



# **The Northern Ireland Criminal Injuries Compensation Scheme 2002**

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 House of Parliament:

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1st May 2002

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One of Her Majesty's Principal Secretaries of State



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# Northern Ireland Criminal Injuries Compensation Scheme

**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 this 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 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 38 (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/her behalf by another person.

**7** No compensation shall be paid under this Scheme in respect of a criminal injury sustained by a person before the coming into operation of this Scheme unless the requirements of paragraph 84 (transitional provision) are satisfied.

**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 Northern Ireland and directly attributable to -

(a) a crime of violence (including arson or an act of poisoning); or

(b) 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(a) or (b), 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, but 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 own person; or

(b) had a close relationship of love and affection with another person at the time when that person sustained physical or mental injury (including

fatal injury) directly attributable to conduct mentioned in paragraph 8(a) or (b), and that relationship still subsists (unless the victim has since died); 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 whose consent does not, in law, prevent an act being an assault); or

(d) was involved in a non-professional capacity in containing, limiting or remedying the consequences of a crime; or

(e) was involved in a professional capacity in containing, limiting or remedying the consequences of a crime and either -

*(i) was, or reasonably believed himself to be, exposed to exceptional danger, or*

*(ii) had a reasonable fear that someone with whom he had a close relationship of love and affection had been killed or seriously injured.*

In the case of a parent or child of the applicant, or a person who was living together with the applicant as husband and wife or as a same sex partner in the same household immediately before the date of the incident causing mental injury or disease and who, unless formally married to him, had been so living throughout the two years before that date, a close relationship of love and affection shall be deemed to exist.

**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(a) 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.

**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(b), 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 sustained the injury, taking an exceptional risk which was justified in all the circumstances.

### **Eligibility to receive compensation**

**14** The Secretary of State may withhold or reduce an award where he 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 person or body 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 criminal convictions (excluding convictions spent under the Rehabilitation of Offenders (Northern Ireland) Order 1978 at the date of application) or by evidence available to the Secretary of State makes it inappropriate that a full award or any award at all be made.

**15** In considering the issue of conduct under paragraph 14(d) above, the Secretary of State may withhold or reduce an award where he 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.

**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 37-44 (fatal awards). In such a case the convictions excluded as spent under paragraph 14(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 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 interest for an award to be made.

**18** Where, 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, except where 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.

For the purposes of this paragraph, persons living together as husband and wife or as same sex partners will be treated as members of the same family.

#### **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

(a) within two years of the date of the incident, or

(b) where the applicant was 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 where he considers that, by reason of the particular circumstances of the case, it is reasonable and in the interests of justice to do so.

**20** It will be for the applicant to make out his case including, where appropriate:

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

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

Where an applicant is represented, the costs of representation 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

considers appropriate in all the circumstances. The standard of proof to be applied by the Secretary of State in all matters before him 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. In addition to explaining the procedures for dealing with applications, the Guide will set out, where appropriate, the criteria by which decisions will normally be reached. 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) in cases where the victim has suffered a non-fatal injury, a standard amount of compensation determined by reference to the nature of the injury in accordance with paragraphs 26-29;

(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 death), an additional amount in respect of such loss of earnings, calculated in accordance with paragraphs 30-34;

(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 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 35 and 36;

(d) where the victim has died in consequence of the injury, a bereavement support payment and additional amounts calculated in accordance with paragraphs 37-43;

(e) where the victim has died otherwise than in consequence of the injury, a supplementary amount calculated in accordance with paragraph 44.

**25** The injury or any exacerbation of a pre-existing condition must be sufficiently serious to qualify for compensation equal at least to the minimum award payable under this Scheme in accordance with paragraph 26, but lesser compensation may be paid if an award is reduced under paragraphs 14, 15 or 16 of the Scheme.

### **Standard amount of compensation**

**26** The standard amount of compensation will be the amount shown in respect of the relevant description of injury in the Tariff appended to this Scheme, which sets out -

- (a) a scale of fixed levels of compensation; and
- (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 29 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.

**27** Where the victim has sustained more than one injury, the standard amount of compensation will, unless expressly provided for otherwise in the Tariff, be calculated as -

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

An injury to which a higher Tariff amount applies will be included in this calculation before an injury to which a lower Tariff amount applies. Compensation for minor multiple injuries, assessed in accordance with Note 7 to the Tariff, will be treated as a Tariff amount for a single injury for the purposes of this paragraph.

**28** 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 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.

**29** 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 the preceding paragraph, 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**

**30** 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), 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 continue for such period as the Secretary of State may determine.

**31** 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 45-47 (reductions to take account of other payments), any social security 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.

