

(4) No reduction under this paragraph will be made to take account of any social security benefits or insurance payments made by way of compensation for the first 28 weeks of lost earnings.

(5) Subject to sub-paragraph (6) below, the amount of the reduction will be the full value of the social security benefits or insurance payments less the amount of any income tax which has been or may be charged in respect of them.

(6) If the benefits or payments will be paid after the date of the assessment, the Secretary of State will calculate the amount of the reduction as he or she would calculate a lump sum to compensate for future loss under paragraph 33.

(7) For the purposes of this Scheme, disablement pension payable under section 103 of the Social Security Contributions and Benefits Act 1992 will be treated as a social security benefit payable to compensate for lost earnings or earning capacity.

47. (1) Where the victim is alive, any compensation payable under paragraphs 31-35 (loss of earnings) will be reduced to take account of any pension benefits accruing as a result of the injury which have not already been taken into account in calculations under those paragraphs. Where the victim has died in consequence of the injury, any compensation payable under paragraphs 41-42 (dependency) will similarly be reduced to take account of any pension benefits which have not already been taken into account in calculations under those paragraphs and which are payable, as a result of the victim's death, for the benefit of the applicant.

(2) For the purposes of this paragraph, "pension benefits" means any payment payable as a result of the injury or death in pursuance of pension or any other rights connected with the victim's employment, and includes any gratuity of that kind and similar benefits payable under insurance policies paid for by the victim's employers. Pension rights accruing solely as a result of payments by the victim or a dependant will be disregarded.

(3) Subject to sub-paragraph (4) below, a reduction under this paragraph will be made irrespective of the period in respect of which the pension benefits have been or will be paid. In particular, a reduction will be made whether or not any actual loss of earnings or earning capacity occurred or will occur in that period.

(4) No reduction under this paragraph will be made to take account of any pension benefits paid by way of compensation for the first 28 weeks of lost earnings.

(5) Subject to sub-paragraph (6) below, where such pension benefits are taxable, one half of their gross value will be deducted, but they will otherwise be deducted in full (where, for example, a lump sum payment not subject to income tax is made).

(6) If the pension benefits will be paid after the date of the assessment, the Secretary of State will calculate the amount of the reduction as he or she would calculate a lump sum to compensate for future loss under paragraph 33. In the case of taxable pension benefits he or she will assume for these purposes that the applicant will receive one half of their gross value.

48. Where, in the opinion of the Secretary of State, an applicant may be or may become eligible for any social security benefits, insurance payments or pension benefits, within the meaning of paragraphs 46 and 47 an award may be withheld until the applicant has taken such steps as the Secretary of State considers reasonable to claim them.

49. (1) An award payable under this Scheme will be reduced by the full value of any payment in respect of the same injury which the applicant has received or to which he or she has any present or future entitlement, as a result of:

(a) any criminal injury compensation award made under or pursuant to arrangements in force at the relevant time in Great Britain;

(b) any compensation award or similar payment from the funds of a country or other territory outside the United Kingdom;

(c) an order by a civil court whether in the United Kingdom or elsewhere for the payment of damages;

(d) an order by a criminal court whether in the United Kingdom or elsewhere for payment of compensation in respect of personal injuries or a compensation offer under section 302A of the Criminal Procedure (Scotland) Act 1995; or

(e) a settlement of a claim for damages, compensation or both on terms providing for the payment of money.

(2) In calculating reductions under this paragraph, the full value of a payment listed in sub-paragraph (1) above is the payment less the amount of any benefits which are recoverable under the Social Security (Recovery of Benefits) Act 1997, or under any equivalent legislation in Northern Ireland or a country or territory outside the United Kingdom.

50. (1) The Secretary of State may require an applicant to provide details of any steps he or she has taken or plans to take to obtain damages or compensation in respect of the same injury whether sustained in Northern Ireland or elsewhere and may decline to process an application further until those details have been provided or until the applicant's attempts to obtain such damages or compensation have been exhausted.

(2) Where a person in whose favour an award under this Scheme is made subsequently receives any other payment in respect of the same injury in any of the circumstances mentioned in the preceding paragraph, but the award made under this Scheme was not reduced accordingly, he or she will be required to repay the Secretary of State in full up to the amount of the other payment.

#### Determination of applications and payment of awards

51. (1) An application for compensation under this Scheme will be determined by the Secretary of State, and written notification of the decision will be sent to the applicant or the applicant's representative. Written acceptance of an award must be received by the Secretary of State within 90 days of the date the decision was issued. If such an acceptance is not received within that period, and no application for a review under paragraph 61 has been made, the Secretary of State may withdraw the award.

(2) The Secretary of State may make such directions and arrangements, including the imposition of conditions, in connection with the acceptance, settlement on trust, payment, repayment and/or administration of an award as he or she considers appropriate in all the circumstances. Any such directions and arrangements, including any settlement on trust may be made having regard to the interests of the applicant (whether or not a minor or a person under an incapacity) as well as to considerations of public policy (including the desirability of providing for the return of any parts of an award which may prove to be surplus to the purposes for which they were awarded) on terms which do not exhaust the beneficial interest in the award and which provide, either expressly or by operation of law, for the balance of any trust fund to revert to the Secretary of State. Subject to any such arrangements, including the special procedures in paragraph 53 (purchase of annuities) and paragraph 54 (minors) and to paragraphs 55-57 (reconsideration of decisions), title to an award offered will be vested in the applicant when the Secretary of State has received notification in writing that the applicant accepts the award.

52. Compensation will normally be paid as a single lump sum, but one or more interim payments may be made where the Secretary of State considers this appropriate. Once an award has been paid to an applicant or the applicant's representative, paragraph 53 does not apply.

53. Where prior agreement is reached between the Secretary of State and the applicant or the applicant's representative, an award may consist in whole or in part of an annuity or annuities, purchased for the benefit of the applicant or to be held on trust for his benefit. Once that agreement is reached, the Secretary of State will take the

instructions of the applicant or the applicant's representative as to which annuity or annuities should be purchased. Any expenses incurred will be met from the award.

54. Where the applicant is a minor, the Secretary of State will hold the award in trust for the applicant until the applicant attains the age of eighteen.

#### Reconsideration of decisions

55. A decision made by the Secretary of State (other than a decision made in accordance with a direction by adjudicators on determining an appeal under paragraph 79) may be reconsidered at any time before actual payment of a final award where there is new evidence or a change in circumstances. In particular, the fact that an interim payment has been made does not preclude the Secretary of State from reconsidering issues of eligibility for an award.

56. Where an applicant has already been sent written notification of the decision on the application, the applicant will be sent written notice that the decision is to be reconsidered, and any representations which the applicant sends to the Secretary of State within 30 days of the date of such notice will be taken into account in reconsidering the decision. Whether or not any such representations are made, the applicant will be sent written notification of the outcome of the reconsideration, and where the original decision is not confirmed, such notification will include the revised decision.

