

CRIMINAL INJURIES COMPENSATION

THE CRIMINAL INJURIES COMPENSATION SCHEME exists to make awards of compensation to victims of violent crimes.

A new scheme came into force on 1 April 1996. Applications are made to the Criminal Injuries Compensation Authority. An Applicant must have been:-

- * A victim of a crime of violence (including sexual offences) or threat of violence and
- * Physically and/or mentally injured as a result.

Note: The Claimant need not be a direct victim. eg. psychological effects of discovering a body injury whilst fighting a fire caused by arson may be allowed.

Applications on behalf of children are made by any adult with parental responsibility or if none the Official Solicitor.

In applications on behalf of adults who are unable to manage their affairs the Authority must be satisfied that the representative is properly authorised.

TIME LIMITS are important

Usually the application must be made within 2 years of the incident but this can be waived if there is good reason for the delay and it is in the interests of justice and sufficient information is still available.

THE APPLICATION

The Application is on a standard form which also authorises the Authority to make enquiries of the police, medical authorities and other relevant bodies.

The Authority will obtain a report from the police and medical reports and information from the employer where loss of earnings is claimed.

The Authority will then assess whether the injury is serious enough to qualify for minimum award; and they will then arrange for a medical report.

LOST EARNINGS

Compensation is NOT paid to the Applicant for the first 28 weeks' loss of earnings.

If incapacity lasts longer than 28 full weeks, expenses for medical dental optical treatment related equipment and care may be payable.

The Authority then makes a decision giving reasons for any refusal or reduction because of the circumstances. This decision is made by a Claims Officer.

An Applicant can request a review of the decision within 90 days, the review being by a more senior officer who can increase, reduce or withhold an award.

If still dissatisfied the Applicant can appeal within 30 days to the Criminal Injuries Compensation Appeals Panel. This is independent of the Authority. It will consider the original application afresh and may increase, decrease or withhold an award. The Applicant can request an oral hearing.

The Panel's decision is final.

DISCRETION TO WITHHOLD OR REDUCE AN AWARD

The Authority may refuse altogether or reduce an award:

- * If the matter is not reported to the police or not reported within a reasonable time by the Applicant
- * If there is failure by the Applicant to assist the police in a prosecution

- * If the Applicant fails to cooperate with the CICA
- * If the Applicant's conduct provoked the attack
- * If the Applicant has unspent previous convictions (there is penalty points system)

The address of the Criminal Injuries Compensation Authority is:

Tay House
300 Bath Street
Glasgow G2 4JR

Telephone: 0141 331 2726

Lees Solicitors LLP have a tailor made claimant's service for CIC applications:

- * fixed fee for preparation of the initial application
- * no win - no fee arrangement for representation at appeal hearings (if we accept the case).

THE AWARD

The compensation for injuries is based on a tariff system. The minimum award is £1,000 and the maximum for injuries is £250,000 and the maximum total award including loss of earnings etc is £500,000.

MINOR INJURIES

Minor multiple injuries only qualify where an applicant has sustained at least 3 separate injuries of the type mentioned below, at least one of which still has significant residual effects 6 weeks after incident necessitating at least 2 visits to the doctor within that time.

The qualifying injuries are:-

- * Grazes cuts lacerations
- * Severe and widespread bruising
- * Severe soft tissue injury
- * Black eye
- * Bloody nose
- * Hair pulled from scalp
- * Loss of fingernail

OTHER FEATURES:-

- * Domestic violence - compensation will not usually be awarded unless the assailant has been prosecuted and applicant and assailant have stopped living together.
- * Legal costs are not paid by the Authority and Legal Aid is not available so any lawyer's fees incurred by the Applicant have to be paid out of the compensation.

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Lees Solicitors LLP offer a free initial consultation and home visits in appropriate circumstances