**32** Where, at the time the claim is assessed, the Secretary of State considers that the applicant is likely to suffer continuing loss of earnings 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 assessment by the Secretary of State of the applicant's future earning capacity; and

(d) in accordance with paragraphs 45-47 (reductions to take account of other payments), any social security 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.

**33** 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 or earning capacity will be such other lump sum as he may determine.

**34** 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 30-33 must not exceed one and a half times the gross average 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**

**35** 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 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,*

(ii) *adaptations to the applicant's accommodation, and*

(iii) *care, 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) the cost of the Office of Care and Protection, the curator bonis or the Court of Protection.

In the case of sub-paragraph (d)(iii), 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 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 may determine having regard to the level of care provided.

**36** 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 is likely to continue, he will determine the annual cost and select an appropriate multiplier in accordance with paragraph 32 (future loss of earnings), taking account of any other factors and contingencies which appear to him to be relevant.

### **Compensation in fatal cases**

**37** Where the victim has died in consequence of the injury, no compensation other than funeral expenses will be payable for the benefit of his 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 Secretary of State, even where the person bearing the cost of the funeral is otherwise ineligible to claim under this Scheme.

**38** Where the victim has died since sustaining the injury, a bereavement support payment and additional compensation may be payable, subject to paragraphs 14-16 (actions, conduct and character), to any claimant (a "qualifying claimant") 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 immediately before the date of death and who, unless formally married to him, had been so living throughout the two years before that date, or*

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

(b) a natural parent of the deceased, or a person who was not the natural parent, provided that he was accepted by the deceased as a parent of his family; or

(c) a natural child of the deceased, or a person who was not the natural child, provided that he was accepted by the deceased as a child of his family or was dependent on him.

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

Where the victim has died in consequence of the injury, compensation may be payable to a qualifying claimant under paragraphs 39-42 (bereavement support payment, dependency, and loss of parent). Where the victim has died otherwise than in consequence of the injury, and before title to the award has been vested in the victim (see paragraph 49), no bereavement support payment or additional compensation will be payable to the estate or to a qualifying claimant other than under paragraph 44 (supplementary compensation).

**39** A bereavement support payment will be payable to qualifying claimants to acknowledge the grief and sorrow caused by the death of the victim and the loss of the victim's care, guidance and society. The amount of the bereavement support payment will be Level 15 of the Tariff. A former spouse of the deceased is not a qualifying claimant for the purposes of this paragraph.

**40** Additional compensation calculated in accordance with the following paragraph 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 -

(a) United Kingdom social security benefits; or

(b) social security benefits or similar payments from the funds of other countries.

**41** The amount of compensation payable in respect of dependency will be calculated on a basis similar to paragraphs 31-34 (loss of earnings) and paragraph 35(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 formally married to the deceased, of remarriage or prospects of remarriage. In assessing the dependency, the Secretary of State will take account of the qualifying claimant's income and emoluments (being any profit or gain accruing from an office or employment), if any. Where the deceased had been living in the same household as the qualifying claimant before his death, the Secretary of State will, in calculating the multiplicand, make such proportional reduction as he considers appropriate to take account of the deceased's own personal and living expenses.

**42** Where a qualifying claimant was under 18 years of age at the time of the deceased's death and was dependent on him 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 32 (future loss of earnings), taking account of the period remaining before the qualifying claimant attains the age of 18 and of any other factors and contingencies which appear to the Secretary of State to be relevant.

**43.** Application may be made under paragraphs 37-42 (compensation in fatal cases) even where an award had been made to the victim in respect of the same injury before his death. Any such application will be subject to the conditions set out in paragraphs 56 and 57 for the re-opening of cases, and any compensation payable to the qualifying claimant or claimants, except payments made under paragraphs 37 and 39 (funeral expenses and bereavement support payments), will be reduced by the amount paid to the victim.

**44** Where a victim who would have qualified for additional compensation under paragraph 24(b) (loss of earnings) 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 40 (dependency), whether or not a relevant application was made by the victim before his death. Payment may be made in accordance with paragraph 31 in respect of the victim's loss of earnings (except for the first 28 weeks of the victim's loss of earnings or earnings capacity) and in accordance with paragraph 35 in respect of any special expenses incurred by the victim before his death.