57. Where a decision to make an award has been made by the Secretary of State in accordance with a direction by adjudicators on determining an appeal under paragraph 79, but before the award has been paid the Secretary of State considers that there is new evidence or a change in circumstances which justifies reconsidering whether the award should be withheld or the amount of compensation reduced, the Secretary of State will refer the case to the Panel for rehearing under paragraph 84.

#### Re-opening of cases

58. A decision made by the Secretary of State and accepted by the applicant, or a direction by adjudicators, will normally be regarded as final, except where an appeal is reheard under paragraphs 81-84. The Secretary of State may, however, subsequently re-open a case where there has been such a material change in the victim's medical condition as a consequence of the injury that injustice would occur if the original assessment of compensation were allowed to stand, or where the victim has since died in consequence of the injury.

59. A case will not be re-opened more than two years after the date of the final decision unless the Secretary of State is satisfied, on the basis of evidence presented in support of the application to re-open the case, that the renewed application can be considered without a need for further extensive enquiries.

#### Review of decisions

60. (1) An applicant may seek a review of any decision under this Scheme by the Secretary of State:
- (a) not to waive the time limit in paragraph 19 (application for compensation) or paragraph 61 (application for review); or
  - (b) not to re-open a case under paragraphs 58-59; or
  - (c) to withhold an award, including such decision made on reconsideration of an award under paragraphs 55-56; or
  - (d) to make an award, including a decision to make a reduced award whether or not on reconsideration of an award under paragraphs 55-56; or
  - (e) to require repayment of an award under paragraph 50; or
  - (f) to withdraw an award under paragraph 51(1)
- (2) An applicant may not, however, seek the review of any such decision:

(a) where the decision was itself made on a review under paragraph 62 and either the applicant did not appeal against it or the appeal did not result in a direction from the adjudicators; or

(b) where the decision was made in accordance with a direction by adjudicators on determining an appeal under paragraph 79.

61. An application for the review of a decision by the Secretary of State must be made in writing to the Secretary of State and must be supported by reasons together with any relevant additional information. It must be received by the Secretary of State within 90 days of the date of the decision to be reviewed, but this time limit may, in exceptional circumstances, be waived where the Secretary of State considers that:

(a) any extension requested by the applicant and received within the 90 days is based on good reasons; and

(b) it would be in the interests of justice to do so.

62. When the Secretary of State considers an application for review, he or she will reach his decision in accordance with the provisions of this Scheme applying to the original application, and he or she will not be bound by any earlier decision either as to the eligibility of the applicant for an award or as to the amount of an award. The applicant will be sent written notification of the outcome of the review, giving reasons for the review decision, and the Secretary of State will, unless it receives notice of an appeal, ensure that a determination of the original application is made in accordance with the review decision.

#### Appeals against review decisions

63. An applicant who is dissatisfied with a decision taken on a review under paragraph 62 may appeal against the decision by giving written notice of appeal to the Panel on a form obtainable from the Secretary of State. Such notice of appeal must be supported by reasons for the appeal together with any relevant additional material which the appellant wishes to submit, and must be received by the Panel within 90 days of the date of the review decision. The Panel will send to the Secretary of State a copy of the notice of appeal and supporting reasons which it receives and of any other material submitted by the appellant. Where the applicant is represented for the purposes of the appeal, the costs of representation will not be met by the Secretary of State or the Panel.

64. A member of the staff of the Panel may, in exceptional circumstances, waive the time limit in the preceding paragraph where he or she considers that:

(a) any extension requested by the appellant and received within the 90 days is based on good reasons; and

(b) it would be in the interests of justice to do so.

Where, on considering a request to waive the time limit, a member of the staff of the Panel does not waive it, he or she will refer the request to the Chairman of the Panel or to another adjudicator nominated by the Chairman to decide requests for waiver, and a decision by the adjudicator concerned not to waive the time limit will be final. Written notification of the outcome of the waiver request will be sent to the appellant and to the Secretary of State, giving reasons for the decision where the time limit is not waived.

65. Where the Panel receives notice of an appeal against a review decision relating to a decision mentioned in paragraph 60 (a) or (b), the appeal will be dealt with in accordance with paragraphs 68-70 (appeals concerning time limits and reopening of cases). Where the Panel receives notice of an appeal against a review decision relating to a decision mentioned in paragraph 60(c), (d) or (e), the appeal will be dealt with in accordance with paragraphs 71-73 (appeals concerning awards) and may under those provisions be referred for an oral hearing in accordance with paragraphs 74-80. The Panel may publish information in connection with individual appeals, but such information must not identify any appellant or other person appearing at an oral hearing or referred to during an appeal, or enable identification to be made of any such person without that person's consent.

66. The standard of proof to be applied by the Panel in all matters before it will be the balance of probabilities. It will be for the appellant to make out his case including, where appropriate:

(a) making out his case for a waiver of the time limit in paragraph 63 (time limit for appeals); and

- (b) satisfying the adjudicator or adjudicators responsible for determining his appeal that an award should not be reconsidered, withheld or reduced under any provision of this Scheme.

Subject to paragraph 80 (determination of appeal in appellant's absence), the adjudicator or adjudicators concerned must ensure, before determining an appeal, that the appellant has had an opportunity to submit representations on any evidence or other material submitted by or on behalf of the Secretary of State.

67. The Panel may make such arrangements for the inspection of the injury as it considers appropriate. Reasonable expenses incurred by the appellant in that connection will be met by the Panel.

#### Appeals concerning time limits and re-opening of cases

68. The Chairman of the Panel or another adjudicator nominated by him or her will determine any appeal against a decision taken on a review:

- (a) not to waive the time limit in paragraph 19 (application for compensation) or paragraph 61 (application for review); or
- (b) not to re-open a case under paragraphs 58-59.

Where the appeal concerns a decision not to re-open a case and the application for re-opening was made more than two years after the date of the final decision, the adjudicator must be satisfied that the renewed application can be considered without a need for further extensive enquiries by the Secretary of State.

69. In determining an appeal under the preceding paragraph, the adjudicator will allow the appeal where he or she considers it appropriate to do so. Where he or she dismisses the appeal, his decision will be final. Written notification of the outcome of the appeal, giving reasons for the decision, will be sent to the appellant and to the Secretary of State.

70. Where the adjudicator allows an appeal in accordance with the preceding paragraph, the Secretary of State shall:

- (a) in a case where the appeal was against a decision not to waive the time limit in paragraph 19, arrange for the application for compensation to be dealt with under this Scheme as if the time limit had been waived by the Secretary of State;
- (b) in a case where the appeal was against a decision not to waive the time limit in paragraph 61, conduct a review under paragraph 62;
- (c) in a case where the appeal was against a decision not to re-open a case, re-open the case under paragraphs 58-59.

#### Appeals concerning awards

71. A member of the staff of the Panel may refer for an oral hearing in accordance with paragraphs 74-80 any appeal against a decision taken on a review:

- (a) to withhold an award, including such decision made on reconsideration of an award under paragraphs 55-56; or
- (b) to make an award, including a decision to make a reduced award whether or not on reconsideration of an award under paragraphs 55-56; or
- (c) to seek repayment of an award under paragraph 50.