#### **Effect on awards of other payments**

**45** All awards payable under this Scheme, except those payable under paragraphs 26, 27, 39 and 42(a) (Tariff-based amounts of compensation), will be subject to a reduction to take account of social security benefits (or other state benefits) or certain insurance payments made by way of compensation for the same contingency. The reduction will be applied to those categories or periods of loss or need for which additional or supplementary compensation is payable, including compensation calculated on the basis of a multiplicand or annual cost. The amount of the reduction will be the full value of any relevant payment which the applicant has received, or to which he has or may have any present or future entitlement, by way of -

- (a) United Kingdom social security benefits (or other state benefits);
- (b) social security benefits or similar payments from the funds of other countries;
- (c) payments under any insurance policy which has not been effected, paid for or maintained by the victim or (in the case of a person under 18 years of age) by his parent;
- (d) in the case only of a claim under paragraph 35(c) and (d) and 36 (special expenses) payment under insurance policies effected, paid for and maintained by the personal income of the victim or in the case of a person under 18 years of age, by his parent.

In assessing the value of any such benefits and payments, account may be taken of any income tax liability likely to reduce their value.

**46** Where, in the opinion of the Secretary of State, an applicant may be or may become eligible for any of the benefits and payments mentioned in the preceding paragraph, an award may be withheld until the applicant has taken such steps as the Secretary of State considers reasonable to claim them.

**47** Where the victim is alive, any compensation payable under paragraphs 30-34 (loss of earnings) will be reduced to take account of any pension accruing as a result of the injury. Where the victim has died in consequence of the injury, any compensation payable under paragraphs 40-41 (dependency) will similarly be reduced to take account of any pension payable, as a result of the victim's death, for the benefit of the applicant. Where such pensions are taxable, one half of their 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). For the purposes of this paragraph, "pension" 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.

**48** 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 by way 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 other countries;
- (c) any award where -

*(i) a civil court has made an order for the payment of damages;*

*(ii) a claim for damages or compensation has been settled on terms providing for the payment of money;*

*(iii) payment of compensation has been ordered by a criminal court in respect of personal injuries.*

In the case of paragraph (a) or (b), the reduction will also include the full value of any payment to which the applicant has any present or future entitlement.

### **Determination of applications and payment of awards**

**49** 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 his representative. The Secretary of State may make such directions and arrangements, including the imposition of conditions, in connection with the acceptance, settlement or trust, payment, repayment and administration of an award as he considers appropriate in all the circumstances. Any such directions and arrangements, including any settlement or trust may be made having regard to the interests of the applicant (whether or not 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 51 (purchase of annuities) and paragraph 52 (minors) and to paragraphs 53-55 (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 he accepts the award.

**50** 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 his representative, the following paragraph does not apply.

**51** Where prior agreement is reached between the Secretary of State and the applicant or his 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 in trust for his benefit. Once that agreement is reached, the Secretary of State will take the instructions of the applicant or his representative as to which annuity or annuities should be purchased. Any expenses incurred will be met from the award.

**52** 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**

**53** A decision made by the Secretary of State (other than a decision made in accordance with a declaration by adjudicators on determining an appeal under paragraph 77) 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.

**54** Where an applicant has already been sent written notification of the decision on his application, he will be sent written notice that the decision is to be reconsidered, and any representations which he 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.

**55** Where a decision to make an award has been made by the Secretary of State in accordance with a declaration by adjudicators on determining an appeal under paragraph 77, 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 82.

### **Re-opening of cases**

**56** A decision made by the Secretary of State and accepted by the applicant, or a decision by adjudicators, will normally be regarded as final, except where an appeal is reheard under paragraphs 79-82. 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 he has since died in consequence of the injury.

**57** 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**

**58** 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 57 (application for review); or

(b) not to re-open a case under paragraphs 56-57; or

(c) to withhold an award, including such a decision made on reconsideration of an award under paragraphs 53-54; or

(d) to make an award, including a decision to make a reduced award whether or not on reconsideration of an award under paragraphs 53-54.

An applicant may not, however, seek the review of any such decision where the decision was itself made on a review under paragraph 60 and either the applicant did not appeal against it or the appeal was not referred for determination on an oral hearing, or where the decision was made in accordance with a declaration by adjudicators on determining an appeal under paragraph 77.

**59** 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.

**60** When the Secretary of State considers an application for review, he will reach his decision in accordance with the provisions of this Scheme applying to the original application, and he 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 he 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**

**61** An applicant who is dissatisfied with a decision taken on review under paragraph 60 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 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.

**62** A member of the staff of the Panel may, in exceptional circumstances, waive the time limit in the preceding paragraph where he considers that -

(a) an 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 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.

**63** Where the Panel receives notice of an appeal against a review decision relating to a decision mentioned in paragraph 58(a) or (b), the appeal will be dealt with in accordance with paragraphs 66-68 (appeals concerning time limits and re-opening of cases). Where the Panel receives notice of an appeal against a review decision relating to a decision mentioned in paragraph 58(c) or (d), the appeal will be dealt with in accordance with paragraphs 69-71 (appeals concerning awards) and may under those provisions be referred for an oral hearing in accordance with paragraphs 72-78. 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.

**64** 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 61 (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 78 (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.

**65** 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**

**66** The Chairman of the Panel or another adjudicator nominated by him 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 57 (application for review); or

(b) not to re-open a case under paragraphs 55-56.

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.

**67** In determining an appeal under the preceding paragraph, the adjudicator will allow the appeal where he considers it appropriate to do so. Where he 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.

**68** 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 59, conduct a review under paragraph 60;

(c) in a case where the appeal was against a decision not to re-open a case, re-open the case under paragraph 56.

### **Appeals concerning awards**

**69** A member of the staff of the Panel may refer for an oral hearing in accordance with paragraphs 72-78 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 53-54; or

(b) to make an award, including a decision to make a reduced award whether or not on reconsideration of an award under paragraphs 53-54.

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

**70** Where a member of the staff of the Panel does not refer an appeal for an oral hearing under the preceding paragraph, he will refer it to an adjudicator. The adjudicator will refer the appeal for determination at an oral hearing in accordance with paragraphs 72-78 where, on the evidence available to him, he 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 72-78 where he considers that the appeal cannot be determined on the basis of the material before him or that for any other reason an oral hearing would be desirable.

**71** Where an appeal is not referred under paragraph 69 or 70 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**

**72** Where an appeal is referred for determination at an oral hearing, the hearing will take place before at least two adjudicators. Where the referral was made by an adjudicator under paragraph 70, that adjudicator will not take part in the hearing. Pending determination, the Secretary of State will, if the appellant makes an application to that effect and the Chairman or an adjudicator nominated by him so recommends, make an interim payment. 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.

**73** 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 83 (provision of copy to applicant) does not apply, the document will not be made available to the appellant under this paragraph.

**74** 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.

**75** 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, Secretary of State and the adjudicators may call witnesses to give evidence and may cross-examine them.

**76** 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.

**77** 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.

**78** 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**

**79** Where an appeal is determined in the appellant's absence, he 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 did not attend. The Panel will send a copy of the application to the Secretary of State.

**80** A member of the staff of the Panel may waive the time limit in the preceding paragraph where he considers that it would be in the interests of justice to do so. Where he does not waive the time limit, he 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.

**81** 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 will refer it for a rehearing. Where he does not refer it for a rehearing, he 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.

**82** 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 64 (onus on appellant), 65 (inspection of injury), and 72-78 (oral hearings) will apply.

### **Duty of Chief Constable**

**83** 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.

### **Transitional provision**

**84** 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.

**85** In determining for the purposes of paragraph 84 whether compensation would have been payable 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 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.

## Levels of Compensation

LEVEL 1	£1,000
LEVEL 2	£1,200
LEVEL 3	£1,500
LEVEL 4	£2,000
LEVEL 5	£2,500
LEVEL 6	£3,000
LEVEL 7	£3,500
LEVEL 8	£4,000
LEVEL 9	£4,500
LEVEL 10	£5,500
LEVEL 11	£6,500
LEVEL 12	£7,500
LEVEL 13	£8,500
LEVEL 14	£10,000
LEVEL 15	£12,000
LEVEL 16	£14,500
LEVEL 17	£18,000
LEVEL 18	£22,500
LEVEL 19	£30,000
LEVEL 20	£40,000
LEVEL 21	£50,000
LEVEL 22	£60,000
LEVEL 23	£75,000
LEVEL 24	£100,000
LEVEL 25	£155,000
LEVEL 26	£175,000
LEVEL 27	£200,000
LEVEL 28	£255,000
LEVEL 29	£280,000

# General Notes to Tariff of Injuries

**1** As the tariff has been constructed using only current Northern Ireland injury descriptions, there may be a number of injuries which have not been included. Where an injury description does not appear, the provisions of paragraphs 28 and 29 of the Scheme will apply.

**2** When compensation is paid for any physical injury described in the tariff, a separate award for mental injury will not be made, as the tariff award includes an element of compensation for this. However, in any case where the compensation for mental injury is the same as, or higher than, the level of compensation for the physical injury, the applicant will be entitled to awards for the separate injuries calculated in accordance with paragraph 27 of the Scheme (the serious multiple injury formula).

**3** Surgery resulting in scarring, due to a criminal injury, will be subject to the serious multiple injuries formula.

**4** 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.

**5** “Psychiatric diagnosis/prognosis” means that the disabling mental illness has been diagnosed or the prognosis made by a psychiatrist or clinical psychologist.