A request for an oral hearing in such cases may also be made by the Secretary of State.

72. Where a member of the staff of the Panel does not refer an appeal for an oral hearing under the preceding paragraph, he or she will refer it to an adjudicator. The adjudicator will refer the appeal for determination on an oral hearing in accordance with paragraphs 74-80 where, on the evidence available to him or her, he or she considers:

- (a) in a case where the review decision was to withhold an award on the ground that the injury was not sufficiently serious to qualify for an award equal to at least the minimum award payable under this Scheme, that an award in accordance with this Scheme could have been made; or
- (b) in any other case, that there is a dispute as to the material facts or conclusions upon which the review decision was based and that a different decision in accordance with this Scheme could have been made.

He may also refer the appeal for determination on an oral hearing in accordance with paragraphs 74-80 where he or she considers that the appeal cannot be determined on the basis of the material before him or her or that for any other reason an oral hearing would be desirable.

73. Where an appeal is not referred under paragraphs 71 or 72 for an oral hearing, the adjudicator's dismissal of the appeal will be final and the decision taken on the review will stand. Written notification of the dismissal of the appeal, giving reasons for the decision, will be sent to the appellant and to the Secretary of State.

#### Oral hearing of appeals

74. Where an appeal is referred for determination on an oral hearing, the hearing will take place before at least two adjudicators. Where the referral was made by an adjudicator under paragraph 72, that adjudicator will not take part in the hearing. On application by the appellant, pending determination, the Chairman or an adjudicator nominated by him or her may direct that an interim payment be made. Subject to the provisions of this Scheme, the procedure to be followed for any particular appeal will be a matter for the adjudicators hearing the appeal.

75. Written notice of the date proposed for the oral hearing will normally be sent to the appellant and the Secretary of State at least 21 days beforehand. Any documents to be submitted to the adjudicators for the purposes of the hearing by the appellant, or by or on behalf of the Secretary of State, will be made available at the hearing, if not before, to the Secretary of State or the appellant respectively. Where the Chief Constable supplies a document to the Secretary of State to which the duty under paragraph 85 (provision of copy to applicant) does not apply, the document will not be made available to the appellant under this paragraph.

76. Where a friend of the applicant or a legal adviser or a representative of any body designated under article 11 of the Criminal Injuries Compensation (Northern Ireland) Order 2002 wishes to assist the appellant in presenting his case at the hearing, such a person may do so. The costs of representation by a friend or legal adviser will not be met by the Secretary of State or the Panel. The services of a representative of a body designated under article 11 of the Criminal Injuries Compensation (Northern Ireland) Order 2002 will be free of charge to the appellant. The adjudicators may, however, direct the Panel to meet reasonable expenses incurred by the appellant and any person who attends to give evidence at the hearing.

77. The procedure at hearings will be as informal as is consistent with the proper determination of appeals. The adjudicators will not be bound by any rules of evidence which may prevent a court from admitting any document or other matter or statement in evidence. The appellant, the Secretary of State and the adjudicators may call witnesses to give evidence and may cross-examine them.

78. Hearings will take place in private. The Panel may, however, subject to the consent of the appellant, give permission for the hearing to be attended by observers such as representatives of the press, radio and television. Any such permission will be subject to written undertakings being given:

- (a) that the identity of the appellant and of any other persons appearing at the hearing or referred to during the appeal will be kept confidential and will not be disclosed in any account of the proceedings which is broadcast or in any way published without that person's consent; and
- (b) that no material will be disclosed or in any other way published from which those identities could be discovered without the consent of the subject.

79. Where the adjudicators adjourn the hearing, the Secretary of State will, if the adjudicators so recommend, make an interim payment. Where the only issue remaining is the determination of the amount of compensation, the adjudicators may remit the application for final determination by one of themselves in the absence of the appellant, but subject to the right of the appellant to have a further oral hearing if not satisfied with that determination, in which the adjudicator who made that determination will not take part. The determination of the appeal by the adjudicators will, where necessary, contain such declarations as they think fit as to the decision to be made by the Secretary of State on the application for compensation in accordance with the relevant provisions of this Scheme. Where they are of the opinion that the appeal was frivolous or vexatious, the adjudicators may reduce the amount of compensation to be awarded by such amount as they consider appropriate. The appellant and the Secretary of State will be informed of the adjudicators' determination of the appeal and the reasons for it, normally at the end of the hearing, but otherwise by written notification as soon as is practicable thereafter. On receiving notification of the determination of the appeal, the Secretary of State will deal with the application for compensation in accordance with the declarations of the adjudicators.

80. Adjudicators may determine an appeal on the available evidence in the absence of an appellant when they are satisfied that

- (a) he has so requested, or agreed; or
- (b) he has failed to attend a hearing and has given no reasonable excuse for his non-attendance; or
- (c) he is at the time of the hearing detained in custody or in hospital and is likely to remain so for a period of at least 6 months; or
- (d) he is not living in Northern Ireland

and it would not be against the interests of justice to do so.

#### Rehearing of appeals

81. Where an appeal is determined in the appellant's absence, he or she may apply to the Panel in writing for his appeal to be reheard, giving the reasons for his non-attendance or otherwise why it should be reheard. Any such application must be received by the Panel within 30 days of the date of notification to the appellant of the outcome of the hearing which he or she did not attend. The Panel will send a copy of the application to the Secretary of State.

82. A member of the staff of the Panel may waive the time limit in the preceding paragraph where he or she considers that it would be in the interests of justice to do so. Where he or she does not waive the time limit, he or she will refer the application to the Chairman of the Panel or to another adjudicator nominated by the Chairman to decide such applications, and a decision by the adjudicator concerned not to waive the time limit will be final. Written notification of the waiver decision will be sent to the appellant and to the Secretary of State, giving reasons for the decision where the time limit is not waived.

83. Where a member of the staff of the Panel considers that there are good reasons for an appeal determined in the appellant's absence to be reheard, he or she will refer it for a rehearing. Where he or she does not refer it for a rehearing, he or she will refer the application to the Chairman of the Panel or to another adjudicator nominated by the Chairman to decide such applications, and a decision by the adjudicator concerned not to rehear the appeal will be final. Written notification of the decision on the application for a rehearing will be sent to the appellant and to the Secretary of State, giving reasons for the decision where the application is refused.

84. Where an appeal is to be reheard, any adjudicator or adjudicators who determined the appeal originally will not take part in the rehearing, and paragraphs 66 (onus on appellant), 67 (inspection of injury), and 74-80 (oral hearings) will apply.

#### Duty of Chief Constable

85. The Chief Constable shall provide to an applicant a copy of any document relevant to the application which he supplies to the Secretary of State. However, this duty does not apply to any document which the Chief Constable would not be compelled to give in evidence or produce in civil proceedings before the High Court.