**6** A mental illness is disabling if it significantly impairs a person's functioning in some important aspect of her/his life e.g. impaired work or school performance or significant adverse effects on social relationships or sexual dysfunction.

**7** 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

**8** When compensation is paid for any sexual offence described in the tariff, a separate award for mental injury will not be made, as the tariff award includes an element of compensation for this. This does not, however, preclude the payment of compensation for mental injury arising from a sexual offence, but, in that case, a tariff award will not be paid for the sexual offence.

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# Tariff of Injuries

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
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## General

### Fatal injury

All qualifying claimants	15	12,000
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### Major paralysis

Hemiplegia <i>(paralysis of one side of the body)</i>	24	100,000
Paraplegia <i>(paralysis of the lower limbs)</i>	27	200,000
Quadriplegia/tetraplegia <i>(paralysis of all four limbs)</i>	28	255,000

### 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	4	2,000
- lasting up to 28 weeks	8	4,000
- lasting over 28 weeks		
- <i>not permanent</i>	10	5,500
- <i>permanent</i>	14	10,000

### Mental illness *(see notes 4, 5 & 6, page 30)*

Disabling mental illness, confirmed by psychiatric diagnosis:

- lasting up to 28 weeks	5	2,500
- lasting over 28 weeks to 1 year	9	4,500
- lasting over one year		
- <i>not permanent</i>	13	8,500
- <i>permanent</i>	19	30,000

### Minor injuries *(see note 7, page 31)*

Multiple	1	1,000
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DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
<b>Sexual assault/abuse of victims any age</b> (see note 8, page 31) (if not already compensated as a child)		
Attempted rape	14	10,000
Indecent assault		
- serious	10	5,500
- non-penetrative indecent act under clothing		
- severe	15	12,000
- involving digital, or other non-penile penetration and/or oral-genital		
Non-consensual vaginal and/or anal intercourse		
- by one attacker	18	22,500
- by two or more attackers	19	30,000
- resulting in serious internal bodily injuries	20	40,000
<b>Sexual assault/abuse of children</b> (see note 8, page 31) (under age of 18 at time or commencement of abuse) and of adults who by reasons of mental incapacity are incapable of giving consent		
Attempted rape	15	12,000
Non-penile penetrative and/or oral genital acts		
- isolated incidents over period of up to one year	11	6,500
- pattern of abuse		
- over period one to 3 years	15	12,000
- over period exceeding 3 years	17	18,000
Pattern of severe abuse		
- repetitive, frequent indecent acts involving digital or other non-penile penetration and/or oral genital contact	15	12,000
- over period exceeding 3 years	17	18,000
Non-consensual vaginal and/or anal intercourse		
- one incident	18	22,500
- repeated incidents over a period		
- up to 3 years	19	30,000
- exceeding 3 years	20	40,000

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
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## Head & Neck

<b>Burns</b>	HEAD		
	- minor visible disfigurement	4	2,000
	- moderate	9	4,500
	- significant	14	10,000
	- severe	18	22,500
	FACE		
	- minor disfigurement	4	2,000
	- moderate	13	8,500
	- significant	16	14,500
	- severe	19	30,000
	NECK		
	- minor disfigurement	3	1,500
	- moderate	11	6,500
- significant	14	10,000	
- severe	17	18,000	
<b>Scarring</b>	HEAD		
	- minor visible disfigurement	4	2,000
	- moderate disfigurement	9	4,500
	- significant disfigurement	14	10,000
	- serious disfigurement	18	22,500
	FACE		
	- minor disfigurement	4	2,000
	- moderate disfigurement	13	8,500
	- significant disfigurement	16	14,500
	- serious disfigurement	19	30,000
	NECK		
	- minor disfigurement	3	1,500
	- moderate disfigurement	11	6,500
- significant disfigurement	14	10,000	
- serious disfigurement	17	18,000	

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
<b>Brain</b>		
Brain Damage - <i>impairment of social/ intellectual functions</i>		
- moderate	18	22,500
- serious	22	60,000
- very serious, permanent	26	175,000
- extremely serious (no effective control of functions), permanent	29	280,000
<b>Ear</b>		
Deafness		
- temporary partial deafness	4	2,000
- lasting more than 13 weeks	6	3,000
- partial deafness (remaining hearing socially useful, with hearing aid if necessary)		
- one ear	11	6,500
- both ears	16	14,500
- total deafness		
- one ear	18	22,500
- both ears	23	75,000
Deformity of ear/ear lobe	10	5,500
Fractured mastoid	5	2,500
Loss of ear		
- partial loss of ear(s)	10	5,500
- loss of ear	18	22,500
Perforated eardrum		
- one ear	4	2,000
- requiring operation	7	3,500
Tinnitus (ringing noise in ear(s))		
- lasting 6 to 13 weeks	4	2,000
- lasting 13 to 26 weeks	9	4,500
- lasting 26 to 52 weeks	10	5,500
- permanent		
- other than very severe	13	8,500
- very severe	17	18,000

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
<b>Eye</b>		
Blow out or other fracture of orbital bone cavity containing eyeball	8	4,000
Blurred or double vision - temporary		
- <i>lasting 6 to 13 weeks</i>	5	2,500
- <i>lasting more than 13 weeks recovery expected</i>	7	3,500
Blurred or double vision - permanent		
- <i>moderate</i>	15	12,000
- <i>serious</i>	18	22,500
Cataracts - one eye		
- <i>temporary/operable</i>	13	8,500
- <i>permanent/inoperable</i>	18	22,500
Corneal abrasions		
- <i>one eye</i>	4	2,000
- <i>both eyes</i>	5	2,500
Hyphaema (bleeding in ocular chamber)		
- <i>one eye</i>	3	1,500
Loss of eye - one eye	22	60,000
Loss of sight		
- <i>one eye</i>	22	60,000
- <i>both eyes</i>	26	175,000
Partial loss of vision - one eye		
- <i>6/9</i>	12	7,500
- <i>6/12</i>	14	10,000
- <i>6/24</i>	18	22,500
- <i>6/36</i>	19	30,000
- <i>6/60</i>	22	60,000
Retina - detached		
- <i>one eye</i>	15	12,000
- <i>both eyes</i>	18	22,500
<b>Face</b>		
Dislocated jaw		
- <i>substantial recovery</i>	5	2,500
- <i>continuing significant disability</i>	8	4,000
Fractured malar and/or zygoma (cheek bone)	7	3,500

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
<hr/>		
Fractured mandible and/or maxilla (jaw bones)		
- no operation		
- <i>substantial recovery</i>	7	3,500
- operation required		
- <i>substantial recovery</i>	10	5,500
- <i>continuing significant disability</i>	13	8,500
Numbness/loss of feeling		
- temporary lasting 6-13 weeks	3	1,500
- temporary lasting more than 13 weeks		
- <i>recovery expected</i>	5	2,500
- <i>permanent</i>	11	6,500
<b>Neck</b>		
Strained neck or whiplash injury - disabling		
- for 6 to 13 weeks	2	1,200
- for more than 13 weeks	6	3,000
Strained neck or whiplash injury - seriously disabling		
- not permanent	10	5,500
- permanent	16	14,500
<b>Nose</b>		
Deviated nasal septum		
- no operation	4	2,000
- requiring septoplastomy	7	3,500
Fracture of nasal bones		
- undisplaced	5	2,500
- undisplaced with deviation	6	3,000
- displaced		
- <i>with deviation (no operation)</i>	7	3,500
- <i>requiring manipulation</i>	8	4,000
- with deviation of septum <i>and requiring operation</i>	9	4,500
- <i>requiring septoplasty</i>	11	6,500
Loss of smell/taste		
- permanent partial loss of smell or taste	11	6,500
- permanent total loss of small or taste	17	18,000
- permanent partial loss of smell and taste	12	7,500
- permanent total loss of smell and taste	18	22,500
Serious disfigurement/partial loss of nose	17	18,000

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
<b>Skull</b>		
Balance impaired - permanent	17	18,000
Concussion - lasting at least one week	1	1,000
Epilepsy		
- exacerbation of pre-existing condition	10	5,500
- fully controlled	13	8,500
- partially controlled	18	22,500
- uncontrolled	22	60,000
Fracture - simple		
- no operation	9	4,500
Fracture - depressed		
- no operation	10	5,500
- requiring operation	12	7,500
- requiring operation - need for plate	17	18,000
- with associated brain damage: also see Brain (pg 37)	18	22,500
Subdural or extradural haematoma		
- treated conservatively	12	7,500
- requiring evacuation	14	10,000
<b>Teeth</b>		
Damage to:		
- tooth/teeth requiring root-canal treatment	5	2,500
- front tooth/teeth (one or two) requiring crown(s)	4	2,000
- teeth (three or more) requiring crown(s)	7	3,500
Fractured/chipped tooth/teeth requiring treatment	5	2,500
Loss of:		
- crowns	3	1,500
- front tooth/teeth (incisor or canine)		
- one front tooth	6	3,000
- two or three front teeth	10	5,500
- four or more front teeth	13	8,500
- tooth/teeth other than front		
- one tooth	3	1,500
- two or more teeth	6	3,000
<b>Tongue</b>		
Loss of tongue - partial	14	10,000
Loss of speech - permanent	20	40,000