### Implementation and transitional provisions

86. Notwithstanding the provisions of paragraph 7, compensation may be paid in accordance with this Scheme in respect of a criminal injury sustained by a person before the coming into operation of this Scheme where—

- (a) that person sustained the injury as the victim of a sexual offence when that person was under the age of 18;
- (b) a claim is made in respect of the injury under this Scheme;
- (c) when the claim is made, the time limits set out in article 5(5) of, and paragraph 2(2) and 3(2) of Schedule 2 to, the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for claiming compensation for the injury under that Order or previous statutory provisions relating to compensation for criminal injury have expired;
- (d) any earlier claim for compensation in respect of the injury under that Order was refused because it was made after the expiry of the time limits set out in article 5(5) of that Order;
- (e) any earlier claim for compensation in respect of the injury under the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 or the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 was refused because it was made after the expiry of the time limits set out in that Order or that Act or in paragraph 2(2) and 3(2) of Schedule 2 to the Criminal Injuries (Compensation) (Northern Ireland) Order 1988; and
- (f) had that person made a claim for compensation in respect of the injury under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988, the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 or the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 before the time limit for making such a claim had expired, compensation would have been payable under that Order or (as the case may be) that Act.

87. In determining for the purposes of paragraph 86 whether compensation would have been payable under the Northern Ireland Criminal Injuries Compensation Scheme 2002, the Criminal Injuries (Compensation) (Northern Ireland) Order 1988, the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 or the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 it shall be assumed that the person making the claim –

- (a) complied with any requirement under those provisions to notify the commission of the injury to the police or to serve on the Secretary of State notice of intention to apply for compensation;
- (b) would have made the claim in the manner prescribed under those provisions;
- (c) would have complied with any requirement under those provisions as to the production to the Secretary of State of medical reports relating his injury, and would have complied with any requirement of the Secretary of State as to medical examinations, medical records, X-rays or other documents relating to his injury or medical history; and
- (d) would have complied with any requirement under those provisions as to information and assistance which might lead to the identification, apprehension, prosecution and conviction of the offender.

88. The provisions of this Scheme come into force on 1 April 2009. All applications for compensation received by the Secretary of State in relation to injuries sustained on or after 1 April 2009 will be dealt with under the terms of this Scheme.

89. Applications for compensation received by the Secretary of State in relation to injuries sustained between 1 May 2002 and 31 March 2009 will continue to be dealt with according to the provisions of the Scheme which came into operation on 1 May 2002 (“the 2002 Scheme”).

90. Cases which are reopened under paragraph 58 of this Scheme or any corresponding provision of any earlier scheme will be dealt with according to the terms of the scheme under which the initial application was decided, subject to paragraphs 87 and 88 of this Scheme.

91. For the purposes of this Scheme, “social security benefits” includes all United Kingdom social security benefits, other state or local authority benefits and all such benefits or similar payments paid from the funds of other countries.

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### Notes to the Scheme

1. Where an injury description does not appear, the provisions of paragraphs 29 and 30 of the Scheme will apply.
2. When a person suffers both a physical and a mental injury, and the tariff amount for the physical injury is higher than that for the mental injury, the applicant will be entitled only to the tariff amount for the physical injury.  
  
When a person suffers both a physical injury and a mental injury, and the tariff amount for the mental injury is the same as or higher than that for the physical injury, the applicant will be entitled to awards for the separate injuries in accordance with paragraph 28 of the Scheme (the serious multiple injury formula).  
  
When a person is a victim of a sexual offence and also suffers a mental injury, the applicant will be entitled only to whichever is the higher of the two tariff amounts.
3. Mental illness includes conditions attributed to post-traumatic stress disorder, depression and similar generic terms within which there may be:
  - (a) such psychological symptoms as anxiety, tension, insomnia, irritability, loss of confidence, agoraphobia and preoccupation with thoughts of guilt or self-harm; and
  - (b) related physical symptoms such as alopecia, asthma, eczema, enuresis and psoriasis.
4. “Psychiatric diagnosis/prognosis” means that the disabling mental illness has been diagnosed or the prognosis made by a psychiatrist or clinical psychologist.
5. A mental illness is disabling if it significantly impairs a person’s functioning in some important aspect of that person’s life e.g. impaired work or school performance or significant adverse effects on social relationships or sexual dysfunction.
6. Surgery resulting in scarring, due to a criminal injury, will be subject to the serious multiple injuries formula.
7. There is a specific tariff for burns affecting multiple areas of body covering over 25% of skin area, with significant scarring, for other burn injuries see under individual parts of the body.
8. The tariff relating to infection with HIV/Hepatitis B/Hepatitis C is not subject to the multiple injuries formula and may be paid in addition to other awards.
9. Minor multiple physical injuries will qualify for compensation only where the applicant has sustained at least 3 separate physical injuries of the type illustrated below, at least one of which must still have had significant residual effects 6 weeks after the incident. The injuries must also have necessitated at least 2 visits to or by a medical practitioner within that 6-week period. Examples of qualifying injuries are:
  - (a) grazing, cuts, lacerations (no permanent scarring)
  - (b) severe and widespread bruising

- (c) severe soft tissue injury (no permanent disability)
  - (d) black eye(s)
  - (e) bloody nose
  - (f) hair pulled from scalp
  - (g) loss of fingernail
10. In the case of adult applicants where there has been a series of assaults (sexual and/or physical) over a period of time, it may be that an applicant will qualify for compensation only for the single most recent incident, if in relation to the earlier incidents the applicant failed to report them to the police without delay and/or failed to cooperate with the police in bringing the assailant to justice. Where the applicant is entitled to compensation for the series of assaults, the applicant will qualify for an award as the victim of a pattern of abuse, rather than for a separate award for each incident.
11. Note 10 applies in relation to sexual offence where victim is any age (if not already compensated as a child) too.
12. A brain injury can cause physical and/or mental damage, resulting in, for example, spasticity, loss of balance, incontinence, or impairment of concentration, memory, motivation or personality. It can also commonly cause epilepsy, to a greater or lesser extent. Where the cause of any injury is brain damage there will not be additional awards for separate injuries but the seriousness of the combined effects will be measured together.
13. In relation to very serious brain injury, applications otherwise within level 25 fall into level 24 if life expectancy is greatly reduced and/or there is little or no insight as in a persistent vegetative state.

## **CRIMINAL INJURIES COMPENSATION SCHEME**

### Levels of compensation

Level 1	£1,000
Level 2	£1,250
Level 3	£1,500
Level 4	£1,750
Level 5	£2,000
Level 6	£2,500
Level 7	£3,300
Level 8	£3,800
Level 9	£4,400
Level 10	£5,500
Level 11	£6,600
Level 12	£8,200
Level 13	£11,000
Level 14	£13,500
Level 15	£16,500
Level 16	£19,000
Level 17	£22,000
Level 18	£27,000
Level 19	£33,000
Level 20	£44,000
Level 21	£55,000
Level 22	£82,000
Level 23	£110,000
Level 24	£175,000
Level 25	£250,000

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## TARIFF OF INJURIES

Description of Injury	Level	Standard Amount £
<b><u>GENERAL</u></b>		
<u>Fatal injury</u>		
One qualifying claimant	13	11,000
Each qualifying claimant	10	5,500
<u>Burns</u>		
Affecting multiple areas of body covering over 25% of skin area, with significant scarring	19	33,000
<u>Infection with HIV/Hepatitis B/Hepatitis C</u>		
Infection with HIV/Hepatitis B/Hepatitis C	17	22,000
<u>Loss of foetus</u>	10	5,500
<u>Major paralysis</u>		
Hemiplegia (paralysis of one side of the body)	21	55,000
Paraplegia (paralysis of the lower limbs)	24	175,000
Quadriplegia/tetraplegia (paralysis of all four limbs)	25	250,000

**GENERAL**Medically recognised illness/condition - not mental illness

Moderately disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset

– lasting 6 to 13 weeks	1	1,000
– lasting up to 28 weeks	5	2,000
– lasting over 28 weeks		
– not permanent	7	3,300
– permanent	12	8,200

Seriously disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset

– lasting 6 to 13 weeks	5	2,000
– lasting up to 28 weeks	9	4,400
– lasting over 28 weeks		
– not permanent	12	8,200
– permanent	17	22,000

**GENERAL**

Mental illness

Disabling mental illness, confirmed by psychiatric diagnosis:

– lasting up to 28 weeks	6	2,500
– lasting over 28 weeks to 2 years	9	4,400
– lasting 2 years to 5 years	12	8,200
– lasting over 5 years but not permanent	14	13,500

Permanent mental illness, confirmed by psychiatric prognosis

– moderately disabling	16	19,000
– seriously disabling	18	27,000

**GENERAL**Minor injuries: multiple

Minor injuries: multiple	1	1,000
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Peripheral sensory nerve damage

– lasting more than 13 weeks

– substantial recovery expected	3	1,500
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– permanent disability

– minor loss	3	1,500
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– significant loss (eg loss of sensation in large area of leg)	7	3,300
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– serious loss (eg loss of sensation of hand)	12	8,200
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Peripheral motor nerve damage not otherwise compensated for

- lasting more than 13 weeks

– substantial recovery expected	5	2,000
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– permanent disability

– minor (eg paralysis or equivalent functional loss of finger/toe)	6	2,500
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– significant (eg paralysis or equivalent loss of handgrip/foot movement)	12	8,200
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## GENERAL

### Physical abuse of adults

#### Serious abuse

- intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement 5 2,000

#### Severe abuse

- pattern of repetitive violence resulting in minor disfigurement 10 5,500
- Persistent pattern of severe abuse over a period exceeding 3 years 12 8,200

### Physical abuse of children

#### Minor abuse

- isolated or intermittent assault(s) resulting in weals, hair pulled from scalp etc. 1 1,000

#### Serious abuse

- intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement 5 2,000

#### Severe abuse

- persistent pattern of repetitive violence resulting in:
  - moderate multiple injuries (eg bruising and minor fractures) and/or minor disfigurement 10 5,500
  - significant multiple injuries 12 8,200
  - severe multiple injuries 14 13,500

**GENERAL**Sexual offence where victim is any age (if not already compensated as a child)

Sexual assault		
– minor - non-penetrative sexual physical act/or acts over clothing	1	1,000
– serious - non-penetrative sexual physical act/or acts under clothing	5	2,000
– severe - non-penile penetrative and/or oral-genital act or acts	7	3,300
– pattern of repetitive frequent severe abuse (whether by one or more offenders) over a period		
– up to 3 years	11	6,600
– exceeding 3 years	12	8,200
– resulting in serious internal bodily injuries	17	22,000
- resulting in permanently disabling mental illness confirmed by psychiatric prognosis	18	27,000
Non-consensual penile penetration of the vagina and/or anus and/or mouth		
– by one attacker	13	11,000
– by two or more attackers	14	13,500
– resulting in serious internal bodily injuries	17	22,000
– resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	17	22,000
- severe mental illness	18	27,000
– resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	19	33,000
- severe mental illness	20	44,000
– pattern of repetitive incidents (whether by one or more attackers) over a period		
– up to 3 years	15	16,500
– exceeding 3 years	17	22,000

**GENERAL**

Sexual offence where victim is a child (under age of 18 at time or commencement of offence)  
or an adult who by reason of mental incapacity is incapable of giving consent

Sexual assault

– minor - non penetrative sexual physical act/or acts over clothing	1	1,000
– minor - non penetrative frequent sexual physical act/or acts over clothing	3	1,500
– serious - non penetrative sexual physical act/or acts under clothing	5	2,000
– serious - pattern of repetitive non-penetrative sexual physical acts under clothing	7	3,300

Sexual assault

– non-penile penetrative and/or oral genital act/or acts		
– one incident	7	3,300
– two or more isolated incidents	9	4,400
– pattern of repetitive, frequent incidents		
– over a period up to 3 years	11	6,600
– over a period exceeding 3 years	12	8,200
– resulting in serious internal bodily injuries	17	22,000
– resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	17	22,000
- severe mental illness	18	27,000

Non-consensual penile penetration of the vagina and/or anus and/or mouth

– one incident	13	11,000
– one incident involving two or more attackers	14	13,500
– repeated incidents over a period		
– up to 3 years	15	16,500
– exceeding 3 years	17	22,000

		<b>GENERAL</b>
– resulting in serious internal bodily injuries	17	22,000
– resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	17	22,000
- severe mental illness	18	27,000
– resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		
- moderate mental illness	19	33,000
- severe mental illness	20	44,000

**GENERAL**

Sexual offences - additional awards where the following are directly attributable to a sexual offence (whether victim is an adult or a child) - not subject to the multiple injuries formula and may be paid in addition to other awards

Pregnancy	10	5,500
Sexually transmitted disease other than HIV/Hepatitis B/Hepatitis C		
– substantial recovery	10	5,500
– permanent disability	13	11,000
Infection with HIV/Hepatitis B/Hepatitis C	17	22,000

## HEAD & NECK

### Burns

#### Head

– minor visible disfigurement	5	2,000
– moderate	9	4,400
– severe	15	16,500

#### Face

– minor disfigurement	5	2,000
– moderate	10	5,500
– severe	18	27,000

#### Neck

– minor disfigurement	3	1,500
– moderate	9	4,400
– severe	15	16,500

### Scarring

#### Head

– minor visible disfigurement	3	1,500
– significant disfigurement	7	3,300
– serious disfigurement	10	5,500

#### Face

– minor disfigurement	3	1,500
– significant disfigurement	9	4,400
– serious disfigurement	13	11,000

#### Neck

– minor disfigurement	3	1,500
– significant disfigurement	7	3,300
– serious disfigurement	11	6,600

## HEAD & NECK

### Brain Damage

#### Minor head injury

Brain injury, if any, minimal. Concussion/impairment of balance/headaches

– lasting 6 to 28 weeks	3	1,500
– lasting over 28 weeks	7	3,300
– permanent	12	8,200

#### Minor brain damage

Good recovery, able to socialise and return to work but persisting problems with concentration, memory, disinhibition of mood affecting lifestyle, leisure activities, future work prospects

– slight and short lived (6 months)	12	8,200
- moderate and medium term (2 years)	15	16,500
- significant and long lasting (more than 2 years)	17	22,000

#### Moderate brain damage

Some dependence on others, intellectual deficit, personality change, ability to work reduced, some effect on the senses

– slight	18	27,000
– moderate	21	55,000
– significant	22	82,000

#### Moderately severe brain damage

Serious disablement of physical or mental faculties requiring substantial dependence on professional or other care, with marked impairment of intellect and personality, abnormal behaviour and poor communication.