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
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## Upper Limbs

<b>Burns</b>	- Minor	4	2,000
	- Moderate	11	6,500
	- Significant	14	10,000
	- Severe	16	14,500
<b>Scarring</b>	- Minor disfigurement	4	2,000
	- Moderate disfigurement	11	6,500
	- Significant disfigurement	14	10,000
	- Serious disfigurement	16	14,500
<b>Arm</b>	Fracture and/or loss of bone and/or tissue and muscle resulting in at least 30% of loss of function of one arm	19	30,000
	Loss of one arm		
	- below elbow	21	50,000
	- above elbow	23	75,000
	Loss of both arms	25	155,000
	Paralysis of or equivalent loss of function of:		
- one arm	20	40,000	
<b>Elbow</b>	Dislocated/fractured		
	- one elbow		
	- substantial recovery	8	4,000
	- continuing significant disability	14	10,000
	- both elbows		
	- substantial recovery	11	6,500
	- continuing significant disability	16	14,500
	Tennis		
- one arm (lasting at least 26 weeks)	5	2,500	
- both arms (lasting at least 26 weeks)	7	3,500	
<b>Finger and Thumb</b>	Dislocation of:		
	- finger/thumb - one hand		
	- substantial recovery	3	1,500

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
Fracture of:		
- finger/thumb - one hand		
- substantial recovery	5	2,500
- two or more fingers - one hand		
- substantial recovery	9	4,500
Loss of:		
- finger other than index finger	15	12,000
- index finger	16	14,500
- two or more fingers	17	18,000
- thumb	18	22,500
Partial loss of:		
- finger (other than thumb or index finger) (up to one joint)	11	6,500
- thumb or index finger (up to one joint)	13	8,500
<b>Hand</b>		
Fractured Hand/Metacarpal (bones between wrist and base of fingers)		
- one hand - substantial recovery	7	3,500
- both hands - substantial recovery	10	5,500
Loss of - one hand	21	50,000
Paralysis - one hand	20	40,000
<b>Humerus (upper arm bone)</b>		
Fractured - one arm		
- substantial recovery	8	4,000
- continuing significant disability	14	10,000
<b>Radius (a smaller forearm bone)</b>		
Fractured - one arm		
- substantial recovery	7	3,500
- continuing significant disability	14	10,000
Fractured - colles type		
- one arm		
- substantial recovery	9	4,500
- continuing significant disability	14	10,000
- both arms		
- substantial recovery	13	8,500
- continuing significant disability	16	14,500

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
<b>Shoulder</b>		
Dislocated - one shoulder		
- substantial recovery	6	3,000
- continuing significant disability	12	7,500
Chip fracture	5	2,500
Frozen - complication of a fracture		
- one shoulder		
- symptoms lasting up to 24 months	11	6,500
- permanent and disabling	16	14,500
<b>Tendon &amp; Ligament</b>		
Moderate damage		
- one arm		
- substantial recovery	6	3,000
Severely damaged		
- one arm		
- substantial recovery	8	4,000
- continuing significant disability	14	10,000
<b>Ulna (inner forearm bone)</b>		
Fractured		
- one arm		
- substantial recovery	9	4,500
- continuing significant disability	14	10,000
<b>Wrist</b>		
Fractured/dislocated - including scaphoid fracture		
- one wrist		
- substantial recovery	8	4,000
- continuing significant disability	14	10,000
- both wrists		
- substantial recovery	11	6,500
- continuing significant disability	16	14,500
Sprained		
- one wrist (disabling for 6 to 13 weeks)	2	1,200

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
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## Torso

<b>Burns</b>	Minor	3	1,500
	Moderate	9	4,500
	Significant	14	10,000
	Severe	18	22,500
<b>Scarring</b>	Minor disfigurement	3	1,500
	Moderate disfigurement	9	4,500
	Significant disfigurement	14	10,000
	Serious disfigurement	18	22,500
<b>Back</b>	Strained - disabling		
	- for 6 to 13 weeks	2	1,200
	- for more than 13 weeks	7	3,500
	Strained - seriously disabling		
	- not permanent	8	4,000
- permanent	15	12,000	
<b>Clavicle (collar bone)</b>			
	Dislocated acromio clavicular joint	6	3,000
	Fractured		
	- one clavicle	8	4,000
	- two clavicles	11	6,500
<b>Coccyx (tail bone)</b>			
	Fractured	9	4,500
<b>Genitalia</b>	Damage to testis/testicle		
	- no serious complications	2	1,200
	Loss of testis/testicle	13	8,500
<b>Kidney</b>	Loss of kidney		
	- remaining kidney fully functional	18	22,500