	23	110,000
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#### Very serious brain injury

Severe physical limitation, significant effect on the senses with little insight and/or significant reduction in life expectancy. Little or no response to the environment, little or no language function, double incontinence and need for full-time/all day and some night nursing care.

	24	175,000
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## HEAD & NECK

No useful physical movement, significant effect on the senses and with some degree of insight. Little or no meaningful response to the environment, little or no language function, double incontinence and need for full-time nursing care.	25	250,000
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### Epilepsy

– post-traumatic epileptic fits - substantial recovery	5	2,000
– well controlled on medication	12	8,200
– partially controlled on medication	14	13,500
– uncontrolled despite medication	20	44,000

## HEAD & NECK

### Ear

Fractured mastoid	1	1,000
Deafness		
– temporary partial deafness		
– lasting 6 to 13 weeks	1	1,000
– lasting more than 13 weeks	3	1,500
– partial deafness (remaining hearing socially useful, with hearing aid if necessary)		
– one ear	8	3,800
– both ears	12	8,200
– total deafness		
– one ear	15	16,500
– in only hearing ear	19	33,000
– both ears	20	44,000
Loss of ear		
– partial loss of ear(s)	9	4,400
– loss of ear	13	11,000
– loss of both ears	16	19,000
Perforated ear drum		
– one ear	4	1,750
– both ears	6	2,500
Tinnitus (ringing noise in ear(s))		
– lasting 6 to 13 weeks	1	1,000
– lasting more than 13 weeks	7	3,300
– permanent		
– other than very severe	12	8,200

**HEAD & NECK**

– very severe	15	16,500
Vestibular damage (causing giddiness)		
– lasting 6 to 28 weeks	3	1,500
– lasting over 28 weeks - recovery expected	7	3,300
– permanent	12	8,200

**HEAD & NECK**Eye

## Blow out or other fracture of orbital bone cavity containing eyeball

– no operation	7	3,300
– requiring operation	9	4,400

## Blurred or double vision

– temporary		
– lasting 6 to 13 weeks	1	1,000
– lasting more than 13 weeks - recovery expected	4	1,750
– permanent		
– slight	9	4,400
– moderate	12	8,200
– serious	14	13,500

## Cataracts

– one eye		
– requiring operation	7	3,300
– permanent/inoperable	12	8,200
– both eyes		
– requiring operation	12	8,200
– permanent/inoperable	16	19,000

## Corneal abrasions

	5	2,000
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## Permanent loss of visual field

– slight	6	2,500
– moderate	10	5,500
– serious	20	44,000

## Dislocation of lens

– one eye	10	5,500
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**HEAD & NECK**

– both eyes	14	13,500
Glaucoma	6	2,500
Hyphaema requiring operation		
– one eye	3	1,500
– both eyes	6	2,500
Loss of eye		
– one eye	18	27,000
– both eyes	23	110,000
Loss of sight		
– one eye	17	22,000
– one eye, where the sight in the uninjured eye cannot be corrected to better than 6/36	19	33,000
– one eye, where the uninjured eye is already totally blind	22	82,000
– both eyes	23	110,000
Partial loss of vision when corrected by glasses or contact lenses or other means eg laser surgery		
better than 6/12	6	2,500
– 6/12	11	6,600
– 6/18	12	8,200
– 6/24	14	13,500
– 6/36	15	16,500
– 6/60	16	19,000
substantial loss of vision (both eyes) at least 6/36 in each eye or worse	21	55,000
Residual central floater(s) affecting vision	7	3,300
Retina		
– damage not involving detachment		

## HEAD & NECK

– one eye	6	2,500
– both eyes	10	5,500
– detached		
– one eye	10	5,500
– both eyes	14	13,500
Significant penetrating injury		
– one eye	6	2,500
– both eyes	11	6,600
Traumatic angle recession	6	2,500

## HEAD & NECK

### Face

Clicking jaw		
– temporary		
– lasting 6 to 13 weeks	1	1,000
– lasting more than 13 weeks	3	1,500
– permanent	10	5,500
Dislocated jaw		
– substantial recovery	5	2,000
– continuing significant disability	10	5,500
Fractured ethmoid		
– no operation	5	2,000
– operation required	9	4,400
Fractured zygoma (malar/cheek bone)		
– no operation		
– substantial recovery	5	2,000
– continuing significant disability	9	4,400
– operation required		
– substantial recovery	6	2,500
– continuing significant disability	10	5,500
Fractured mandible and/or maxilla (jaw bones)		
– no operation		
– substantial recovery	7	3,300
– continuing significant disability	10	5,500
– operation required		
– substantial recovery	8	3,800

**HEAD & NECK**

– continuing significant disability	12	8,200
Multiple fractures to face (e.g. Le Fort fractures types 2 & 3)	13	11,000
Numbness/loss of feeling		
– temporary lasting more than 13 weeks - recovery expected	3	1,500
– permanent		
– moderate eg cheek, forehead	7	3,300
– severe eg lip interfering with function	9	4,400

Neck

**HEAD & NECK**

Fractured hyoid (bone in windpipe)	1	1,000
Strained neck or whiplash injury		
– disabling		
– for 6 to 13 weeks	1	1,000
– for more than 13 weeks	6	2,500
– seriously disabling		
– not permanent	10	5,500
– permanent	13	11,000

## HEAD & NECK

### Nose

Deviated nasal septum		
– no operation	1	1,000
– requiring septoplasty	5	2,000
Fracture of nasal bones		
– undisplaced	1	1,000
– displaced	3	1,500
– requiring manipulation	5	2,000
– requiring rhinoplasty	5	2,000
– requiring turbinectomy	5	2,000
Loss of smell/taste		
– partial loss of smell and/or taste	10	5,500
– total		
– loss of smell or taste	13	11,000
– loss of smell and taste	15	16,500
Partial loss of nose (at least 10%)	9	4,400

### Skull

Fracture		
– simple		
– no operation	6	2,500
– requiring operation	10	5,500
– depressed		
– no operation	9	4,400
– requiring operation	11	6,600

## HEAD & NECK

### Teeth

#### Damage to:

– tooth/teeth requiring root-canal treatment	5	2,000
– front tooth/teeth requiring crown(s)	6	2,500
Fractured/chipped tooth/teeth requiring treatment	5	2,000
Fractured tooth/teeth requiring apicectomy (surgery to gum to reach root - root resection)	8	3,800
Loss of:		
– crowns	6	2,500
– front tooth/teeth (incisor or canine)		
– one front tooth	7	3,300
– two or three front teeth	9	4,400
– four or more front teeth	10	5,500
– tooth/teeth other than front		
– one tooth	5	2,000
– two or more teeth	7	3,300
Slackening of teeth requiring dental treatment	5	2,000

### Tongue

#### Impaired speech

– slight	5	2,000
– moderate	10	5,500
– serious	13	11,000
– severe	16	19,000
Loss of speech - permanent	19	33,000
Loss of tongue	20	44,000

## UPPER LIMBS

### Burns

Minor	3	1,500
Moderate	9	4,400
Severe	13	11,000

### Scarring

Minor disfigurement	2	1,250
Significant disfigurement	6	2,500
Serious disfigurement	10	5,500

### Arm

#### Loss of:

– one non-dominant arm	19	33,000
– one dominant arm	21	55,000
– one arm where there is no remaining arm/hand with any useful function	22	82,000
– both arms	23	110,000

#### Paralysis of or equivalent loss of function of:

– one non-dominant arm	18	27,000
– one dominant arm	20	40,000
– total loss of function of one arm where there is no remaining arm/hand with any useful function	22	82,000
– both arms	22	82,000

**UPPER LIMBS**

Elbow

Dislocated/fractured

– one elbow

– substantial recovery 7 3,300

– continuing significant disability 12 8,200

– both elbows

– substantial recovery 12 8,200

– continuing significant disability 13 11,000

## UPPER LIMBS

### Finger and Thumb

Fracture/dislocation of:

– thumb

– one hand

– substantial recovery 5 2,000

– continuing significant disability 9 4,400

– both hands

– substantial recovery 10 5,500

– continuing significant disability 12 8,200

– index finger

– one hand

– substantial recovery 4 1,750

– continuing significant disability 8 3,800

– both hands

– substantial recovery 9 4,400

– continuing significant disability 11 6,600

– one finger other than index finger

– one hand

– substantial recovery 1 1,000

– continuing significant disability 5 2,000

– both hands

– substantial recovery 4 1,750

– continuing significant disability 9 4,400

## UPPER LIMBS

– two or more fingers other than index finger		
– one hand		
– substantial recovery	2	1,250
– continuing significant disability	6	2,500
– both hands		
– substantial recovery	7	3,300
– continuing significant disability	11	6,600
Loss of:		
– finger other than index finger	10	5,500
– two or more fingers	13	11,000
– index finger	12	8,200
– both index fingers	15	16,500
– thumb	15	16,500
– both thumbs	21	55,000
Partial loss of:		
– finger other than thumb or index finger	6	2,500
– two or more fingers other than index finger or thumb	10	5,500
– thumb or index finger	9	4,400
– thumb or index finger - both hands	12	8,200
– thumb and index finger - one hand	12	8,200
– thumb and index finger - both hands	15	16,500

**UPPER LIMBS**Hand

## Fractured hand

## – one hand

– substantial recovery 5 2,000

– continuing significant disability 10 5,500

## – both hands

– substantial recovery 8 3,800

– continuing significant disability 12 8,200

## Loss of, or equivalent loss of function of:

– one non-dominant hand 19 33,000

– one dominant hand 21 55,000

– loss of, or total loss of function of one hand where there is no remaining hand/arm with any useful function 22 82,000

– both hands 23 110,000

## Permanently &amp; seriously impaired grip

– one hand 12 8,200

– both hands 15 16,500

Humerus (upper arm bone)

## Fractured

## – one arm

– substantial recovery 7 3,300

– continuing significant disability 10 5,500

## – both arms

– substantial recovery 12 8,200

– continuing significant disability 13 11,000

## UPPER LIMBS

### Radius (a forearm bone)

#### Fractured

##### – one arm

– substantial recovery 7 3,300

– continuing significant disability 10 5,500

##### – both arms

– substantial recovery 12 8,200

– continuing significant disability 13 11,000

### Shoulder

#### Dislocated

##### – one shoulder

– substantial recovery 4 1,750

– continuing significant disability 10 5,500

##### – both shoulders

– substantial recovery 8 3,800

– continuing significant disability 12 8,200

#### Frozen

##### – one shoulder

– substantial recovery 5 2,000

– continuing significant disability 10 5,500

##### – both shoulders

– substantial recovery 7 3,300

– continuing significant disability 12 8,200

Arthroscopy – where the shoulder is not dislocated, frozen or otherwise provided for

5 2,000

## UPPER LIMBS

### Tendon and/or Ligament and/or Cartilage

#### Minor damage

##### – one arm

– substantial recovery 1 1,000

– continuing significant disability 6 2,500

##### – both arms

– substantial recovery 5 2,000

– continuing significant disability 9 4,400

#### Moderate damage

##### – one arm

– substantial recovery 5 2,000

– continuing significant disability 9 4,400

##### – both arms

– substantial recovery 9 4,400

– continuing significant disability 12 8,200

#### Severely damaged

##### – one arm

– substantial recovery 7 3,300

– continuing significant disability 10 5,500

##### – both arms

– substantial recovery 11 6,600

– continuing significant disability 13 11,000

**UPPER LIMBS**

Ulna (a forearm bone)

Fractured

– one arm

– substantial recovery 7 3,300

– continuing significant disability 10 5,500

– both arms

– substantial recovery 12 8,200

– continuing significant disability 13 11,000

## UPPER LIMBS

### Wrist

Fractured - colles type or equivalent fracture/displacement of distal radius

– one wrist		
– substantial recovery	9	4,400
– continuing significant disability	12	8,200
– both wrists		
– substantial recovery	12	8,200
– continuing significant disability	13	11,000
Fractured/dislocated – including scaphoid fracture		
– one wrist		
– substantial recovery	9	4,400
– continuing significant disability	12	8,200
– both wrists		
– substantial recovery	12	8,200
– continuing significant disability	13	11,000
Sprained		
– one wrist		
– disabling for 6 to 13 weeks	1	1,000
– disabling for more than 13 weeks	6	2,500
– both wrists		
– disabling for 6 to 13 weeks	5	2,000
– disabling for more than 13 weeks	8	3,800

**TORSO**Burns

Minor	3	1,500
Moderate	9	4,400
Severe	13	11,000

Scarring

Minor disfigurement	2	1,250
Significant disfigurement	6	2,500
Serious disfigurement	10	5,500

Abdomen

Injury requiring laparoscopy – including no repair or repair of one organ	5	2,000
Injury requiring laparotomy – including no repair or repair of one organ	8	3,800
Injury requiring laparotomy/laparoscopy		
– including repair of two organs	10	5,500
– including repair of three or more organs	12	8,200
Laparotomy with colostomy and/or ileostomy and/or ureterostomy lasting more than 14 weeks but not permanent	10	5,500
Laparotomy with permanent colostomy and/or ileostomy and/or ureterostomy	14	13,500

**TORSO**Back

## Fracture of vertebra

## – one vertebra

– substantial recovery	6	2,500
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– continuing significant disability	10	5,500
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## – more than one vertebra

– substantial recovery	9	4,400
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– continuing significant disability	12	8,200
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## Prolapsed intervertebral disc(s)