DESCRIPTION OF INJURY		LEVEL	STANDARD AMOUNT £
<b>Lung</b>	Punctured - one lung	7	3,500
	Collapsed - one lung	10	5,500
	Permanent tissue damage/ impairment of function	12	7,500
	Smoke inhalation		
	- symptomolgy lasting from 8-16 weeks (no residual damage)	2	1,200
	- symptomolgy lasting more than 16 weeks (no residual damage)	4	2,000
	- some minor residual damage but not serious enough to permanently interfere with lung function	7	3,500
	- residual damage e.g bronchitis or asthma which may permanently interferewith lung function	10	5,500
	- permanent and disabling damage to lungs	12	7,500
	<b>Pelvis</b>	Fractured	
- substantial recovery		12	7,500
- continuing significant disability		13	8,500
<b>Rib</b>	Fractured (no complications)		
	- one or two ribs	3	1,500
	- three or more	5	2,500
<b>Scapula (shoulder blade)</b>			
	Fractured - one scapula		
	- substantial recovery	8	4,000
	- continuing significant disability	13	8,500
<b>Spleen</b>	Loss of spleen	16	14,500
<b>Sternum (breast bone)</b>			
	Fractured	8	4,000

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
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## Lower Limbs

<b>Burns</b>	Minor	3	1,500
	Moderate	11	6,500
	Significant	14	10,000
	Severe	16	14,500
<b>Scarring</b>	Minor disfigurement	3	1,500
	Moderate disfigurement	11	6,500
	Significant disfigurement	14	10,000
	Serious disfigurement	16	14,500
<b>Ankle</b>	Fractured or Dislocated - one ankle		
	- substantial recovery	9	4,500
	- continuing significant disability	15	12,000
	Sprained - one ankle (disabling for at least 6 to 13 weeks)	4	2,000
<b>Femur (thigh bone)</b>			
	Fractured - one leg		
	- substantial recovery	10	5,500
	- continuing significant disability	15	12,000
<b>Fibula (slender bone from knee to ankle)</b>			
	Fractured - one leg		
	- substantial recovery	9	4,500
	- continuing significant disability	15	12,000
<b>Foot</b>	Fractured metatarsal bones (the five bones of the distal portion of the foot situated between the instep and the toes) - one foot (two or more bones) - substantial recovery	8	4,000
	Fractured tarsal bones (the seven bones of the instep: talus, calcaneus, navicular, three cuneiform and cuboid) - one foot (two or more bones, excluding calcaneus) - substantial recovery	8	4,000
	Paralysis of foot	20	40,000
	Loss of foot	21	50,000

DESCRIPTION OF INJURY		LEVEL	STANDARD AMOUNT £
<b>Heel</b>	Fractured heel bone - one foot		
	- substantial recovery	8	4,000
	- continuing significant disability	14	10,000
<b>Hip</b>	Dislocated - one hip		
	- substantial recovery	8	4,000
	- continuing significant disability	13	8,500
	Fractured - one hip		
	- substantial recovery	11	6,500
	- continuing significant disability	13	8,500
<b>Knee</b>	Arthroscopy (investigative surgery/repair to knee)		
	- no fracture	4	2,000
	Patella (knee cap)		
	Dislocated - one leg		
	- substantial recovery	10	5,500
	Fractured - one leg		
	- substantial recovery	13	8,500
	- continuing significant disability	15	12,000
<b>Leg</b>	Fractures and/or loss of bone and/or loss of tissue and muscle resulting in at least 30% loss of function on one leg	20	40,000
	Loss of:		
	- one leg		
	- below knee	23	75,000
	- above knee	24	100,000
	- both legs	27	200,000
	Paralysis of leg: also see Major paralysis - paraplegia (pg 34)	22	
<b>Tendon &amp; Ligament</b>			
Moderate damage - one leg			
- substantial recovery	6	3,000	
Severe damage - one leg			
- substantial recovery	9	4,500	
- continuing significant disability	15	12,000	
Achilles tendon			
- partial tear	11	6,500	
- severed	14	10,000	

DESCRIPTION OF INJURY	LEVEL	STANDARD AMOUNT £
<b>Tibia (shin bone)</b>		
Fractured - one leg		
- substantial recovery	9	4,500
- continuing significant disability	15	12,000
<b>Toe</b>		
Fractured - great toe		
- substantial recovery	7	3,500
- two or more toes		
- substantial recovery	5	2,500
Loss of:		
- great toe	15	12,000
- one toe (other than great toe)	12	7,500
- two or more toes	14	10,000