## – seriously disabling

– not permanent	10	5,500
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– permanent	12	8,200
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Ruptured intervertebral disc(s) - requiring surgical removal	13	11,000
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## Strained

## – disabling

– for 6 to 13 weeks	1	1,000
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– for more than 13 weeks	6	2,500
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## – seriously disabling

– not permanent	10	5,500
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– permanent	13	11,000
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**TORSO**Chest

Injury requiring thoracotomy	12	8,200
Injury requiring thoracotomy with removal/extensive repair of organ or organs	15	16,500

Clavicle (collar bone)

Dislocated acromioclavicular joint	5	2,000
Fractured		
– one clavicle		
– substantial recovery	5	2,000
– continuing significant disability	9	4,400
– two clavicles		
– substantial recovery	9	4,400
– continuing significant disability	11	6,600

Coccyx (tail bone)

Fractured	6	2,500
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**TORSO**Genitalia

## Injury requiring medical treatment

– no significant permanent damage	4	1,750
– permanent damage		
– moderate	10	5,500
– severe	13	11,000

Loss of fertility	21	55,000
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Hernia

– hernia	8	3,800
– hernias	10	5,500

Kidney

Loss of kidney	13	11,000
Serious and permanent damage to or loss of both or only functioning kidney	21	55,000

Lung

## Punctured

– one lung	7	3,300
– both lungs	11	6,600

## Collapsed

– one lung	8	3,800
– both lungs	12	8,200

Permanent and disabling damage to lungs from smoke or chemical inhalation	13	11,000
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Pancreas

Loss of pancreas	15	16,500
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**TORSO**

Pelvis

Fractured

- substantial recovery 9 4,400
- continuing significant disability 13 11,000

Penetrating injury not otherwise compensated

- symptoms persisting for at least a week 1 1,000

**TORSO**

Rib

Fractured (or bruised where significant pain lasts more than 6 weeks)

– one rib	1	1,000
– two or more	3	1,500

Scapula (shoulder blade)

Fractured

– one scapula		
– substantial recovery	6	2,500
– continuing significant disability	9	4,400
– both scapulas		
– substantial recovery	9	4,400
– continuing significant disability	11	6,600

Spleen

Loss of spleen	13	11,000
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Sternum (breast bone)

Fractured

– substantial recovery	6	2,500
– continuing significant disability	10	5,500

## LOWER LIMBS

### Burns

Minor	3	1,500
Moderate	9	4,400
Severe	13	11,000

### Scarring

Minor disfigurement	2	1,250
Significant disfigurement	6	2,500
Serious disfigurement	10	5,500

### Ankle

#### Fractured or Dislocated

##### – one ankle

– substantial recovery	9	4,400
– continuing significant disability	13	11,000

##### – both ankles

– substantial recovery	12	8,200
– continuing significant disability	15	16,500

#### Sprained

##### – one ankle

– disabling for at least 6 to 13 weeks	1	1,000
– disabling for more than 13 weeks	6	2,500

##### – both ankles

– disabling for at least 6 to 13 weeks	5	2,000
– disabling for more than 13 weeks	8	3,800

## LOWER LIMBS

### Femur (thigh bone)

#### Fractured

##### – one leg

– substantial recovery	8	3,800
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– continuing significant disability	11	6,600
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##### – both legs

– substantial recovery	10	5,500
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– continuing significant disability	13	11,000
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### Fibula (slender bone from knee to ankle)

#### Fractured

##### – one leg

– substantial recovery	6	2,500
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– continuing significant disability	8	3,800
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##### – both legs

– substantial recovery	7	3,300
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– continuing significant disability	10	5,500
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## LOWER LIMBS

### Foot

#### Fractured metatarsal bones

##### – one foot

– substantial recovery 6 2,500

– continuing significant disability 8 3,800

##### – both feet

– substantial recovery 7 3,300

– continuing significant disability 10 5,500

#### Fractured tarsal bones

##### – one foot

– substantial recovery 7 3,300

– continuing significant disability 12 8,200

##### – both feet

– substantial recovery 10 5,500

– continuing significant disability 14 13,500

### Heel

#### Fractured heel bone

##### – one foot

– substantial recovery 7 3,300

– continuing significant disability 12 8,200

##### – both feet

– substantial recovery 10 5,500

– continuing significant disability 14 13,500

**LOWER LIMBS**

Hip

Fractured/Dislocated

– one hip

– substantial recovery 9 4,400

– continuing significant disability 13 11,000

– both hips

– substantial recovery 12 8,200

– continuing significant disability 15 16,500

**LOWER LIMBS**Knee

Arthroscopy (investigative surgery / repair to knee) – no fracture	5	2,000
Patella (knee cap)		
– dislocated		
– one knee		
– substantial recovery	1	1,000
– continuing significant disability	10	5,500
– both knees		
– substantial recovery	6	2,500
– continuing significant disability	12	8,200
– fractured		
– one knee		
– substantial recovery	6	2,500
– continuing significant disability	10	5,500
– both knees		
– substantial recovery	9	4,400
– continuing significant disability	12	8,200
– removal of:		
– one knee	8	3,800
– both knees	10	5,500

## LOWER LIMBS

### Leg

#### Loss of:

– one leg		
– below knee	19	33,000
– above knee	20	44,000
– loss of, or total loss of function of one leg where there is no remaining leg with useful function	22	82,000
– both legs, whether below or above knee	23	110,000
Paralysis of leg <i>(see also major paralysis (paraplegia))</i>	18	27,000

**LOWER LIMBS**

Tendon and/or Ligament and/or Cartilage

Minor damage

– one leg

– substantial recovery 1 1,000

– continuing significant disability 7 3,300

– both legs

– substantial recovery 5 2,000

– continuing significant disability 10 5,500

Moderate damage

– one leg

– substantial recovery 5 2,000

– continuing significant disability 10 5,500

– both legs

– substantial recovery 9 4,400

– continuing significant disability 13 11,000

Severe damage

– one leg

– substantial recovery 7 3,300

– continuing significant disability 12 8,200

– both legs

– substantial recovery 11 6,600

– continuing significant disability 15 16,500

**LOWER LIMBS**

Tibia (shin bone)

Fractured

– one leg

– substantial recovery 8 3,800

– continuing significant disability 11 6,600

– both legs

– substantial recovery 10 5,500

– continuing significant disability 13 11,000

**LOWER LIMBS**

Toe

Fractured

– great toe

– one foot

– substantial recovery 6 2,500

– continuing significant disability 12 8,200

– both feet

– substantial recovery 8 3,800

– continuing significant disability 14 13,500

– two or more toes

– one foot

– substantial recovery 1 1,000

– continuing significant disability 6 2,500

– both feet

– substantial recovery 3 1,500

– continuing significant disability 9 4,400

Loss of:

– great toe 12 8,200

– both great toes 14 13,500

– one toe (other than great toe) 1 1,000

– two or more toes 9 4,400

Partial loss of:

– great toe 6 2,500

– both great toes 10 5,500